

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION AMENDING COMMISSION USE PERMIT (P17-0134) TO ALLOW THE EXPANSION OF AN APPROVED STOREFRONT CANNABIS RETAIL BUSINESS IN A 31,250 SQUARE FOOT INDUSTRIAL BUILDING AT 2403 STAGECOACH ROAD (APN 173-320-18) (APPLICATION NO. P21-0311)

The applicant, Cipriano Sulano, submitted a Use Permit Amendment application to authorize the expansion of an approved cannabis dispensary within an existing building at 2401 Stagecoach Road into 2403 Stagecoach Road in an IG (Industrial, General) zoning district; and

The amendment would permit the expansion of a previously approved cannabis retail business into an adjacent space, increasing the floor area by 8,040 square feet; and

The addition of Distribution and Non-Volatile Manufacturing uses at this location are allowed by-right for pre-existing storefront retail cannabis operations in industrial zoning districts per SMC Section 16.80.195.A.13, and all minimum separation requirements from sensitive uses and other restrictions as required by SMC sections 16.80.195.E.4 and 16.80.195.F.4 are met; and

The Stockton Police Department will review the required security plan for the subject facility prior to any issuance of a new operators permit and City business license, and before the site can be occupied. The review will ensure the Security Plan meets the Police Department standards and includes provisions for security guards, access controls, video surveillance, and lighting; and

On October 28, 2021, the Planning Commission continued the public hearing to November 18, 2021, upon which the Planning Commission opened a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) section 16.88, at which point all persons wishing to be heard were provided such opportunity, and prior to acting on the requested actions, the Planning Commission considered the California Environmental Quality Act (CEQA) determination reflected in the findings below; and

The subject use would be consistent with the industrial land use designation of the General Plan and the site would be physically suitable for the proposed uses, including the provisions of utility services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth, movement, flooding, etc.). Further, the project would strengthen the integrity of the surrounding area, would not jeopardize or be hazardous to public peace and welfare, and would be compatible with surrounding land uses, given manufacturing and distribution is allowed in the IG zone and is consistent

with the Industrial land use designation of the General Plan; 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 (COMMISSION AND ADMINISTRATIVE)

1. The proposed uses are allowed by-right for the subject pre-existing business per SMC 16.80.195.A.13 and complies with all other applicable provisions of the Stockton Municipal Code. The proposed cannabis uses (i.e., uses) are allowed in the IG Zone. The subject by-right uses would be located within a 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 uses. The proposed amendment meets the location requirements set forth in SMC 16.80.195(E)(4) and 16.80.195(F)(4). 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 by-right uses would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. The proposed expansion and cannabis uses would be situated in a vacant suite within the same building already approved to conduct cannabis operations; and is situated near several other industrial uses. It would fill an existing unoccupied site which would help strengthen the integrity and security of the surrounding area by providing added security due to the nature of the land use. It would be aligned with the intent of existing building and general plan to attract employment and tax-generating businesses that support the economic diversity of the city.

3. The proposed use would 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 General Plan Land Use Map designates the subject site as Industrial. The Industrial designation is intended to accommodate a wide variety of industrial uses, including, but not limited to, uses with nuisance or hazardous characteristics, warehousing, light manufacturing, and other related uses. The proposed by-right uses are a cannabis distributor and non-volatile manufacturer where cannabis products will be manufactured and distributed. All of which are consistent with the uses described in the General Plan for the Industrial land use designation. The zoning district (IG) is also consistent with the City's General Plan Industrial land use designation for the project site.

Additionally, the use permit amendment is consistent with the following General Plan goals and policies:

- Goal CH-3, “expand opportunities for local enterprise, entrepreneurship, and gainful employment.”
- Policy LU-4.2, “attract employment- and tax-generating businesses that support the economic diversity of the city.”
- Policy LU-5.5: Compatible Land Use, “The City shall ensure an adequate separation between sensitive land uses (residential, educational, healthcare) and industrial land uses to minimize land use incompatibility associated noise, odors, and air pollutant emissions from industrial uses.”

The proposed use permit amendment furthers the above goals and policies since it would provide for a business type that generates tax revenue for the City of Stockton’s general fund, expands opportunities for employment and entrepreneurship, and be consistent with the Industrial land use designation.

4. The subject site would be physically suitable for the type and density/intensity of uses 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 proposed amendment has been analyzed by all departments and it has been determined the 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 has access to City utility services.

