

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A COMMISSION USE PERMIT TO ESTABLISH A MICROBUSINESS CONSISTING OF THE FOLLOWING THREE CANNABIS USES: RETAIL STOREFRONT, DISTRIBUTION, AND MANUFACTURING– IN AN EXISTING 5,760 SQUARE FOOT INDUSTRIAL SPACE AT 2455 STATION DRIVE (APPLICATION NO. P20-0720)

The applicant, Jamie Winkles, submitted an application for a Commission Use Permit to establish a 5,760 square foot cannabis microbusiness on a parcel zoned Industrial General (IG), located at 2455 Station Drive; and

The applicant is an equity pool applicant winner of the City's 2019 Commercial Cannabis Lottery, used to designate how many applicants are allowed to apply for certain commercial cannabis types, including microbusinesses; and

On October 28, 2021, the Planning Commission opened a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) section 16.88, and On October 28, 2021, the Planning Commission conducted a public hearing, 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; 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

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 this Development Code and the Municipal Code. The proposed cannabis business type (i.e., uses) is allowed in the IG Zone. The subject use 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 use. The proposed project meets the location requirements set forth in SMC 16.80.195.C(9). 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 use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. The proposed cannabis business would be situated in a industrial business park, in the Mariposa Lakes neighborhood which is completely industrial. It would be aligned with the intent of the business park and general plan to attract employment and tax-generating businesses that support the economic diversity of the city. It would fill a vacant unoccupied suite which would help strengthen the integrity of the surrounding area by providing added security due to the nature of the land use.

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 use is a cannabis microbusiness where cannabis products will be manufactured, distributed, and sold on-site. All uses are consistent with the uses described in the General Plan for the Industrial land use designation. The zoning district designation of IG is also consistent with the City's General Plan Industrial land use designation for the project site.

Additionally, the project is consistent with the following General Plan goals and policies:

- Goal CH-3 which states, "expand opportunities for local enterprise, entrepreneurship, and gainful employment" and;
- General Plan Policy LU-4.2 which states, "attract employment- and tax-generating businesses that support the economic diversity of the city."

The proposed use furthers the above goal and policy since it would provide for a business type that generates tax revenue for the City of Stockton's general fund and also expands opportunities for employment and entrepreneurship.

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 project has been analyzed by all departments and it has been determined all 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 will have access to City utility services.

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. The proposed land use 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 microbusinesses 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 microbusiness 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. The site will use an activated carbon filtration system to prevent any odors from spilling outside of the facility.

For the above reasons, the establishment, maintenance, or operation of the proposed land use activity 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 microbusiness is located in an existing vacant building in an industrial zone near existing metal processing and logistics facilities. The proposed use is industrial and raises no potential issues related to compatibility with the existing and future land uses on-site and in the vicinity of the project 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 project will occupy an existing facility, located in the Mariposa Lakes neighborhood. The project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15301(a) (Existing Facilities) since the project will occupy an existing facility and no expansion of the building space is proposed.

CONDITIONS OF APPROVAL

1. The project shall comply with all applicable 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 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.

3. The Use Permit shall become effective following the completion of a ten (10) 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, if any.

6. Prior to commencing operations, the business owner shall submit a complete security plan, subject to review and approval by the Police Department. The Chief of Police or designee may impose additional security and safety conditions upon receipt of the security plan before the facility can begin operations. All employees at the cannabis microbusiness shall be approved by the Police Department prior to the start of their employment.

7. 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.

8. Prior to commencing operations, a Cannabis Operations Permit shall be obtained in accordance with Stockton Municipal Code Chapter 5.100 (Commercial Cannabis Activity Permits).

9. Per SMC 16.96.020(B)(1), the project is required to obtain a Building Permit from the Building Department within 12 months of approval of this permit. 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. One time extension may be granted in compliance with SMC 16.96.030.

10. 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.

11. 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 11 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.
12. 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.
13. 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.
14. 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.
15. 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
16. Signage for the building is subject to a separate Sign Permit from the Building Division and shall comply with Section 16.76.100 and Section 16.76.110 of Title 16 (Development Code).

Fire Department

17. The proposed site shall include the design and installation of an automatic fire sprinkler system, per NFPA 13 Standards; and a fire sprinkler monitoring system.
18. Prior to commencing operations, a detailed inventory sheet listing the precise quantities of chemicals to be used for the manufacturing process shall be completed. Also, a procedures plan including an inventory of all other chemicals that will be stored on-site shall be provided to the Fire Department.
19. Plans submitted for Building Permits shall identify if the building will be served with CO₂ enrichment processing; and shall include a mechanical ventilation system, per California Building Code Chapter 3 Section 306 § 307.
20. Plans submitted for Building Permits shall identify if the building will be served by a back-up power system (i.e., generators).

21. A "Knox Box" or other similar approved devices shall be installed for emergency access by Police and Fire Departments

22. Plans submitted for Building Permits shall ensure emergency access to existing fence adjacent to building by Police and Fire Departments. Fencing shall include either a Knox-box with key or chains that can be cut through with pliers.

23. Plans submitted for Building Permits shall identify existing fire hydrants. Due to the location of the building, private fire hydrants will also be required inside the property.

PASSED, APPROVED, and ADOPTED: October 28, 2021.

ANNE MALLET, CHAIR
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY
City of Stockton Community Development