

Resolution No. **2023-10-26-0503****STOCKTON PLANNING COMMISSION**

RESOLUTION RECOMMENDING THE CITY COUNCIL FIND NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED AND ADOPT AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO ESTABLISH NEW INDUSTRIAL WAREHOUSE DEVELOPMENT STANDARDS

In 2022, the City Council approved two agreements with the State of California Attorney General (AG) and the Sierra Club (respectively) to promote responsible industrial development. Per the agreements, a new industrial warehouse ordinance must be presented to the Council for their consideration by December 31, 2023, including new zoning standards for qualifying warehouse development over 100,000 square feet; and

Since the City's current Development Code Overhaul may not meet the deadline, the proposed standards are being presented as a separate ordinance to be added to Title 16 of the Stockton Municipal Code; and

The Planning Commission conducted study sessions on the matter on August 10th, August 24th, September 28th, and October 12th. In addition to the study session, a Planning Commission Ad Hoc Committee was formed and met weekly to discuss the standards while staff conducted over twenty meetings with industry and environmental advisors, residents, stakeholders, cities in the state with similar ordinances, and numerous consultants working on this issue throughout the state; and

At the conclusion of the October 12th study session, the Commission directed staff to prepare options so that it could consider and make a recommendation to Council; and

On October 26, 2023, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Amendments, at which all times all interested parties had the opportunity to be heard. At the conclusion of the meeting, the Commission expressed their preference for recommending the City Council adopt Attachment H (Option C); now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

1. Pursuant to SMC Section 16.116.050(B), the Planning Commission makes the following Mandatory Findings of Fact for the Development Code Amendments:
 - a. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendments to Title 16 are needed for consistency with General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents.

- b. **Finding #2:** The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The purpose of the proposed amendments is to comply with the General Plan policies to proactively mitigate potential impacts. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

- c. **Finding #3:** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed ordinance is exempt pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3), (Common Sense Exemption) and that no future environmental review is required for proposed code amendments pursuant to CEQA Section 15183 (Consistency with General Plan and Community Plan).

For Section 15061(b)(3) Exemption (General Rule "Common Sense")

CEQA requires the analysis of agency approvals for discretionary actions that could lead to a direct or indirect physical change in the environment. The proposed Project involves discretionary amendments to the Stockton Municipal Code (SMC) but is exempt from CEQA review as it would not significantly impact the environment. The zoning code amendments would amend the City's zoning standards to add enhanced development standards to logistic warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. The Project is exempt from CEQA because it would not significantly affect the environment.

For Section 15183 (General Plan Consistency) Exemption

The General Plan Environmental Impact Report (GPEIR) was prepared and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The proposed code amendments would amend the City's zoning standards to add enhanced development standards to logistic

warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the GPEIR. Therefore, no additional environmental review is required per CEQA Guidelines section 15183 (Consistency with General Plan or Community Plan).

- d. **Finding #4 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The proposed amendments are needed to implement General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

2. The Planning Commission hereby approves a Resolution recommending the City Council adopt an Ordinance amending Title 16 of the Stockton Development Code (Exhibit 1), based on the findings and evidence detailed above.

PASSED, APPROVED, and ADOPTED October 26, 2023.


 WAQAR RIZVI, CHAIR
 City of Stockton Planning Commission

ATTEST:


 MICHAEL MCDOWELL, SECRETARY
 City of Stockton Planning Commission

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO ESTABLISH NEW INDUSTRIAL WAREHOUSE DEVELOPMENT STANDARDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION I: FINDINGS AND INTENT

The City Council is authorized by section 16.212.030 of the Stockton Municipal Code (SMC) to adopt amendments to Title 16 (Development Code) based on the Mandatory Findings of Fact for Development Code Amendments per SMC 16.116.050.

1. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendments to Title 16 are needed for consistency with General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents.

2. **Finding #2:** The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The purpose of the proposed amendments is to comply with the General Plan policies to proactively mitigate potential impacts. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

3. **Finding #3:** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed ordinance is exempt pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3), (Common Sense Exemption) and that no future environmental review is required for proposed code amendments pursuant to CEQA Section 15183 (Consistency with General Plan and Community Plan).

For Section 15061(b)(3) Exemption (General Rule "Common Sense")
CEQA requires the analysis of agency approvals for discretionary actions that

could lead to a direct or indirect physical change in the environment. The proposed Project involves discretionary amendments to the Stockton Municipal Code (SMC) but is exempt from CEQA review as it would not significantly impact the environment. The zoning code amendments would amend the City's zoning standards to add enhanced development standards to logistic warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. The Project is exempt from CEQA because it would not significantly affect the environment.