5. The establishment, maintenance, or operation of the proposed by-right uses at the location proposed and for the time period(s) identified, if applicable, would not 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 proposed square footage expansion and cannabis by-right uses will require the applicant to adhere to all applicable building code, fire code, and requirements established by the State of California, Department of Cannabis Control. The Department of Cannabis Control issues annual licenses and regulates cannabis distribution and manufacturing to ensure safe practices. The applicant will also be required to obtain and maintain an Operator’s Permit from the City that requires the business owner to develop and maintain a security and lighting plan that is reviewed annually by the Police Department.

All cannabis operations for the proposed by-right uses will occur indoors, in an Industrial zone. Appropriate security provisions will be incorporated into the project operations plan, including electronic surveillance and on-site security.

For the above reasons, the establishment, maintenance, or operation of the proposed

use permit amendment to increase square footage would 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 neighborhood of the proposed use.

6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property. The proposed expansion would be located in an existing vacant suite, in the same building as the approved use permit, in an industrial zone, near existing manufacturing and logistics facilities. The proposed uses are by-right, industrial, and raise no potential issues related to compatibility with the existing and future land uses on-site and in the vicinity of the project site, and therefore are compatible with existing and future land uses on the site since a Use Permit for a commercial cannabis business use currently exists on site.

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 amendment will occupy an existing facility where the footprint of the building and the site will remain unchanged. The project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15301(a) (Existing Facilities) since the use will be expanding into an existing Industrial building and existing infrastructure is adequate to serve the site and subject use; no expansion of the building or site is proposed.

CONDITIONS OF APPROVAL

1. This approval of an amendment to an approved Commission Use Permit authorizes the expansion of an existing business by 8, 040 sq. ft. into an adjacent space to conduct Distribution and Non-volatile manufacturing operations in an industrial space as identified in Exhibit 1, attached and incorporated by this reference.

2. The project shall comply with all applicable State, County, and City codes, regulations, and adopted standards, and pay all applicable fees.

3. In the event the operation of this use should prove to be detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit will be subject to revocation or modification, as required by the Development Code.

4. The Use Permit shall become effective following the completion of a ten (10) day appeal period following approval of the application.

5. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.

6. The site shall use an activated carbon filtration system to prevent any odors from spilling outside of the facility, per SMC 16.32.040.

7. The owners, developers and/or successors-in-interest (ODS) shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental document, if any.

8. Prior to commencing operations, a Cannabis Operators Permit shall be obtained in accordance with Stockton Municipal Code Chapter 5.100 (Commercial Cannabis Activity Permits). The business owner shall submit a complete Security Plan that meets all required elements of the mandatory Security and Lighting Plan as required with the Operator's Permit process; and shall be approved by the Police Department and be in place before initiation of the approved use and all employees employed at the subject site shall be approved by the Police Department before the start of their employment.

9. The applicant shall post the name and phone number of the required on-site community relations staff on the exterior of the business, near the public entrance to the site. An answering machine or similar device shall be operational during all time that the business is closed. The posting shall also state that the Police Department may be contacted for emergency problems associated with the subject uses and that the Code Enforcement Division may be contacted to report non-emergency problems associated with the subject use. The notice should include 24-hour phone numbers for the Police Department and the Code Enforcement Division. A log of calls received by the subject use shall be maintained and submitted to the Community Development Department as part of the required review.

10. The Fire Department shall be allowed to inspect the cannabis business at any reasonable time to ensure compliance with all applicable provisions of the Fire Code, as well as other applicable codes, laws, and provisions, and is authorized to enforce those standards, as necessary.

11. Before initiation of the subject use, the most current technology for a video surveillance system with at least seven-day (7) continuous recording capabilities shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the interior and exterior of the building, including the parking lot and entrances to the premises.

12. The project is required to obtain a Building Permit from the Building Department. Plans submitted for building permit(s) shall reflect compliance with the conditions outlined in this approval and Title 16 (Development Code) of the Municipal Code.

13. To assist staff's timely review of the Building Permit, plans submitted for Building Permits shall include a cover letter identifying the sheet numbers that correspond to each condition of approval.

14. All on-site parking stalls shall comply with the following requirements per SMC 16.64.080 (Development standards for off-street parking):

- a. There shall be a minimum of 42 on-site parking stalls.

