

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO OPERATE A 11,448-SQUARE FOOT MEDICAL CANNABIS CULTIVATION FACILITY AT 1903 NAVY DRIVE IN AN INDUSTRIAL, GENERAL (IG) ZONE

The applicant, Douglas Chloupek, applied for a Use Permit to operate a medical cannabis cultivation facility in an IG zone at 1903 Navy Drive. The Subject building is an existing warehouse and is approximately 11,448 square feet; and

The subject dispensary complies with the provisions of Stockton Municipal Code (SMC) section 168.80.195, Medical Cannabis Businesses- Permitting, and all minimum separation requirements from sensitive uses and other restrictions; and

The Stockton Police Department has reviewed the required security plan for the subject facility. the proposed security plan meets the Police Department standards and includes provisions for security guards, access controls, video surveillance, and lighting; 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 use, including the provision of utility services (e.g. sanitation and water), public access, and the absence of physical constraints (e.g. earth, movement, flooding, etc.), now, therefore,

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

The Planning Commission hereby approves the request for a Use Permit to allow the establishment of a medical cannabis cultivation facility in an Industrial, General (IG) zoned property located at 1903 Navy Drive based on the following findings of fact and conditions of approval:

GENERAL FINDINGS

1. The subject use is allowed within the IG (Industrial, General) zoning districts, subject to approval of a Use Permit by the Planning Commission and Operators Permit from the Police Department. The subject use complies with required Location Restrictions contained in Stockton Municipal Code section 16.80.195.A.3. There are currently no approved cultivation facilities in Stockton and approval of the subject use is consistent with the maximum number of cultivation facilities permitted in the City.

2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located because operating a facility engaged in industrial processing is consistent with the Industrial, General (IG) zoning district, where processing uses are permitted, and with the surrounding industrial land uses. The proposed use would strengthen the surrounding neighborhood by turning a vacant building into usable industrial space, and the proposed security would serve to further enhance the surrounding neighborhood.
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 because the project is an industrial land use consistent with the Industrial land use designation of the General Plan and it is consistent with General Plan Goal LU-5 "To encourage, facilitate, and assist the location of new industry and the expansion of existing industry" in that it re-establishes an industrial use in a vacant industrial building. The project is consistent with General Plan Policy LU-5.5, Compatible Land Use, because the project is separated from sensitive uses like residential zones, educational, and health care facilities, and has incorporated security and odor control measures that would minimize pollutants and increase the safety of the surrounding neighborhood.
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.) because the project is reusing an existing warehouse. The project has been analyzed by all departments and it has been determined all streets, public access ways, and utility infrastructure are adequate to serve the proposed project.
5. The establishment, maintenance, or operation of the proposed use 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 because operations are being carried out indoors, in an industrial zone away from public view; appropriate security provisions have been incorporated into the project operations plan, including both electronic surveillance and on-site security personnel procedures; and adequate odor controls have been incorporated to avoid objectionable odor emissions from the facility.
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 because the project is a reuse of an

existing building, which is compatible with the current industrial use. The renovation and re-use would enhance the neighborhood surrounded by industrial uses by ensuring a new use of a vacant building which will be well-maintained and kept secure with video surveillance and security during business hours.

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 use qualifies for CEQA Categorical Exemption under section 15301 Class 1, Existing Facilities.

CONDITIONS OF APPROVAL

1. Comply with all applicable Federal, State, County, and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification, as provided in the Development Code.
3. The Use Permit shall become effective following the completion of a ten-day appeal period following approval of the application.
4. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
5. 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.
6. All required elements of the mandatory Security Plan shall be approved by the Police Department and be in place prior to initiation of the subject use and all security guards employed at the subject dispensary shall be approved by the Police Department prior to the start of their employment.
7. 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 facility. An answering machine or similar device shall be operational during all times that the business is closed. The posting shall also state that the Police Department may be contacted for emergency problems associated with the subject use 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 record of calls received by the dispensary's community relations staff/phone answering system shall be maintained and submitted to the Community Development Department as a part of all required reviews.

8. Cannabis edibles shall not be produced, prepared or stored in the premises.
9. The Fire Department shall be allowed to inspect the subject dispensary 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.
10. The use of any open flame device, including, but not limited to, decorative candles, torches and cigarette lighters, shall be prohibited within the cultivation facility.
11. The establishment's operators and employees shall discourage loitering on or near the premises and ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws, if persons requested to leave fail to do so.
12. All signs shall be subject to approval by the Community Development Department.
13. Prior to the initiation of the subject use, the most current technology for a video surveillance system with at least a seven-day (7) continuous recording capability 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.
14. Prior to the initiation of the subject use, exterior areas of the premises shall be provided with sufficient lighting in a manner that provides adequate illumination for the operations of the medical cannabis cultivation facility while not spilling onto surrounding parcels and adjacent rights-of-way.
15. An odor neutralizing system shall be utilized, installed, and maintained in the building and be subject to the approval of the Community Development Director and if required, the San Joaquin Valley Air Pollution Control District (SJVAPCD) prior to the initiation of the subject use. Any chemicals used to neutralize odors shall be non-toxic and shall not be noxious or offensive to persons residing or working in the vicinity.
16. The property owner or business operator shall hire at least one uniformed, licensed security guard to patrol the project site and the vicinity of the

subject site during the business hours, including one-half hour before and after the businesses open and close.

17. The subject Use Permit shall be subject to a one-year review for the initiation of the proposed use.

PASSED, APPROVED, and ADOPTED: July 13, 2017.

ELIZABETH MOWRY HULL, Chair
City of Stockton Planning Commission

ATTEST:

DAVID W. KWONG, Secretary
City of Stockton Planning Commission