

Resolution No.

# STOCKTON PLANNING COMMISSION

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## **RESOLUTION DENYING A USE PERMIT TO ESTABLISH A MICROBUSINESS CONSISTING OF THE FOLLOWING THREE CANNABIS USES: RETAIL STOREFRONT, DISTRIBUTION, AND MANUFACTURING, IN AN EXISTING 5,760 SQUARE FOOT INDUSTRIAL BUILDING AT 2455 STATION DRIVE (APPLICATION NO. P20-0720)**

Jamie Winkles, submitted an application to the Community Development Department for a Commission Use Permit (P20-0720) to establish a 5,760 square foot cannabis microbusiness on a parcel zoned Industrial General (IG), located at 2455 Station Drive; and

The applicant is an equity pool applicant winner of the City's 2019 Commercial Cannabis Lottery, used to designate how many applicants are allowed to apply for certain commercial cannabis types, including microbusinesses; and

On October 4, 2021, a public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On October 28, 2021, the Planning Commission opened a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) section 16.88; and

On October 28, 2021, the Planning Commission conducted a public hearing, at which point all persons wishing to be heard were provided such opportunity; and

On October 28, 2021, and prior to acting on the requested action, the Planning Commission considered the California Environmental Quality Act (CEQA) determination reflected in the findings below; and

On October 28, 2021, the Planning Commission approved motion 2021-10-28-0501-02 (by a vote of 4-3) directing staff to bring back a resolution with appropriate findings to deny to the Project; now, therefore,

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

A. The foregoing recitals are true and correct and incorporated by reference.

B. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

## USE PERMIT FINDINGS

As evidenced below, not all findings of fact as required by the Stockton Municipal Code (SMC) Section 16.168.050 for use permit (Commission or administrative) can be made, and therefore, the project cannot be approved:

1. The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code. The proposed cannabis business type (i.e., uses) is allowed in the IG Zone. The subject use would be located within an existing industrial building, and the proposed development plans will be in conformance with Title 16 development standards, as conditioned. Adequate off-street parking spaces will be provided for the proposed use. The proposed project meets the location requirements set forth in SMC 16.80.195.C(9). The project is not located within 300-feet of any existing residential zone. The project is not located within 600-feet of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, or drug abuse or alcohol recovery/treatment facility.

2. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. The proposed cannabis business would be situated within the Mariposa Lakes industrial “neighborhood” and would intensify and over saturate an area that already has an existing cannabis use permit with the potential of having nearly 30,000 square feet of cannabis use. The resulting impacts of the proposed microbusiness include increased traffic and a lack of parking, neither strengthen the integrity of the neighborhood.

3. The proposed use would not be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan. The site would not be aligned with the intent of the industrial business park and General Plan because neither identify the IG zone as a primary Cannabis business area. Further, the less than 600-foot proximity to another existing commercial cannabis business would create an over saturation of cannabis businesses in the area.

4. The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.). The project has been analyzed by all departments and it has been determined all existing streets and public access ways are adequate to serve the proposed project. Further, a Building Permit is required for the proposed business before full occupancy; and the project will be required to comply with all applicable Building Code standards. The site will have access to City utility services

5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use. The site as a retail-storefront would attract more pedestrian traffic in an

industrial zone which could be detrimental to the health and safety to citizens. The increased traffic of having two retail storefronts could harm the integrity of the industrial business park, by potentially increasing crimes, such as robbery, and burglary due to the site being secluded and its geographic distance from City emergency services.

6. The design, location, size, and operating characteristics of the proposed use would not be compatible with the existing and future land uses on-site and in the vicinity of the subject property. The proposed microbusiness is located in an existing vacant building in an industrial zone near existing metal processing and logistics facilities. These nearby uses are not complementary with the cannabis retail storefront component of the proposed microbusiness. Allowing a cannabis retail storefront at the proposed site would increase traffic which would cause more cars and semi-trucks to share a road that is primarily intended for industrial traffic. Additionally, the proposed site is in a location where existing establishments are not typically open to the public after 5:00 pm, potentially creating an opportunity for increased crime due to its industrial location with limited street lighting.

7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The proposed project will occupy an existing facility, located in the Mariposa Lakes neighborhood. The project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15301(a) (Existing Facilities) since the project will occupy an existing facility and no expansion of the building space is proposed.

Planning Commission Action

Based on its review of the entire record herein, including the October 28, 2021, Planning Commission Staff Report, all supporting referenced, and incorporated documents, and all comments received at the public hearing, and the findings above, the Planning Commission denies the requested Commission Use Permit and Design Review.

PASSED, APPROVED, and ADOPTED November 18, 2021.

ATTEST:

ANNE MALLETT, CHAIR  
City of Stockton Planning Commission

WILLIAM CREW, SECRETARY  
City of Stockton Planning Commission