

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A COMMISSION USE PERMIT TO ESTABLISH A CANNABIS RETAIL STOREFRONT USE IN AN EXISTING INDUSTRIAL BUILDING AT 1137 SOUTH STOCKTON STREET (APPLICATION NO. P23-0255)

The applicant, Embarc Stockton LLC/Lauren Carpenter, submitted an application for a Commission Use Permit to establish a cannabis retail storefront within a +/- 3,750 square-foot existing industrial building, on a parcel zoned Industrial, Limited (IL), located at 1137 South Stockton Street, APN 163-260-45; and

The applicant is a general pool applicant winner of the City's 2023 Commercial Cannabis Lottery, used to designate how many applicants are allowed to apply for certain commercial cannabis types; and

On April 11, 2024, the Planning Commission opened a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) Section 16.88, and on April 11, 2024, 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 (COMMISSION)

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 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.

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 industrial uses, primarily larger truck trailer storage uses. It would fill an existing unoccupied/vacant site 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 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 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 goal 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 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 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 vacant building in an industrial area adjacent to other warehouse 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 private driveway off S Stockton 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.

CONDITIONS OF APPROVAL

The Planning Commission hereby approves the Project, based on the incorporated Conditions of approval, listed below.

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 become effective following the completion of a ten (10) day appeal period following approval of the application.
5. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
6. 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.
7. 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.
8. 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.
9. 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.
10. Prior to commencing operations, a Cannabis Operations Permit shall be obtained in accordance with Stockton Municipal Code Chapter 5.100 (Commercial Cannabis Activity Permits).
11. All cannabis retail operations shall be limited to the hours of 7:00 a.m. to 8:00 p.m., per SMC 5.100.280 (Retailer operator permit – Hours of operation).
12. Applicant is required to remove and replace the southern driveway approach with current R-59 driveway approach.
13. Applicant to show any existing property pins on permit submittal and add a note to protect in place.

14. All vehicle gates to remain open during business hours.
15. Show all existing property pins on the building plan submittal and add a note to protect in place.
16. 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 Municipal Code.
17. 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.

PASSED, APPROVED, and ADOPTED: April 11, 2024.

TERRY HULL, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Community Development