

Resolution No. **2024-05-09-0501**

## **STOCKTON PLANNING COMMISSION**

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### **RESOLUTION RECOMMENDING THE CITY COUNCIL FIND NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED; AND ADOPT AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE, SECTION 16.80.390 RELATED INDUSTRIAL WAREHOUSE STANDARDS**

On December 12, 2024, the Stockton City Council adopted a new industrial warehouse ordinance in compliance with separate settlement agreements between the City and the State Attorney General's Office (AG) and Sierra Club, in relation to a specific industrial project. During the adoption public hearing, in response to public comment, Council directed staff to explore six (6) additional modifications related to warehouse size and ordinance applicability and certain development standards via an ordinance amendment for their approval consideration no later than July 2024; and

In early 2024, Staff initiated the preparation of a potential amendment to existing warehouse ordinance by conducting research and gathering information on available standards and even hosted a Public Workshop on March 6, 2024, to solicit feedback from the public; and

On March 28, 2024, staff held an informational session with the Planning Commission to discuss and work through potential modifications to development standards as an amendment to the Industrial Warehouse Ordinance language. At the conclusion, Staff received direction from the Planning Commission, based on their consensus, for preparing ordinance that includes certain modifications to three of the six potential modifications under consideration, that related to warehouse size and ordinance applicability, and proposed code language to clarify EV truck types subject to required charging facilities. The three remaining modifications related to Setback, Solar, and EV Auto Charging Facilities were not supported for amendment; and

On May 9, 2024, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Amendments, at which all times all interested parties had the opportunity to be heard. At the conclusion of the meeting, the Commission expressed their preference for recommending the City Council adopt an Amendment to the Industrial Warehouse Ordinance; now, therefore,

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

1. Pursuant to SMC Section 16.116.050(B), the Planning Commission makes the following Mandatory Findings of Fact for the Development Code Amendments:

- a. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendments to Title 16 are needed for consistency with General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents.

- b. **Finding #2:** The proposed amendment will 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 City.

Evidence: The purpose of the proposed amendments is to comply with the General Plan policies to proactively mitigate potential impacts. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

- c. **Finding #3:** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed ordinance is exempt pursuant to the California Environmental Quality Act (CEQA) section 15061(b)(3), (Common Sense Exemption) and that no future environmental review is required for proposed code amendments pursuant to CEQA section 15183 (Consistency with General Plan and Community Plan).

*For Section 15061(b)(3) Exemption (General Rule "Common Sense")*

CEQA requires the analysis of agency approvals for discretionary actions that could lead to a direct or indirect physical change in the environment. The proposed Project involves discretionary amendments to the Stockton Municipal Code (SMC) but is exempt from CEQA review as it would not significantly impact the environment. The zoning code amendments would amend the City's zoning standards to add enhanced development standards to logistic warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. The Project is exempt from CEQA because it would not significantly affect the environment.

*For Section 15183 (General Plan Consistency) Exemption*

The General Plan Environmental Impact Report (GPEIR) was prepared and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The proposed code amendments would amend the City's zoning standards to add enhanced development standards to logistic warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the GPEIR. Therefore, no additional environmental review is required per CEQA Guidelines section 15183 (Consistency with General Plan or Community Plan).

- d. **Finding #4 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The proposed amendments are needed to implement General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

2. The Planning Commission hereby approves a Resolution recommending the City Council adopt an Ordinance amending Title 16 of the Stockton Development Code, Section 16.80.390 (Exhibit 1), based on the findings and evidence detailed above.

PASSED, APPROVED, and ADOPTED May 9, 2024.

  
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TERRY HULL, CHAIR  
City of Stockton Planning Commission

ATTEST:

  
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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission



**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE SECTION 16.80.390 RELATED TO INDUSTRIAL WAREHOUSE STANDARDS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

**SECTION I: FINDINGS AND INTENT**

The City Council is authorized by section 16.212.030 of the Stockton Municipal Code (SMC) to adopt amendments to Title 16 (Development Code) based on the Mandatory Findings of Fact for Development Code Amendments per SMC 16.116.050.

1. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendments to Title 16 are needed for consistency with General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents.

2. **Finding #2:** The proposed amendment will 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 City.

Evidence: The purpose of the proposed amendments is to comply with the General Plan policies to proactively mitigate potential impacts. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals will be reviewed for their compliance with all federal, state, and local standards.

3. **Finding #3:** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed ordinance is exempt pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3), (Common Sense Exemption) and that no future environmental review is required for proposed code amendments pursuant to CEQA Section 15183 (Consistency with General Plan and Community Plan).

*For Section 15061(b)(3) Exemption (General Rule “Common Sense”)*  
CEQA requires the analysis of agency approvals for discretionary actions that could lead to a direct or indirect physical change in the environment. The proposed Project involves discretionary amendments to the Stockton Municipal Code (SMC) but is exempt from CEQA review as it would not significantly impact the environment. The zoning code amendments would amend the City’s zoning standards to add enhanced development standards to logistics warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. The Project is exempt from CEQA because it would not significantly affect the environment.

*For Section 15183 (General Plan Consistency) Exemption*  
The General Plan Environmental Impact Report (GPEIR) was prepared and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The proposed code amendments would amend the City’s zoning standards to add enhanced development standards to logistics warehouses. These amendments are consistent with General Plan policies to enhance project reviews, environmental protections, and balance changes to encourage a strong industrial and goods movement market. The amendment would not result in a physical change to the environment as future projects would be reviewed on a case-by-case basis for this consistency to Federal, State, General Plan, zoning, and developmental standards. No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the GPEIR. Therefore, no additional environmental review is required per CEQA Guidelines section 15183 (Consistency with General Plan or Community Plan).

4. **Finding #4 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The proposed amendments are needed to implement General Plan policies to provide enhanced development measures to mitigate potential environmental impacts from future projects. These amendments are internally consistent with all policy and supportive regulatory documents. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as they will not result in a physical change in the environment. Future proposals

will be reviewed for their compliance with all federal, state, and local standards.

## **SECTION II: AMENDMENT OF CODE**

Title 16, Chapter 16.80 (Standards for Specific Land Uses) of the Stockton Municipal Code (SMC) is amended to add a new Section 16.80.390 (Logistics Warehouses) to read, as follows:

### **16.80.390 Industrial Warehouse Standards**

This section establishes standards for logistics warehouses in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

**A. Applicability.** The standards will apply to the following applications:

1. To all logistics warehouses 400,000 square feet in size or greater. Logistics Warehouses are considered facilities used for the storage of farm products, furniture, household goods, or other commercial goods for distribution to wholesalers and/or retailers, including cold storage.
2. The standards provided in this section (SMC 16.80.390) shall not apply to any new building constructed on property that was incorporated into the City of Stockton prior to December 31, 2023.

**B. Development Standards.**

1. **Site Plan Design.** The following standards shall apply to all entitlement reviews (site plan), grading and improvement plans, and construction permit reviews associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.
  - a. Unless determined to be physically impossible, when adjacent to sensitive receptors, a loading dock door shall be oriented away from the sensitive receptor and located a distance of 300- feet from said receptor, unless the dock doors are utilized by zero emission trucks and equipment only. The building and auto parking can be located within the 300-foot distance. A sensitive receptor shall be defined as schools, health care facilities, libraries, churches, correctional facilities, parks/recreational facilities, in home daycare, health facilities (hospitals, long term care facilities, retirement, and nursing homes) or more than two directly contiguous residential units.
  - b. A 20-foot landscaped planter (buffer) shall be installed along the property line adjacent to a sensitive receptor.

