



City of Stockton

Legislation Text

File #: 21-0349, **Version:** 1

CONSIDERATION FOR A USE PERMIT AND DESIGN REVIEW TO ALLOW THE OPERATION OF A CREMATORIUM AT THE FRISBIE-WARREN & CARROLL FUNERAL HOME BUSINESS AT 809 NORTH CALIFORNIA STREET (APN 139-173-14) (P18-0500)

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a Use Permit and Design Review to allow the operation of a crematorium at the Frisbie-Warren & Carroll Funeral Home at 809 North California Street, based on the findings and subject to the conditions in the proposed resolution.

Summary

The applicant, Frisbie-Warren & Carroll, currently operate a funeral home at 809 North California Street. A Commission Use Permit is required to allow the Frisbie-Warren & Carroll Funeral Home to operate a mortuary with a crematorium. Under the Funeral Facilities and Services Land Use definition in the Stockton Municipal Code (SMC) section 16.240.020, the Frisbie-Warren & Carroll facility is categorized as a Funeral Home, which is defined as an “Establishment where funeral services are conducted without the preparation of deceased for burial or cremation.” The Applicant is requesting to intensify their business by providing cremation services, which changes the definition of the land use to a Mortuary. Mortuaries are defined as “Establishments where deceased are prepared for burial or cremation, and funeral services may be conducted. Includes crematoriums.”

The change in land use from a Funeral Home to a Mortuary requires a Commission Use Permit per SMC Section 16.20.020 Table 2-2. Design Review is also required for the building renovation necessary to accommodate the crematorium. Based on the relevant facts and applicable standards, staff recommends approval of the Commission Use Permit.

DISCUSSION

Background

The Frisbie-Warren & Carroll Funeral Home is located on the northwest corner of Flora Street and North California Street (Attachment A - Location Map). This site's zoning is designated as Commercial, General (CG) with a General Plan Designation of Commercial. See Attachments B and C for the General Plan Land Use Map and Zoning Map. The site is bound to the:

- North by existing commercial properties zoned Commercial, General (CG).
- South by existing commercial properties zoned Commercial, General (CG).
- East by existing commercial properties zoned Commercial, General (CG).
- West by existing residences with underlying zoning of Commercial, Office (CO) and

File #: 21-0349, Version: 1

General Plan Designations of Low Density Residential.

Present Situation

The applicant, Frisbie-Warren & Carroll Funeral Home, has submitted a Commission Use Permit application as provided by SMC 16.168 (Use Permits), to conduct cremation services as a part of its business.

The property is currently .69 acres and houses an existing colonial-style building used for funeral services and office space. The northwest addition of this building is used for the purposes of a garage, office, and chapel building, and parking to serve the facility.

The project would renovate the existing northwest addition structure to construct an approximate 1,781 square foot crematorium building space, surface parking lot, and ornamental landscaping. The crematorium building space would be one story with a roof parapet, reaching a maximum height of approximately 17 feet. A witness room, restroom, garage, process room, and cremation room would be included in the crematorium building. An American Crematory A 250 cremation unit (cremation unit) would be installed in the crematorium room. Exterior to interior connections in the cremation room include a retort stack, wall mounted air intake valve, and fresh air louver. The cremation unit would process a maximum of one case per two hours, and a maximum of approximately 1,000 cases per year. Parking for the proposed project would consist of eight parking spaces, including one Americans with Disability Act (ADA) accessible parking space (Attachment D - Site Plan and Elevations).

Of note, in 1928, George Frisbie and Ben E.H. Warren founded the Funeral Home at the corner of San Joaquin and Acacia Street. In 1929, they moved the main building to the corner of East Miner Avenue and North American Street, where it remained until 1941. The rear garage, pass-through and living quarters were added to the main building in 1941 and are not a part of the original building structure.

The main building was expanded to provide a chapel in 1959-1960. The main building has been identified in the City as a "Structure of Merit" for its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials, or craftsmanship, and for representing an established and familiar visual feature of the City.

With this proposal, the garage, living quarters, and pass-through addition is proposed to be renovated and the rear of the main building restored to its original condition. Because of the historical relevance of the main building, a Historic Resources Evaluation was prepared (Attachment E - Historic Resources Analysis). The Evaluation determined that the rear addition (inclusive of the garage, living quarters, and pass through) lacks formality and distinction, as compared to the architectural elements found on the main building. In essence, the building's defining characteristics are limited to the main building.

Staff Analysis

When located in the General, Commercial (CG) zoning district, mortuary uses are required to obtain a Commission Use Permit per SMC 16.20.020, Table 2-2. A mortuary is defined as an "establishment

File #: 21-0349, Version: 1

where deceased are prepared for burial or cremation, and funeral services may be conducted. Includes cremation.” Their current land use designation is for a Funeral Home, which allows funeral services, but not the preparation of the deceased for burial or cremation.

Design Review

Design Review is also applicable since the crematorium will be housed in a renovated building on the site, which is visible from the public right-of-way per SMC 16.120.020(2)(b). On April 23, 2021, the Director reviewed the proposed Project site plan, elevations, and colors, and found them to be in compliance with the applicable provisions in the City’s Design Review Guidelines. Following the Director’s review of the plans, the Director has included supported findings in the Resolution and recommends that the Planning Commission approve the Design Review.

Required Findings

The standards of review for this application includes SMC Chapter 16.168 (Use Permits) and SMC Chapter 16.120.060 (Design Review Findings).

Use Permit: General Findings

To approve the Use Permit Amendment, the Planning Commission must make all findings under SMC 16.168.050(A) (General Findings).

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 the Development Code (Title 16) and the Stockton Municipal Code.

Evidence: The use is allowed in the CG zoning district subject to obtaining a Commission Use Permit. The Project complies with all other applicable provisions of the Development Code and the Stockton Municipal Code.

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.

Evidence: The Frisbie-Warren & Carroll Funeral Home already provides integrity and character to the neighborhood and zoning district in which it is located. They are an established business that has been located at this address since 1941. Initially starting the business at the corner of San Joaquin and Acacia Street in 1928, George Frisbie and Ben E.H. Warren moved the funeral home business to the corner of Miner Avenue and North American street, where they remained until 1941. Needing more space for their growing business, they moved to their current location in 1941 and added a chapel in 1959.

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.

Evidence: Policy CH-3.1: Promote entrepreneurial development and small business expansion. The proposed use allows the continuance of a small business to viably

continue operations, providing greater compatibility with the surrounding neighborhood.

Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state. Frisbie-Warren & Carroll currently runs a successful business within the City of Stockton. Allowing them to expand and improve their business will continue to generate employment within the City and increase revenue for the City.

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.).

Evidence: The proposed single-story crematorium building space will be located where a larger, two story building addition is located on a developed site. The existing two-story addition has a two-car garage on the main level, an area above the garage that was historically used for living quarters but is now used for offices to support the facility, and a pass-through connecting the main building to the addition. The renovated building will be used primarily for the purposes of cremation, with a witness room, processing room and restroom, as well as a two-car garage. The renovated building has less square footage (1,781 SF) than the existing addition (3,800 SF inclusive of the pass-through). Therefore, the subject site is 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.).

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.

Evidence: Per staff's recommendation, the Applicant prepared a Noise Assessment (Attachment F) and a Health Risk Assessment (Attachment G), to evaluate potential hazards of the Project. It was determined that the Project will 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.

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.

Evidence: Frisbie-Warren & Carroll operates out of an existing building and will be renovating the addition to the main building for their crematorium. The design of the renovation is complimentary to the existing main building and is not changing the overall use of the site. The nature of the scope of work is considered building renovation would be processed as an application through the Building Department.

7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, per the discussion on Environmental Clearance below.

Design Review: Findings

To approve the Design Review, the Planning Commission shall decide whether a project adequately meets adopted City standards and the Guidelines, based upon consistency with the following findings in SMC Section 16.120.060 (Findings).

- A. The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinances.

