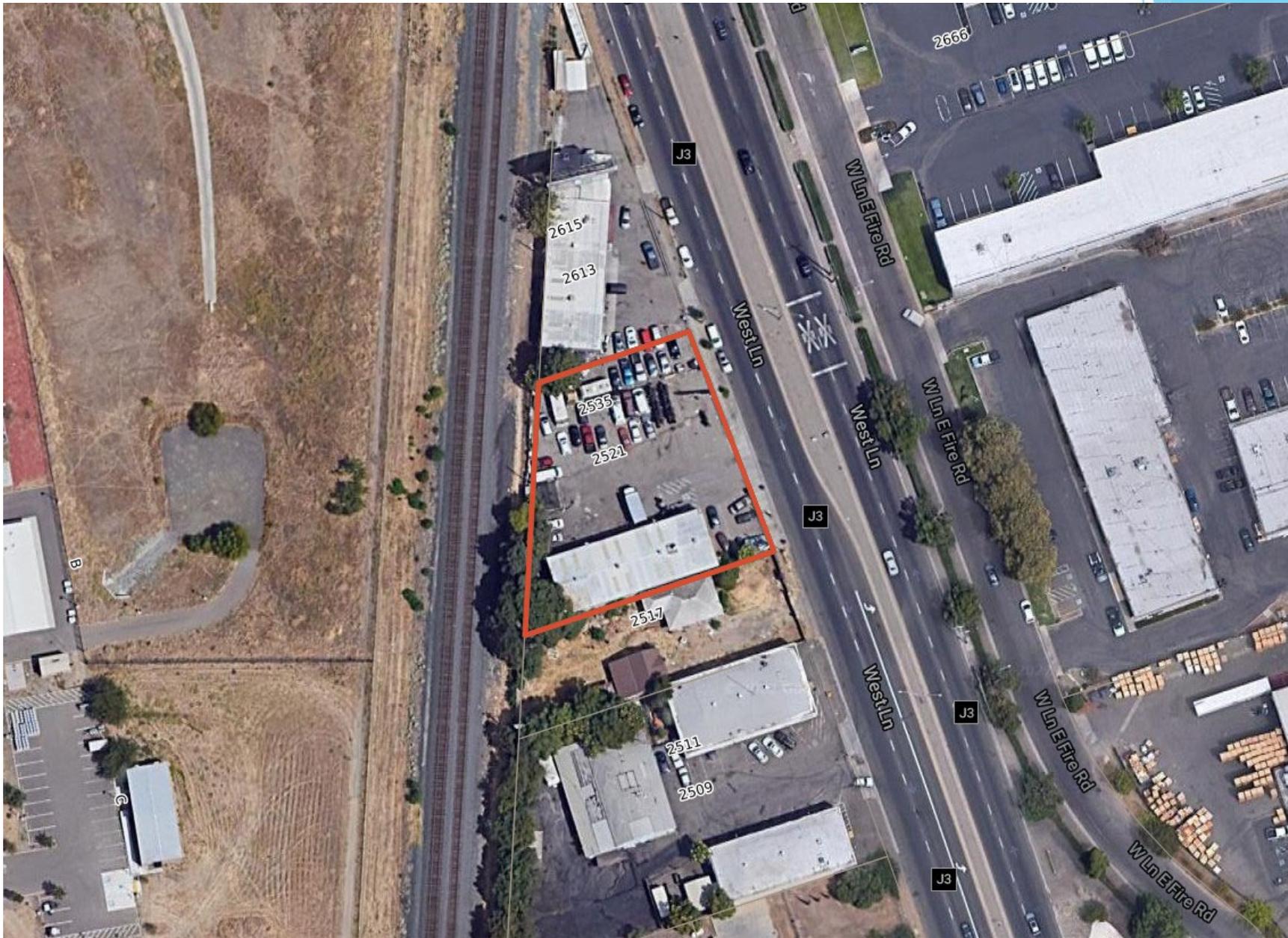


**APPEAL OF THE PLANNING COMMISSION'S
DENIAL OF A COMMISSION USE PERMIT AND
DESIGN REVIEW TO ESTABLISH A RETAIL
STOREFRONT AND ADMINISTRATIVE USE
PERMIT TO ESTABLISH A NON-STOREFRONT
RETAIL (DELIVERY ONLY) CANNABIS
BUSINESS IN AN EXISTING 4,375 SQUARE
FOOT COMMERCIAL BUILDING AT
2521 WEST LANE**

