



City of Stockton

Stockton Planning
Commission

Meeting Agenda - Final Planning Commission

Anne N. Mallett, Chair (District 4)
Jeff Sanguinetti, Vice Chair (District 3)
Gerardo Garcia, Commissioner (District 1)
Waqar Rizvi, Commissioner (District 2)
Xavier Mountain, Commissioner (District 5)
Brenda Jones, Commissioner (District 6)
Brando Villapudua., Commissioner (At-Large)

Thursday, September 9, 2021

5:30 PM

Council Chamber, City Hall, 425 N. El Dorado
Street, Stockton CA

The City of Stockton invites public participation in multiple forms. You provide your comments by using one of these methods:

1. *e-Comment - follow the e-comment link on the City's agenda page stockton.granicusideas.com/meetings*
2. *Email - you may email your comments to city.clerk@stocktonca.gov*
3. *Voicemail - you can leave a voice message by dialing (209) 937-8459.*
4. *WebEx - if you wish to join the meeting virtually, you must email city.clerk@stocktonca.gov no later than 90 minutes prior to the meeting on the day of the meeting to request a WebEx link.*
5. *In-Person Comments –*
 - a) *Speakers must submit "request to speak cards" to the Clerk prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Please redirect any inquiries to City.Clerk@stocktonca.gov.*
 - b) *Address only issues over which the meeting body has jurisdiction.*
 - c) *Each speaker will be limited to one 3-minute comment opportunity. Donating time is not authorized.*
 - d) *Your time will be displayed on the speaker podium for convenience.*

1. CALL TO ORDER/ROLL CALL

2. PLEDGE TO FLAG

3. ADOPTION OF CONSENT CALENDAR

- 3.1 [21-0638](#) APPROVE A RESOLUTION WHICH REFLECTS THE PLANNING COMMISSION'S JULY 8, 2021 DENIAL OF A USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)**

Recommended Action: RECOMMENDATION

Staff recommends that the Planning Commission approve a resolution that reflects the Commission's July 8, 2021, denial of a Use Permit to establish a retail storefront cannabis business and an Administrative Use Permit to establish a retail non-storefront (delivery only) cannabis business at 7616 Pacific Avenue, Unit A5 (Application No. P20-0693), in accordance with the findings conveyed on the record and captured in the attached resolution.

Department: Community Development

Attachments: [Attachment A - Planning Commission Staff Report 7-8-2021](#)
[Proposed Resolution - Recommending Denial](#)

4. PUBLIC COMMENT*

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

6. NEW BUSINESS*

7. UNFINISHED BUSINESS

8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS

8.1 [21-0547](#) PLANNING COMMISSION STUDY SESSION FOR CITY-INITIATED AMENDMENTS TO THE STOCKTON GENERAL PLAN LAND USE MAP, THE CITYWIDE ZONING MAP, AND TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH THE 2040 GENERAL PLAN

Recommended Action: RECOMMENDATION

It is recommended that the Planning Commission receive a presentation from City staff and provide direction on the proposed third Series ("Series 3") of City-initiated amendments to the Stockton General Plan Land Use Map and Citywide Zoning Map; and Phase 3 of amendments to Title 16 (Development Code) of the Stockton Municipal Code to comply with the 2040 General Plan.

Department: Community Development

Attachments: [Attachment A - Guiding Principles](#)

9. COMMISSIONERS COMMENTS

10. ADJOURNMENT

CERTIFICATE OF POSTING

I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on September 3, 2021, in compliance with the Brown Act.

**Eliza R. Garza, CMC
City Clerk**

By: _____

Deputy

A. *The meeting will be conducted in accordance with Rosenberg's Rules of Order.*

B. *Each person wishing to address the Planning Commission is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Commission.*

C. *All questions from members of the audience to the Planning Commission and/or city staff members shall be directed to the Chairperson of the Planning Commission.*

All questions from Planning Commission members to staff shall be addressed directly to staff from the member asking the question.

No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Commission members. Rather, direction shall be given to staff to follow-up on any issues brought before the Commission. This rule applies to communications outside of the public hearing process.

D. *Information presented to the Commission shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data or repetitions of matters already presented shall not be permitted.*

E. *All rules of Decorum pursuant to Council Policy 100-3- Rules for Conduct of City Council Meetings apply equally to this Commission.*

Agendas, staff reports and minutes can be viewed on the City of Stockton web

site <http://www.stocktongov.com/government/Meetings/boardComMeetings.html>

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.

The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

NOTE: All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.