ATTACHMENT F - Approved Resolution  
Exhibit 1 - Proposed Ordinance

- c. The buffer shall be landscaped and not be less than 50 percent of the total buffer size with two rows of 15-gallon trees planted along the length of the property line adjacent to the sensitive receptor.
- d. The buffer landscape can include areas to be used for bioswales, retention/detention areas and/or other stormwater and water quality management areas in compliance with SMC Section 16.56 (Landscaping).
- e. The buffer area shall include a minimum 10-foot solid decorative wall(s), or landscaped berm and wall, or landscaped berm adjacent to sensitive receptors unless a noise analysis indicates an alternative height is needed for sound attenuation.
- f. All on and off-site landscaping shall comply with SMC Chapter 16.56 (Landscaping).
- g. All landscaping shall be drought tolerant and, to the extent feasible, comprised of species with low biogenic emissions. Palm trees shall not be utilized.
- h. All landscaping areas shall be properly irrigated for the life of the facility to allow for plants and trees to maintain growth with no undue pruning.
- i. Tree maintenance shall comply with SMC Section 16.56 as a certified Landscape Architect must prepare the Preliminary and Final Landscape plan and certify the planting is water efficient at the time of construction permit approval.
- j. Trees shall be installed in automobile parking areas to provide at least 35% shade cover of passenger vehicular parking areas within fifteen years. Trees shall be planted that can meet this requirement. The 35% shade created by trees amount can be substituted for solar canopy upon approval by the Director.
- k. To facilitate the installation of future electric vehicle charging stations for light-heavy duty (LHD), medium-heavy duty (MHD), heavy-heavy duty (HHD) trucks, in connection with each individual development proposal, the subject building improvement plans shall identify an area for future LHD, MHD, HHD truck charging stations and the subject developer shall install conduit from the power source to the identified area.
- l. Provide EV charging stations for automobiles per building code and provide conduit to a future designated area for Heavy Duty Truck Charging Facility.
- m. All truck turning movements at entrances, exits, and street intersections shall be located on local industrial, collector or arterial streets and all vehicle entries shall be designed to prevent truck access to local and back-up residential collector streets.
- n. All trucks and commercial vehicles serving the facility shall occur in compliance with the City of Stockton Truck Traffic Route Map in SMC 10.08.030 and Surface Transportation Assistance Act (STAA) Truck Route Map.

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- o. Off-street loading shall comply with Section 16.64.110 Off-street loading space standards and Section 16.36.30 to ensure driveway access and onsite circulation are designed and maintained to increase public safety and reduce congestion on public streets.
  - p. Signs shall be posted inside and outside of the building and facility indicating all off-site parking is prohibited for adjacent street that do not permit parking.
  - q. All truck driveway exits shall include signs directing truck drivers to the truck routes identified in the City of Stockton Truck Traffic Route Map and State Highway System designations.
  - r. Upon commencement of operations, the tenant/operator of the facility shall be required to restrict truck idling on site to a maximum of three (3) minutes, subject to exceptions defined by CARB's commercial vehicle idling requirements.
2. **Building Design.** The following standards shall apply to all entitlement reviews (design review), grading and improvement plans, and construction permit reviews associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.
- a. All qualifying facilities shall be constructed using "cool roof" materials with an aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of the California (CAL) Green Building Tier 1 Standards.
  - b. Architectural and industrial coatings (e.g. paints) applied on the qualifying facility(ies) shall be consistent with the Volatile Organic Compound (VOC) content limits set by the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the current edition of the California Green Building Standards Code (CALGreen), whichever is most restrictive. Developer or tenant is not required to exercise control over materials painted offsite.
  - c. Qualifying facilities shall be constructed in compliance with the most current edition of all adopted City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer of the qualifying facility(ies) shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built.
  - d. Each developer of an individual specific development proposal shall prepare the subject building structures in such a way to accommodate future solar panels pursuant to applicable Building Code requirements.