For Section 15183 (General Plan Consistency) Exemption

The General Plan Environmental Impact Report (GPEIR) was prepared and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The proposed code amendments would amend the City's zoning standards to add enhanced development standards to logistic warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the GPEIR. Therefore, no additional environmental review is required per CEQA Guidelines section 15183 (Consistency with General Plan or Community Plan).

4. **Finding #4 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The proposed amendments are needed to implement General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.80 (Standards for Specific Land Uses) of the Stockton Municipal Code (SMC) is amended to add a new Section 16.80.390 (Logistic Warehouses) to read, as follows:

16.80.390 Industrial Warehouse Standards

This section establishes standards for logistic warehouses in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

A. Applicability. The standards will apply to the following applications:

1. These standards shall apply to logistic warehouses 100,000 square feet in size or greater.

B. Development Standards.

1. Site Plan Design. The following standards shall apply to all entitlement reviews (site plan), grading and improvement plans, and construction permit reviews associated with facilities subject to the Logistic Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.
 - a. Cool Surfaces. Cool surface treatments shall be added to all drive aisles and parking areas, or such areas shall be constructed with a solar reflective cool pavement such as concrete or other materials used in common construction practices.
 - b. Unless determined to be physically infeasible, when adjacent to sensitive receptors, a loading dock door shall be oriented away from the sensitive receptor and located a distance of 300-foot feet from said receptor, unless the dock doors are utilized by zero emission trucks and equipment only. The building and auto parking can be located within the 300-foot distance.
 - c. A 20-foot landscaped planter shall be install along the property line and the receptor buffer.
 - d. The buffer shall be landscaped not be less than 50 percent of the total buffer size with two rows of 15-gallon trees planted along the length of the entire buffer.
 - e. The buffer landscape can include areas to be used for bioswales, retention/detention areas and/or other stormwater and water quality management areas in compliance with SMC Section 16.56 (Landscaping).
 - f. The buffer area shall include a minimum 10-foot solid decorative wall(s), or landscaped berm and wall, or landscaped berm adjacent to sensitive receptors unless a noise analysis indicates an alternative height is needed for sound attenuation.
 - g. All on and off-site landscaping shall comply with SMC Chapter 16.56 (Landscaping).

- h. All landscaping shall be drought tolerant and, to the extent feasible, comprised of species with low biogenic emissions. Palm trees shall not be utilized.
- i. All landscaping areas shall be properly irrigated for the life of the facility to allow for plants and trees to maintain growth with no undue pruning.
- j. Tree maintenance shall comply with SMC Section 16.56 as a certified Landscape Architect must prepare the Preliminary and Final Landscape plan and certify the planting is water efficient at the time of construction permit approval.
- k. Trees shall be installed in automobile parking areas to provide at least 35% shade cover of passenger vehicular parking areas within fifteen years. Trees shall be planted that can meet this requirement.
- l. To facilitate the installation of future electric vehicle charging stations for heavy-heavy duty (HHD) trucks, in connection with each individual development proposal, the subject building improvement plans shall identify an area for future HHD truck charging stations and the subject developer shall install conduit from the power source to the identified area.
- m. Provide EV charging stations for automobiles per building code and provide conduit to a future designated area for Heavy Duty Truck Charging Facility.
- n. All truck turning movements at entrances, exits, and street intersections shall be located on local industrial, collector or arterial streets and all vehicle entries shall be designed to prevent truck access to local and back-up residential collector streets.
- o. All trucks and commercial vehicles serving the facility shall occur in compliance with the City of Stockton Truck Traffic Route Map in SMC 10.08.030 and Surface Transportation Assistance Act (STAA) Truck Route Map.
- p. Off-street loading shall comply with Section 16.64.110 Off-street loading space standards.
- q. Signs shall be posted inside and outside of the building and facility indicating all off-site parking is prohibited for adjacent street that do not permit parking.
- r. All truck driveway exits shall include signs directing truck drivers to the truck routes identified in the City of Stockton Truck Traffic Route Map and State Highway System designations.
- s. Upon commencement of operations, the tenant/operator of the facility shall be required to restrict truck idling on site to a maximum of three (3) minutes, subject to exceptions defined by CARB's commercial vehicle idling requirements.