CONSENT ITEMS: Information concerning the consent items has been forwarded to the Planning Commission prior to the meeting. Unless a Commissioner or member of the audience has questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.

** For any person wishing to address the Planning Commission on any matter not on the printed agenda. Chairperson may set time limit for individual speakers/groups.*



City of Stockton

Legislation Text

File #: 21-0638, **Version:** 1

APPROVE A RESOLUTION WHICH REFLECTS THE PLANNING COMMISSION'S JULY 8, 2021 DENIAL OF A USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

RECOMMENDATION

Staff recommends that the Planning Commission approve a resolution that reflects the Commission's July 8, 2021, denial of a Use Permit to establish a retail storefront cannabis business and an Administrative Use Permit to establish a retail non-storefront (delivery only) cannabis business at 7616 Pacific Avenue, Unit A5 (Application No. P20-0693), in accordance with the findings conveyed on the record and captured in the attached resolution.

SUMMARY

On July 8, 2021, the Planning Commission considered and denied a request for a Commission Use Permit to allow the establishment of a proposed retailer storefront cannabis business and an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business (Attachment A - Planning Commission Staff Report 7-8-2021).

Following public testimony and discussion, the Planning Commission, approved Motion 2021-07-08-0501 (by a vote of 4 to 2), directing staff to bring back a resolution with its articulated findings for denial of the project. The proposed resolution carries out the Planning Commission's direction.

Attachment A - Planning Commission Staff Report 7-8-2021

This report was prepared by Stephanie Ocasio, Assistant Director of Community Development, (209) 937-8544; stephanie.ocasio@stocktonca.gov.



City of Stockton

Legislation Text

File #: 21-0410, **Version:** 1

CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution:

1. Approving a Commission Use Permit to allow the establishment of a proposed retailer storefront cannabis business, in accordance with the findings and subject to the conditions found in the Proposed Resolution; and
2. Approving an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, in accordance with the findings and subject to the conditions found in the Proposed Resolution.

SUMMARY

The applicant, Heng Heung, submitted a Commission Use Permit (CUP) and Administrative Use Permit (AUP) application to establish a 6,500-square foot retailer storefront cannabis business and a retail non-storefront (delivery only) cannabis business in a Commercial General (CG) zoned parcel, located at 7616 Pacific Avenue, Unit A5. The site is currently a multi-tenant commercial building within the Hammer Ranch Shopping Center. The shopping center includes restaurants, a supermarket, a US Postal Service location, and various retail stores, including an existing, previously approved cannabis retail storefront (Attachment A - Location Map).

This applicant participated in the 2020 Commercial Cannabis Lottery program and was awarded the opportunity to apply for a Retailer Storefront CUP as an equity pool applicant. The Non-storefront Retail (delivery only) use applicability is not granted through the Commercial Cannabis Lottery program. There are no caps on the number of permits for either use, however the Retailer Storefront use is required to participate in and be awarded through the Commercial Cannabis Lottery program. The Stockton Police Department has reviewed the application and indicates no opposition to this proposed project.

Staff recommends approval as the proposed project meets the City's standards and aligns with the General Plan 2040 goals:

- (Goal LU-6) to provide for orderly, well-planned, and balanced development;



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- (Goal LU-4) attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state; and
- (Policy LU-6.2) provide opportunities for growth and expansion, particularly in infill developments.

The project complies with all applicable provisions of the Development Code and the Municipal Code, including location requirements (Stockton Municipal Code Section 16.80.195A(6) and B(4)) which requires separation from sensitive uses (i.e. residential zones, parks, schools, etc.).

DISCUSSION

Background

On March 5, 2019, City Council approved changes to the City's cannabis regulatory program to: (a) align state/local regulation; (b) allow additional business types; (c) establish a method to control the pace of new business openings; and (d) establish a method to address historic racial inequities.

New business types were introduced, including manufacturing, distribution, testing laboratories, delivery-only non-storefront retailers, and microbusinesses. The program also included additional cultivators and storefront retailers (dispensaries) as well as an equity program to address historic racial inequities. The changes were to align local regulation with the Medical Cannabis Regulation and Safety Act and the Adult-Use of Marijuana Act of 2016 (Proposition 64). In addition to achieving regulatory consistency, the program was changed to eliminate the limit (i.e. caps) on the total number of Operator Permits regulated by the Stockton Police Department under Stockton Municipal Code (SMC) Chapter 5.100.

