

Resolution No.

# STOCKTON CITY COUNCIL

---

## **RESOLUTION AFFIRMING THE PLANNING COMMISSION APPROVAL OF A COMMISSION USE PERMIT TO ESTABLISH A CANNABIS RETAIL STOREFRONT USE IN AN EXISTING BUILDING AT 1748 WEST FREMONT STREET (APPLICATION NO. P23-0049)**

Culture CC Associates 2 Corp/Devon Julian, submitted an application for a Commission Use Permit to establish a cannabis retail storefront within a +/- 5,925 square-foot existing building, on a parcel zoned Industrial, Limited (IL), located at 1748 West Fremont Street, APN 135-080-01; and

Culture CC Associates 2 Corp/Devon Julian is a general pool applicant winner of the City's 2022 Commercial Cannabis Lottery, used to designate how many applicants are allowed to apply for certain commercial cannabis types; and

On September 12, 2024, the Planning Commission conducted a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) Section 16.88, at which point all persons wishing to be heard were provided such opportunity, and then voted for approval of the Project by a vote of 4-2 (Rizvi absent); and

On September 23, 2024, Shania Taylor, the appellant, filed an appeal of the Planning Commission's approval of the Project citing the over-concentration of cannabis in the community, proximity to an existing cannabis business, no public necessity, and that the Project would have an impact on the surrounding neighborhoods and businesses; and

On December 3, 2024, the City Council was scheduled to convene a public hearing regarding the appeal of the Planning Commission's decision. The hearing item was continued to the next available City Council meeting date, since the applicant was unavailable to attend the meeting; and

On January 11, 2025, a public notice was published in The Record and public notices were sent to property owners within a 300-foot boundary from the project site property lines; and

On January 21, 2025, the City Council convened a public hearing regarding the appeal of the Planning Commission decision.; now, therefore,

//  
//  
//

BE IT RESOLVED BY THE CITY COUNCIL 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 City Council 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 SMC. The proposed project meets the location requirements set forth in SMC 16.80.195(A)(6). 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 K-12 instruction, 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. It is also not located within 1000 feet of an existing approved cannabis 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 retail storefront business would be situated in an existing building situated near several other light industrial uses. It would fill an existing vacant building which would help strengthen the integrity and security of the surrounding area by providing added security due to the nature of the land use. The proposed use would also align with the intent of the general plan to attract employment and tax-generating businesses that support the economic diversity of the city.

3. 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 retail storefront business where cannabis products will be sold on-site, which is consistent with the intent described in the General Plan for the Industrial land use designation. The zoning district of Industrial, Limited (IL) 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 LU-6: To provide for orderly, well-planned, and balanced development.
- Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.

- Goal CH-3: Expand opportunities for local enterprise, entrepreneurship, and gainful employment.
- Policy LU-4.2: Attract employment and tax-generating businesses that support the economic diversity of the city.

The proposed use furthers the above goals and policy since it would provide for a business type that generates tax revenue for the City of Stockton's general fund and 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 proposed project has been analyzed by all applicable departments, and it has been determined that all existing streets and public accessways are adequate to serve the project. The site will have access to existing City utility services, which are presently available at the site. Further, a Building Permit for a tenant improvement is required for the proposed cannabis facility, and the project will be required to comply with all applicable Building Code standards.

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 and Fire Codes, and additional requirements established by the State of California, Department of Cannabis Control. The Department of Cannabis Control issues annual licenses and regulates retail storefront cannabis businesses 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 retail storefront 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 cannabis retail storefront business would be located in an existing building in an industrial area adjacent to other light industrial uses, and does

not raise any potential issues related to parking, as the site will have its own parking lot with ample off-street parking spaces and a private driveway off West Fremont Street. The proposed use is commercial and raises no potential issues related to compatibility with the existing and future land uses on-site and in the vicinity of the subject property.

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 building in an industrial area. The project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15301(a) (Existing Facilities) since the project will occupy an existing building facility and no expansion of the building space is proposed.

C. Based on its review of the entire record herein, including the staff report and all supporting, referenced, and incorporated documents and all comments received, the City Council considered the request to appeal the Planning Commission's decision and upheld the Planning Commission's decision, denying the appeal, based on the findings indicated in this resolution and subject to the following conditions:

#### CONDITIONS OF APPROVAL

1. This approval authorizes the operation of cannabis retail storefront business within an existing industrial building area identified in Exhibit 1, attached and incorporated by this reference.
2. The project shall comply with all applicable State, County, and City codes, regulations, and adopted policies and standards, and pay all applicable fees.
3. 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.
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. A sign shall be posted at the entrance to the location containing the name and functioning telephone number of a 24-hour on-call person engaged in the management of the cannabis business who shall receive, log, and respond to complaints and other inquiries. This data shall be made available upon request by the Police Department and other Community Development Departments on a yearly basis, in accordance with SMC Section 5.100.250.
6. 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.

7. 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 retail storefront business shall be approved by the Police Department prior to the start of their employment.
8. 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.
9. Prior to commencing operations, a Cannabis Operations Permit shall be obtained in accordance with SMC Chapter 5.100 (Commercial Cannabis Activity Permits).
10. All cannabis retail operations shall be limited to the hours of 7:00 a.m. to 8:00 p.m., per SMC Section 5.100.280 (Retailer operator permit – Hours of operation).
11. Project applicant shall remove the asphalt pavement park-strip along West Fremont Street and replace with concrete sidewalk per current City standards and specifications.
12. Project applicant shall remove the asphalt pavement at the property frontage along Buena Vista Avenue and replace with current City standard sidewalk and vertical curb.
13. At time of Building Permit submittal, applicant shall show any easements/abandonments of record on the boundary survey. The right-of-way along West Fremont Street is variable width, and verification of any easement dedications or abandonment to/from the City shall be identified on the exhibit prior to issuance of a Building Permit.
14. The project is required to obtain a Building Permit from the Building Department for any building modifications or new building construction. Plans submitted for building permit(s) shall reflect compliance with the conditions outlined in this approval and Title 16 (Development Code) of the SMC.
15. Plans submitted for Building Permits shall include a final Landscape Plan, subject to review and approval by the Director. Landscape Construction Plans will be required with the submittal of the Building Plans, and shall meet all requirements of MWELO, including water calculations and applicable Planting and Irrigation Specifications and Details.
16. A “No Parking Zone” will be implemented by the City should there be vehicles parked near the intersection obstructing the line of sight.

//

17. The Commission Use Permit shall be valid for the duration of the use, but if the cannabis sales license is revoked by the State of California, the use permit may be subject to revocation following a public hearing.

18. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED: January 21, 2025.

---

CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

---

KATHERINE ROLAND, CMC, CPMC  
City Clerk of the City of Stockton