Evidence: The Project meets all provisions of the development Code and other applicable City ordinances such as the Citywide Design Guidelines.

- B. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Guidelines and other design guidelines that may be adopted by the City.

Evidence: The scale of the Project is complimentary to the existing building, and compliments the character, color palette and design to create a unified site. It also conforms to the Citywide Design Guidelines for new commercial construction.

- C. The architectural design of structures and their materials and colors are visually compatible with surrounding development. Design elements (e.g., awnings, exterior lighting, screening of equipment, signs, etc.) have been incorporated into the project to further ensure its compatibility with the character and uses of adjacent development, and/or between the different types of uses in a mixed-use development.

Evidence: The main building for the Frisbie-Warren & Carroll Funeral Home is a stately colonial styled building, painted in historically correct colors of a white base and black accent shutters and iron trim work. The renovated crematorium building will be of contemporary architecture, having a white base, with black metal accents. The two buildings, while each unique, will be complementary to one another as they have consistent design elements such as color and accent material. The renovated building will not be replicating a historic style, however will be compatible with the surrounding development and main building.

- D. The location and configuration of structures are compatible with their sites and with surrounding sites and structures and do not unnecessarily block views from other structures or dominate their surroundings.

Evidence: The proposed crematorium is being located within the existing building renovation space. The renovated single-story building has a smaller footprint of 1,105 SF and is only 17' in maximum height. The existing building proposed to be renovated is currently a two-story structure of 3,300 SF. Therefore, the renovated building should provide higher compatibility with adjacent structures and is less dominate than the existing building.

- E. The general landscape design, including the color, coverage, location, size, texture, and type

File #: 21-0349, Version: 1

of plant materials, provisions for irrigation, planned maintenance, and protection of landscape elements have been considered to ensure visual relief, to complement structures, and to provide an attractive environment.

Evidence: The existing building proposed to be renovated has minimal landscape and is also next to a bare part of the parcel that has no landscaping. The Project site plan includes the provision of new trees, shrubs, and groundcover. This supports an attractive environment for the business and complements both the existing main building and renovated crematorium building.

- F. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular or pedestrian hazards.

Evidence: The design of the renovated building is of lower scale and size than the current building on site. The layout creates more openness throughout the site, enhancing pedestrian circulation around the property. The building is internal to the site, where the existing building is located.

- G. The building design and related site plans, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve the potential users or patrons of the site.

Evidence: The proposed building renovation will occur within the existing building location. The site is better suited to this newly renovated structure, as it allows more pedestrian and vehicular circulation through the site and provides more opportunity for landscaping.

- H. Special requirements or standards have been adequately incorporated, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, open space, utilities, etc.).

Evidence: The site and renovated building structure will include the necessary provisions for compliance with the American Disabilities Act. The main structure where the addition that is currently attached will be restored to its original condition per the Historic Resources Evaluation. The addition to be renovated was evaluated in the Historic Resources Evaluation and was not identified as a historic resource.

Environmental Clearance

The proposed action is a Categorically Exempt use, in accordance with the provisions of Section 15302(b), of the California Environmental Quality Act (CEQA) for replacement of a commercial structure with a renovated structure of substantially the same size, purpose and capacity. The action is not subject to any of the exceptions to using a Categorical Exemption as enumerated in the CEQA Guidelines Section 15300.2.

Public Comments

On May 17, 2021, at least 10 days prior to the Planning Commission hearing, public notice for this

File #: 21-0349, **Version:** 1

item was published in the Record and mailed notice was sent to all property owners within a 300-foot radius of the project site, in accordance with SMC Section 16.88.030. To date, staff has not received any written comments.

Attachment A - Location Map
Attachment B - General Plan Land Use Map
Attachment C - Zoning Map
Attachment D - Site Plan and Elevations
Attachment E - Historic Resources Analysis
Attachment F - Noise Assessment
Attachment G - Health Risk Assessment

This staff report was prepared by Nicole D. Moore, Planning Manager; (209) 937-8195 or Nicole.Moore@stocktonca.gov.