2. Building Design. The following standards shall apply to all entitlement reviews (design review), grading and improvement plans, and construction

permit reviews associated with facilities subject to the Logistic Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.

- a. Architectural and industrial coatings (e.g. paints) applied on the qualifying facility(ies) shall be consistent with the Volatile Organic Compound (VOC) content limits set by the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the current edition of the California Green Building Standards Code (CALGreen), whichever is most restrictive. Developer or tenant is not required to exercise control over materials painted offsite.
- b. Qualifying facilities shall be constructed in compliance with the most current edition of all adopted City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer of the qualifying facility(ies) shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built.
- c. Each developer of an individual specific development proposal shall prepare the subject building structures in such a way to accommodate future solar panels pursuant to applicable Building Code requirements.
- d. The office portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78.
- e. As soon as reasonably practicable, after the State of California allows formal submittal of applications tied to the California's Community Solar Program, each developer shall apply for entry into California's Community Solar Program and provide evidence to the Community Development Director of such submittal. If allowed by law, after the Community Solar program sells 51% of its power to low-income residents in Stockton, the building owner or solar producer may allocate a percentage of the building's remaining Community Solar power to occupants of the subject buildings. If the formal submittal is denied by the State of California, one additional good faith effort to re-apply shall be attempted. If accepted or denied twice, this measure is considered satisfied as it relates to California's Community Solar program.
- f. The developer shall include a provision in each lease that requires tenants to purchase clean power from East Bay Community Energy.
- g. Electrical Room Sizing. To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room

shall be sized 25% larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25% excess demand capacity.

- h. Warehouse Dock Seal Doors. Exterior loading dock doors that are adjacent to conditioned or indirectly conditioned spaces shall have dock seals or dock shelters installed at the time of permitting. (CALGreen Tier 2)
 - i. Onsite Equipment Infrastructure. Project should provide infrastructure to support charging of electric power onsite equipment.
 - j. Demonstration of compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510 (Indirect Source Review) is required prior to obtaining any building permit for a qualifying facility.
 - k. Property owner shall provide facility operator with information on incentive programs such as the Carl Moyer Program and voucher incentive program and shall require all facility operators to enroll in the United States Environmental Protection Agency's SmartWay Program.
3. Construction Permit Approval. The following standards shall apply to all construction related activity associated with facilities subject to the Logistic Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.
- a. Qualifying facilities shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements prior to beginning construction.
 - b. All off-road construction equipment, with a power rating of less than 19 kilowatts (e.g., plate compactors, pressure washers, shall be electric-powered.
 - c. Subject to all other idling restrictions, off-road diesel-powered construction equipment shall not be left in the "on position" for more than 10 hours per day.
 - d. Temporary electrical hookups to all construction yards and associated work areas shall be required.
 - e. Temporary signage shall be posted throughout the construction site indicating truck idling lasting more than five (5) minutes is prohibited. The signs shall include all idling and restrictions in addition to contact information for the San Joaquin Valley Air Pollution Control District's for those interested in filing a complaint.
 - f. The construction contractor(s) shall maintain on the construction site an inventory of construction equipment, maintenance records,

and datasheets, including design specifications and emission control tier classifications.

- g. The facilities shall require the construction contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.
- h. The facilities shall require the construction contractor to provide transit and ridesharing information for construction workers.

C. On-Going Operations: The following standards shall be implemented during all on-going business.

1. All forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, shall be electrically powered or zero-emission unless new technology is determined to be commercially unavailable.
2. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.
3. Consistent with the General Plan, a Traffic Demand transportation demand management program (TDM) to indicate truck movement and parking consistent with state and local standards.
4. Employers shall provide employees with transit route and schedule information on systems serving the facility area and coordinate ridesharing amongst employees.
5. Employers shall provide on-site locations for food or catering truck service and cooperate with food service providers to accommodate food service to operations employees.
6. All outdoor areas allowing smoking shall be located at least 25 feet from the nearest property line.
7. All trucks, supportive vehicles and equipment shall be kept onsite in all loading, storage, and parking areas, and kept behind locked gates during nonbusiness hours.
8. Truck queuing, idling, or circling of vehicles, onsite or on public streets adjacent to the facility is prohibited.
9. Periodic yard and parking area sweeping shall be provided to minimize dust generation.
10. Diesel Generators are prohibited, except in emergency situations and during construction when establishing the facility's new electrical service connection. In those temporary cases, all generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.

SECTION III. SEVERABILITY

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton