

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION DENYING 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)

On July 11, 2018, the applicant, Frisbie-Warren & Carroll Funeral Home, submitted an application to the Community Development Department for Commission Use Permit No. P18-0500 to allow the operation of a crematorium in a renovated building on their property at 809 North California Street; and

On May 17, 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 May 27, 2021, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; and

On May 27, 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 May 27, 2021, the Planning Commission approved motion 2021-05-27-0502, based on verbalized findings (by a vote of 7-0) 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 here in reference.

B. All findings must be made in the affirmative to approve the project.

C. 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: General 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 the Development Code (Title 16) and the Stockton Municipal Code. 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 not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. While the Frisbie-Warren & Carroll Funeral Home currently exists in an established neighborhood, it is a neighborhood with a high concentration of single-family and multi-family residences as well as office uses. Due to the nature of the crematorium business inclusive of the processing of remains, and potential odor, noise, and hazardous pollutants emitted into the environment, the proposed use would not maintain or strengthen the integrity and character of the 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.

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. Stockton Poultry currently runs a successful business within the City of Stockton. 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.). The proposed single-story crematorium building will be located within a renovation of a larger, two story building addition that is located on a developed site. The existing two-story addition has a two-car garage on the main level, 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 newly renovated building space 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 newly renovated building space 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 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 crematorium use has the potential to create hazardous air quality, odor, and noise for the surrounding neighborhood, posing a health risk and hazard to the public interest.

6. The design, location, size, and operating characteristics of the proposed use is not compatible with the existing and future land uses on-site and in the vicinity of the subject property. The existing funeral home is located in an area with a high concentration of residential and office uses. The operating characteristics of the crematorium use has the potential to disperse odor, noise, and pollutants into the neighborhood, causing detrimental and avoidable adverse health impacts to the surrounding residents and businesses. These existing neighborhood residences, offices, and business uses are not compatible with the proposed crematorium use and allowing a crematorium into the neighborhood will change the character of the existing and future land uses.

7. 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.

Design Review: Findings

8. The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinances. The Project meets all provisions of the development Code and other applicable City ordinances such as the Citywide Design Guidelines.

9. 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. The scale of the Project is consistent with the existing building, and compliments the character, color palette and design to create a unified site.

10. 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 diverse types of uses in a mixed-use development. 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 modern architecture, but 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 element such as

color and accent material.

11. 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. The proposed crematorium building is being placed where an existing building is located. The renovated single-story building will have a smaller footprint of 1,105 SF and is only 17' in maximum height. The existing building to be renovated is 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.

12. The general landscape design, including the color, coverage, location, size, texture, and type 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 supply an attractive environment. The existing building 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 building and renovated crematorium building.

13. 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. The design of the renovated building is of lower scale and size than the current building to be renovated. The new 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.

14. 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. The renovated building will be placed where an existing building is currently located. The site is better suited to this renovated structure, as it allows more pedestrian and vehicular circulation through the site and provides more opportunity for landscaping.

15. 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.). 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 but will be renovated, is being restored to its original condition per the Historic Resources Evaluation.

//
//
//
//
//

Planning Commission Action

Based on its review of the entire record herein, including the May 27, 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 request by a vote of 7-0.

PASSED, APPROVED, and ADOPTED July 22, 2021.

ANNE MALLET, CHAIR
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY
City of Stockton Planning Commission