City Council Meeting
Item 16.2
September 27, 2022

Project Site Aerial



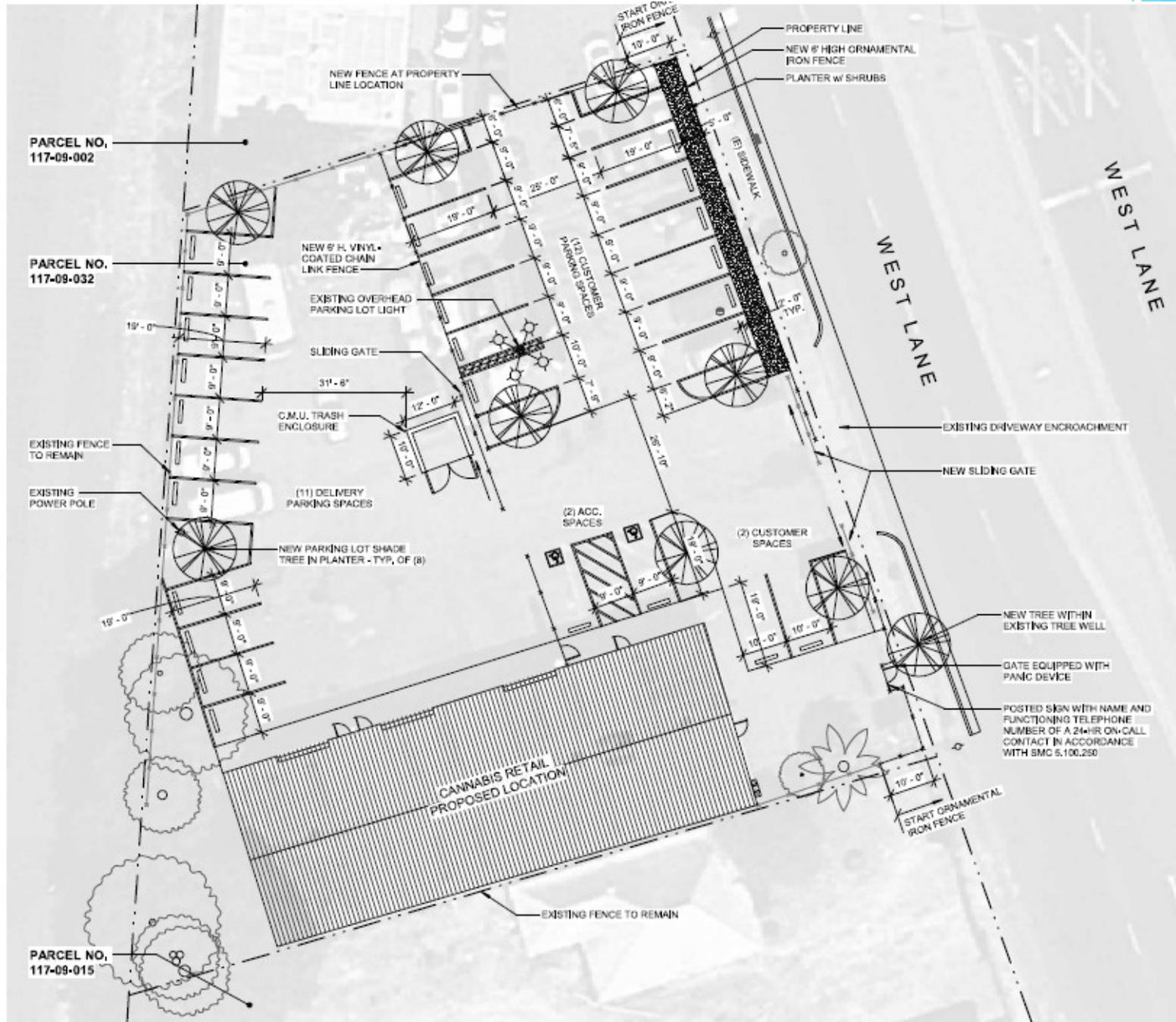
Background

- 2021 Commercial Cannabis Lottery Winner
 - Awarded General Pool Retail Storefront Application
- Site Zoning is Commercial General (CG)
 - Requires Commission Use Permit for Retail Storefront
 - Administrative Use Permit for Retail Non-Storefront (Delivery Only)
- Existing Building is 4,375 Sq.Ft (presently vacant)
 - 1,147 Sq.Ft. to be used for Retail Storefront
 - 3,228 Sq.Ft. to be used for Retail Non-Storefront Delivery, storage, bathroom.
- Hours of Operation:
 - 7 days/week, 8am-8pm, Retail Storefront
 - Monday – Friday, 8am-7pm, Delivery

Application

- ▶ Applicant: Caroline Johnson
- ▶ Request:
 - ▶ Occupy a vacant 4,375-square foot commercial building at 2521 West Lane
 - ▶ Establish a Retail storefront cannabis business
 - ▶ Establish a retail non-storefront (delivery only) cannabis business

Site Plan



Staff Analysis

- ▶ Project adheres to Development Code
 - ✓ Meets Parking & Landscaping standards
 - ✓ Meets location requirements
 - ✓ Meets all required Use Permit findings
 - ✓ Safety & security plan required by conditions and with Police Department oversight under Title 5 (i.e. Operator's Permit)
 - ✓ Not requesting a Waiver or other concessions

Appeal of Planning Commission Decision

- April 14, 2022 Planning Commission Hearing
 - No members of public attended
 - One written email from Aspire Public Schools
 - Hearing held but continued for applicant to reach out to school.
- April 28, 2022 Continued Planning Commission Hearing
 - No members of public attended.
 - One written objection from Aspire Public Schools
- Commission vote result of 3-3, project denied due to lack of majority.

Appeal of Planning Commission Decision

- May 10, 2022, Appeal filed by Applicant requesting reconsideration of the Planning Commission's denial, on the basis that:
 - Project meets the Stockton Municipal Code requirements
 - School did not make itself available to discuss project
 - Planning Commission's split vote (3-3)

Staff Recommendation

Adopt a Resolution to:

Reverse the Planning Commission's denial of the Commission Use Permit.

Reverse the Planning Commission's denial of the Administrative Use Permit.

Reverse the Planning Commission's denial of the Design Review.