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- e. The building permit application for qualifying facilities must demonstrate that sufficient power will be provided from clean energy sources for the operational base power use at the start of operations. Developers shall have the following options, or any combination of options, for procuring clean energy to meet operational base power needs for new building structures. Options may include 1) installing solar panels on the subject building or building site, and/or 2) procuring 100% clean energy from AVA Community Energy, and/or 3) participating in California's Community Solar Program.
- f. Operational base power is defined as the amount of power required to supply loads for all ordinary operational uses of the site. Loads for all ordinary operational uses of the site include, as non-exhaustive examples, loads for minimal heating for fire sprinklers, primary office space lighting, HVAC, warehouse power, warehouse lighting, site lighting, minimum power for dock positions (including chargers for yard equipment and any plug-ins for transport refrigeration units), and the amount of light-duty electric vehicle supply equipment required by CalGreen code. Loads for all ordinary operational uses of the site exclude, as non-exhaustive examples, loads for specialized equipment, non-standard automation or material handling systems, and chargers for heavy-duty trucks.
- g. The office portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78.
- h. Electrical Room Sizing. To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room shall be sized 25% larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25% excess demand capacity.
- i. Warehouse Dock Seal Doors. Exterior loading dock doors that are adjacent to conditioned or indirectly conditioned spaces shall have dock seals or dock shelters installed at the time of permitting.
- j. Onsite Equipment Infrastructure. Project should provide infrastructure to support charging of electric power onsite equipment.
- k. Demonstration of compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510

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(Indirect Source Review) is required prior to obtaining any building permit for a qualifying facility.

- I. Tenant/Operator of the qualifying facility(ies) shall enroll in the United States Environmental Protection Agency's SmartWay Program. Proof of enrollment shall be given to the Community Development Department prior to issuance of a Certificate of Occupancy of a Building Permit for the facility.
  
3. **Construction Permit Approval.** The following standards shall apply to all construction related activity associated with facilities subject to the Logistics Warehouse standards. A copy of these standards shall be included on the approved (issued) construction plan and kept on-site during all phases of construction.
  - a. Qualifying facilities shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements prior to beginning construction.
  - b. All off-road construction equipment, with a power rating of less than 19 kilowatts (e.g., plate compactors, pressure washers, shall be electric-powered.
  - c. Subject to all other idling restrictions, off-road diesel-powered construction equipment shall not be left in the "on position" for more than 10 hours per day.
  - d. Temporary electrical hookups to all construction yards and associated work areas shall be required.
  - e. Temporary signage shall be posted in public view throughout the construction site indicating truck idling lasting more than five (5) minutes is prohibited. The signs shall include contact information for the facility operator or designee responsible for receiving complaints (i.e. excessive dust, fumes, odors) for the site, and contact information for the San Joaquin Valley Air Pollution Control District's on-line complaint system and its complaint call-line for those interested in filing a complaint. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
  - f. The construction contractor(s) shall maintain on the construction site an inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications.
  - g. The facilities shall require the construction contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.

- h. The facilities shall require the construction contractor to provide transit and ridesharing information for construction workers.

**C. On-Going Operations:** The following standards shall be implemented during all on-going business.

1. All forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, shall be electrically powered or zero-emission unless new technology is determined to be commercially unavailable.
2. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.
3. Employers shall provide employees with transit route and schedule information on systems serving the facility area and coordinate ridesharing amongst employees.
4. Employers shall provide on-site locations for food or catering truck service and cooperate with food service providers to accommodate food service to operations employees.
5. All outdoor areas allowing smoking shall be located at least 25 feet from the nearest property line.
6. All trucks, supportive vehicles and equipment shall be kept onsite in all loading, storage, and parking areas, and kept behind locked gates during nonbusiness hours.
7. Truck queuing, idling, or circling of vehicles, on public streets adjacent to the facility is prohibited.
8. Periodic yard and parking area sweeping shall be provided to minimize dust generation.
9. Diesel Generators are prohibited, except in emergency situations and during construction when establishing the facility's new electrical service connection. In those temporary cases, all generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.

**SECTION III. SEVERABILITY**

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ATTACHMENT F - Approved Resolution  
Exhibit 1 - Proposed Ordinance

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton