

Enclosure: Conditions, Map

c: Howard Seligman-Appellant
Department of Public Works
Building Inspection Division
Rafedah Carella
Environmental Health Department
County Assessor

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4491

AN ORDINANCE AMENDING THE ZONING MAP OF SAN JOAQUIN COUNTY IN
ACCORDANCE WITH SECTION 9-105.6 OF THE ORDINANCE CODE OF SAN JOAQUIN
COUNTY BY RECLASSIFYING PROPERTY LOCATED ON THE WEST SIDE OF NORTH STATE
ROUTE 99 WEST FRONTAGE ROAD, 25 FEET NORTH OF APPLAN WAY, STOCKTON AS
SHOWN ON THE ATTACHED EXHIBIT "A"

The Board of Supervisors of the County of San Joaquin ordains as follows:

SECTION 1. The Zoning Map of the County of San Joaquin, as amended, is hereby further amended by reclassifying property from AU-20 (Agricultural Urban Reserve, 20-acre minimum) to R-L (Low Density Residential) as shown on Exhibit "A", attached hereto and made part of this Ordinance.

SECTION 2. The Community Development Director shall revise the Zoning Map of the County of San Joaquin in accordance with Section 1 of this Ordinance.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 11th of April 2017 to wit:

AYES: Villapudua, Miller, Patti, Elliott
NOES: Winn
ABSENT: None
ABSTAIN: None

Charles Winn

CHARLES WINN, CHAIR
Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

Mimi Duzenski

BY: _____

**CONDITIONS OF APPROVAL
PA-1600184 (UP)
MGrand LLC**

Use Permit application No. PA-1600184 was approved by the San Joaquin County Board of Supervisors on April 11, 2017. This approval will expire on October 21, 2018, which is 18 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Staff Contact: Jennifer Jolley, [209] 468-8908)
 - a. **BUILDING PERMIT:** Submit an "APPLICATION-GRADING BUILDING PERMIT". The Site Plan required as a part of the grading building permit must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). A fee is required for the Site Plan review. (Development Title Section 9-884)
 - b. **APPROVED USE:** This approval is for a skilled nursing facility for a maximum of 170 beds as shown on the Site Plan dated December 20, 2016 (Use Type: Group Care, Large). The approval includes the construction of a one-story 59,634 square foot building.
 - c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
 - d. **PARKING:** Off-street parking shall be provided and comply with the following:
 - (1) All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
 - (2) A minimum of fifty-seven (57) parking spaces shall be provided. (0.33 spaces are required for bed.) (Development Title Section 9-1015.3)
 - (3) Parking spaces for persons with disability shall be provided as required by Chapters 11A and 11B of the California Building Code.
 - (4) One bicycle parking rack or storage device is required for every 20 parking spaces. (Development Title Section 9-1015.7)
 - (5) Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of two (2) feet, provided that the planter is at least five (5) feet wide. (Development Title Section 9-1015.5[b])

- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
- (1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[h][1])
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
- (1) If the parking area is to be used at night, parking lot and security lighting shall be installed. (Development Title Section 9-1015.5[g])
 - (2) Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])
- g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
- (1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
 - (2) A minimum ten (10) foot wide landscaped strip, respecting the ultimate right-of-way width of State Route 99 West Frontage Road shall be installed across the frontage of the project site. (Development Title Section 9-1020.7)
 - (3) The parking area shall be landscaped as specified in Section 9-1020.5 of the Development Title. The parking area shall be provided with a minimum of five percent (5%) of landscaping within the perimeter of the parking area, not including landscaping along the street frontage. Twelve (12) trees shall be planted, evenly spaced throughout the parking lot.
 - (4) A five foot planting strip is required in the parking lot along the northern and western property lines. (Development Title Section 9-1020.5[e])
- h. **SCREENING:** Screening shall be provided and comply with the following:
- (1) A minimum three (3) foot tall landscape hedge shall be planted along the northern and western property lines to provide a buffer between the proposed project site and adjacent properties.
 - (2) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 9-1022.4[d][2])
- i. **TREE PRESERVATION:** Future development on the parcel(s) shall be consistent with the requirements of the County's Tree Preservation Ordinance (Development Title Section 9-1505.2).
- (1) The Native Oak Tree proposed for removal from the site (as shown on the site plan dated December 20, 2016) may be permitted subject to an approved Improvement Plan application.
 - (2) A minimum of three (3) trees or acorns, or combination there shall replace the removed tree.
 - (3) Replacement stock shall be of healthy commercial nursery stock or acorns, of the species removed or other approved species, and shall be established and maintained for at least three (3) years.

- j. **NOISE:** The following noise mitigation measures, as identified in the noise study conducted by J.C. Brennan & Associates (dated October 10, 2016) shall apply:
- (1) Indoor Noise Levels: The parallel and perpendicular facades of the first row of buildings facing State Route 99 will require windows and sliding glass doors with an STC rating of 35. In addition, parallel and perpendicular facades will require that interior sheet rock is applied using resilient channels (RC's) to achieve the interior noise level standard of 45 dB Ldn. Other perpendicular facades will require windows within an STC rating of 32 and interior sheet rock using RC's.
- k. **AGRICULTURAL MITIGATION:** Agricultural mitigation is required for 3.16 acres (APN Nos. 124-290-05 & 06). The mitigation instrument to provide agricultural mitigation land shall be required prior to the issuance of the Grading permit or Building permit. (Development Title Section 9-1080)
- l. **SOCIAL CARE FACILITIES:** The following shall be the standards and guidelines for the social care facility (Development Title Section 9-1030.2):
- (1) Outdoor Recreation Area: A minimum of thirty-five (35) square feet of outdoor recreation area shall be provided per facility user under two (2) years of age and a minimum of seventy-five (75) square feet must be provided per user over two (2) years of age. Please designate the areas on the revised site plan.
 - (a) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas, or other water bodies unless covered and deemed safe pursuant to state regulations.
 - (2) Exterior Yard Area: A site plan, to scale, of the exterior yard area that will be used for social care purposes shall be submitted containing information as required by the Community Development Director. (This site plan will not be required until development of the project site)
 - (3) Fencing: All outdoor recreation areas designated "recreation area-courtyard" shall be enclosed by walls or fences not less than six (6) feet in height.
 - (4) Outdoor Activities: Outdoor activities shall not be permitted before 7:00 a.m. or after 10 p.m.
 - (5) Public Service Access: The applicant will implement a public service access plan providing or arranging for transportation as necessary for group care residents or children. The plan shall specifically describe the means by which residents will gain access to bus and other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.
 - (6) Maintenance: The applicant will provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance and other items of routine maintenance.
- m. **BUILDING CODE:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
- (1) A San Joaquin County building permit will not be required for this building. However, notification from the Office of Statewide Health Planning and Development that a building permit has been obtained shall be provided to the Building Division prior to start of construction.

- (2) A grading permit will be required for this project. Submit plans and grading calculations including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on the adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
 - (3) The site improvement plans accompanying the grading permit shall delineate site accessibility requirements, landscape requirements and fire code requirements.
 - (4) A soils report is required pursuant to CBC Appendix Section J104 for grading of the CBC. All recommendations of the Soils Report shall be incorporated into the construction drawings.
 - (5) Accessible routes shall be provided per CBC Section 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. (11B-206.2.1)
 - (a) At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site (11B-206.2.2)
 - (b) Parking spaces will be required to accommodate persons with disability in compliance with Chapter 11B of the California Building Code. These parking spaces shall be located as close as possible to the primary entrance to the building.
 - (6) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
- n. **CALIFORNIA FIRE CODE:** The following California Fire Code (CFC) requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division.
- (1) A complete review at building permit submittal will require compliance with applicable codes and ordinances.
 - (2) CFC 507 Fire Protection Water Supply-Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B.
 - (3) If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guidelines adopted in Chapter 35 of the California Building Code and the California Electrical Code.
 - (4) CFC, Section 503 Fire Apparatus Access Roads-shall be provided as required by this section.
 - (5) CFC, Section 906 Portable Fire Extinguishers-provide portable fire extinguishers as required by this section.
 - (6) CFC, Section 506 Key Box-A Knox Box shall be installed according to the local fire department's instructions. Make the application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox key switch will also be required.
 - (7) CFC, Section 5001.3.3.1 Properties of Hazardous Materials-A complete list of hazardous material used and or stored at this site shall be provided.

(8) CFC, Section 105 Permits: Operational Permits may be required prior to occupancy.

2. COUNTY COUNSEL

- a. **HOLD HARMLESS PROVISION:** Pursuant to Section 66474.9 of the Government Code, the subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time provided for in Section 66499.37 of the Government Code.

3. DEPARTMENT OF PUBLIC WORKS (Staff Contact: Alex Chetley, 209-468-3000)

- a. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 prior to issuance of the occupancy permit. (Development Title Section 9-1145.5)
- b. Frontage improvements for North State Route 99 West Frontage Road shall be constructed in conformance with the standards for one-half of a sixty-foot wide right-of-way Commercial/Industrial road, extending from the northern driveway to the corner at Appian Way. A curb ramp shall be constructed at the north-west corner of Appian Way State Route 99 West Frontage Road. Striping for a crosswalk is required at the intersection across Appian Way. The driveway of the adjacent property to the south of the project shall be improved to County Improvement Standard Drawing No. 13. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer's estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of the building permit. Improvement plans shall include all approved surface and underground utility improvements to be constructed within the right-of-way. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)
- c. Street lighting shall be provided for the roadway frontage in accordance with the San Joaquin County Improvement Standards (Development Title Section 9-1150.11). The property shall pay for the processing costs and transfer into Zone L-1 within CSA 49 prior to issuance of the certificate of occupancy. In addition, the applicant shall pay for the maintenance and operation of the system until the transferred area is placed on the assessment role of the District. (Development Title Section 9-1100.5)
- d. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- e. An encroachment permit from the City of Stockton shall be required for all work within the City's right-of-way.
- f. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)

- g. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- h. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-818.4 and Resolutions R-91-327, R-94-185 and R-97-5)
- i. It is the responsibility of the applicant to ensure that a current will-serve letter from the City of Stockton for sanitary sewer, water, and storm drain service for this development are on file prior to applying for a building permit. Additionally, the current owner of the property will be responsible to ensure that there is capacity in the system at the time of issuance of a building permit.
- j. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- k. This project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase II National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:
 - (1) A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm as defined in the Multi-Agency Post-Construction Stormwater Standards Manual (Manual). Manual can be found by going to <http://sjcleanwater.org/Phase2.htm>
 - (2) Owner shall submit a "Storm Water Pollution Prevention Plan" (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the SWPPP shall be maintained on the construction site and presented to any County, State or Federal employee on demand. The SWPPP onsite shall include all required records, updates, test results and inspections. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the CASQA handbooks.
 - (3) The owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.
 - (4) A Maintenance Plan shall be submitted and the execution of a Maintenance Agreement with San Joaquin County shall be required for the owner/operator of stormwater controls prior to the release of the building permit.
 - (5) Standard Best Management Practices, for the type of development proposed, shall be incorporated into the site design.
 - (6) Wastewater shall NOT be allowed into the storm drainage system.

Informational Notes:

- (i.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.
- (ii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.

4. ENVIRONMENTAL HEALTH DEPARTMENT (Staff Contact: Michael Escotto, 209-468-3443)

- a. The applicant shall provide written confirmation from the water providers that improvements have been constructed or financial arrangements have been made for any improvements required by the agency and that the agency has or will have the capacity to serve the proposed development. Said written confirmation shall be submitted prior to the issuance of a building permit (San Joaquin County Development Title, Section 9-1120.2)
- b. Connection to a public sewer system is required (San Joaquin County Development Title, Section 9-1105.2(b)).
- c. Construction of an approved grease trap under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- d. Destroy the abandoned well(s) under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e).
 - (1) NOTE: If the existing well is to remain in use only for irrigation purposes, please provide the following:
 - (a) A revised site map showing the location of the existing well prior to issuance of a building permit. The existing well shall meet setback requirements including 5 feet from foundations and 50 feet from the proposed grease trap.
 - (b) Submit a well pump permit application to the EHD for approval and inspection. A permit fee of \$70 is required at the time of submittal. The out of service well permit (SR0051845) has expired for this well.
- e. Submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). A review fee of \$417 is required at the time of submittal.
- f. If hazardous material(s) is stored on site, applicant must register all regulated hazardous material stored onsite at, cers.calepa.ca.gov, for all regulated Certified Unified Program Agency (CUPA) programs.
- g. If any quantity of hazardous waste is generated, a hazardous waste generator permit must be obtained from the EHD. The applicant must also obtain an EPA Identification Number, and comply with all applicable regulations.
- h. If any quantity of medical waste is generated, a medical waste generator permit must be obtained from the EHD.
- i. Any geotechnical drilling shall be conducted under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).

5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Staff Contact: Laurel Boyd, 209-235-0600, see attached memo dated August 3, 2016)

- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development, any structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied. The following note shall be recorded as a Notice of Minor Subdivision Restriction:

- (1) Parcel 124-290-06 is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development of Parcel 124-290-06 any structure(s) that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and development plans should be submitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.

Exhibit "A"