- b. The parking spaces shall be a minimum of 9 ft. x 19 ft. with two feet of vehicle overhang.
 - c. The parking spaces shall be clearly outlined with four (4) inch wide lines painted on the surface of the parking facility.
 - d. All parking spaces, driveways, circulation isles, and maneuvering areas shall be clearly marked with arrows and lines, in conformance with SMC 16.76.100(B).
 - e. Disabled Parking spaces shall be striped and marked so as to be clearly identified, in compliance with the applicable State standards.
 - f. Continuous concrete curbing at least six (6) inches high and five and one-half (5.5) inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area, subject to the approval of the Director.
15. The proposed site shall include a minimum of one (1) bicycle parking spaces, per SMC 16.64.100 (Bicycle parking requirements and development standards). Bicycle parking shall be conveniently located within 50 feet of a building entrances or exits.
16. Plans submitted for Building Permits shall comply with the following fencing requirements, subject to review and approval by the Director:
- a. No fence, wall or hedge shall exceed eight (8) feet in height if located in a front or rear yard within the building envelope, or in the rear and interior side yards.
 - b. Vinyl coated chain linked fencing shall be located at least (ten) 10 feet from the front and street side property lines. Chain link fencing is allowed along the interior and rear property lines provided it is not within (ten) 10 feet of the front or street side property lines
 - c. Other types of chain link fencing or similar materials (chicken wire, hog fencing, etc.) are prohibited within the 10-foot front and street side yard areas.
 - d. Electrified fencing shall require an Alarm Permit which can obtained from the Police Department and Building Permit.
 - e. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC or other approved 12 Volt DC or less power source.
 - f. A “Knox Box” or other similar approved devices shall be installed for emergency access by Police and Fire Departments.
17. Any graffiti on the building or in the property shall be removed within 48 hours of notification by the City. The City shall have the right to remove any graffiti not removed within 48 hours of notification.

18. Plans submitted for Building Permits shall include a final Landscape Plan, subject to review and approval by the Director, which shall include the following information:

- a. All trees within parking area shall be a minimum of 15-gallon container stock with a caliper size, at the time of planting.
- b. Trees shall be located in planters that are bounded on at least three (3) sides by parking area paving.
- c. All ends of parking lanes shall have landscaped islands.
- d. All areas with landscaping shall a minimum interior dimension of six (6) feet.
- e. Landscaped areas shall be provided with an automatic irrigation system(s).
- f. Sidewalks providing pedestrian access shall be considered in the design of all landscaped areas, including the need to locate plants so as not to interfere with the ability of pedestrians to have an adequate view of paths and surrounding areas to ensure their safety.
- g. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and traffic sight areas.
- h. All plant materials shall include both evergreen and deciduous tree, shrubs and attractive erosion preventing ground cover.
- i. At minimum seventy-five percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established in the landscape. Plants that require similar water needs should be grouped together and shall be irrigated separately. Attention shall be given to appearance, height, spread, growth rate, moisture requirements, potential root damage, disease, pest susceptibility, climate adaptability, soil type slope, function, and decreased maintenance.

19. All light and glare shall be shielded or modified to prevent emission of light and glare beyond the property line, or upward into the sky. Bare bulbs shall not be allowed on any exterior areas of the property, while providing sufficient lighting in a manner that provides adequate illumination for the staff and patrons of the facility.

20. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting shall be in scale with the height and use of the on-premise structure. All exterior lighting shall be energy efficient, stationary, and directed away from adjoining properties and public rights-of-way

21. Signage for the building is subject to a separate Sign Permit from the Building Division and shall comply with Sections 16.76.100 and 16.76.110 of Title 16 (Development Code).

Engineering

22. Plan submitted for Building Permits shall comply with the following fencing and parking requirements: The fencing and concrete parking stalls in the public right of way,

adjacent to Stagecoach Road shall be removed.

23. Plans submitted for Building Permits shall show all existing property pins and include a note on plans to protect in place.

24. Existing driveway approach shall be removed and replaced to current City standards.

25. All broken, cracked, or displaced curb gutter or sidewalk shall be removed and replaced.

26. Plans submitted for Building Permits shall include all existing utilities and new utility connections, all appurtenances, vaults, boxes, and valves on site.

27. Indicate if the site will be served by an automatic auto gate at the driveway entrance or if the existing gate will remain. If auto gate will be installed, plans shall note how the gate will operate.

28. Plans submitted for Building Permits shall include detailed notes regarding the type of delivery trucks that will be accessing the property, if any. If so, indicate the size of the largest truck entering the site and plans shall provide a turning template in and out of the site for such vehicle.

PASSED, APPROVED, and ADOPTED: November 18, 2021.

ANNE MALLET, CHAIR
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY
City of Stockton Community Development