For certain permit types (storefront retailer, cultivation, volatile-manufacturing, and microbusinesses) where there is concern about the potential impact on public safety, public health, or community character, a controlled expansion was established. A controlled expansion program allows the City and the existing industry to adapt to an evolving industry and gives the City ongoing flexibility to accelerate or decelerate industry expansion over time. The controlled expansion also has the benefit of allowing the City to give preference to equity applicants.

The controlled expansion is accomplished on an annual basis through a lottery process for the following business types:

- a. storefront retailer
- b. cultivation
- c. volatile-manufacturing
- d. microbusinesses, which include storefront retail and/or cultivation business types

Applicants for the above business types are evenly selected by the lottery process from two pools for a total of eight (8) applications per year, as described below:

Equity Pool

- a. One (1) storefront retailer permit

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- b. One (1) cultivation permit
- c. One (1) volatile-manufacturing permit
- d. One (1) microbusiness permit

General Pool

- a. One (1) storefront retailer permit
- b. One (1) cultivation permit
- c. One (1) volatile-manufacturing permit
- d. One (1) microbusiness permit

The lottery includes an equity component (i.e. Equity Pool) to enable Stockton residents from disadvantaged neighborhoods to obtain cannabis business permits. Applicants for the above business types are evenly selected from 1) a general pool of applicants, and 2) an equity pool of applicants. Equity pool applicants must meet certain criteria and are also eligible to be a part of the general pool. To qualify as an equity applicant, an applicant must own more than 50 percent of the business, be a resident of Stockton, and meet one of the following: be an Minority Business Enterprise (MBE)/Women Owned Business Enterprise (WBE), live in an opportunity zone, live in the Senate Bill 535 disadvantaged area, or live in a Housing and Urban Department (HUD) designated area.

Heng Heung, the applicant of the proposed project, is a successful equity pool applicant for a storefront retailer business. The Non-storefront Retail (delivery only) use applicability is not granted through the Commercial Cannabis Lottery program. There are no limits or “caps” to the number of applications that may be approved.

This item was originally scheduled for the May 13, 2021 Planning Commission meeting and the applicant requested that the item be continued. The Planning Commission approved the continuance of this item to July 8, 2021 meeting through the approval of motion 2021-05-12-0501.

Present Situation

The applicant, Heng Heung, requests approval to operate a 6,500-square foot retailer storefront and non-storefront retail (delivery only) commercial cannabis business in a Commercial, General (CG) Zone located at 7616 Pacific Avenue, Unit A5.

The proposed project is located in the Hammer Ranch Shopping center. The shopping center includes restaurants, a supermarket, a US Postal Service location, and various retail stores, including an existing, previously approved cannabis retail storefront.

The retailer storefront and the non-storefront retail (delivery only) businesses will operate between 8:00 a.m. and 8:00 p.m. Monday through Sunday. The proposed project will employ 12-15 full-time employees within the first year.

The Stockton Police Department has reviewed the application and indicates no opposition to this proposed project. If approved, a formal security plan and lighting plan will be submitted and reviewed by the Police Department as part of an Operators Permit application.

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The existing commercial center has 33 shared parking spaces of which 15 spaces are required for the proposed project. The number of parking stalls is consistent with the requirements for proposed cannabis businesses and, therefore, is adequate to service the business.

Staff Analysis

To permit the proposed uses, the Planning Commission is asked to consider approval of a Commission Use Permit and an Administrative Use Permit. Each request and staff's analysis are provided below.

Commission Use Permit/Administrative Use Permit

When located in a CG Zone, a Commission Use Permit is required for a Cannabis Retailer Storefront and an Administrative Use Permit is required for a Non-storefront cannabis retail (delivery only). The operations of each use would be combined within a single business and within the same building area. As a result, and since the findings required to address each permit type are the same, the following analysis addresses both land uses.

SMC section 16.168.050(A) requires seven findings of fact to grant approval. Each finding and staff's analysis are as follows:

1. Finding: 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.

Staff Analysis: The proposed cannabis business types (i.e., uses) are both allowed in the CG Zone. The subject uses would be located within an existing commercial building and, therefore, do not raise a question of conformance with Title 16 development standards. As noted below, adequate off-street parking spaces are provided for both the existing and proposed uses.

The proposed project is subject to location requirements set forth in SMC 16.80.195.A(6) and 16.80.195.B(4). The project meets the location requirements. 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. Finding: The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located.

Staff Analysis: The proposed cannabis business would be situated in a shopping center with several other commercial land uses. It would be aligned with the intent of the shopping center to provide retail options to the community. 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.

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3. **Finding:** 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.

Staff Analysis: The General Plan Land Use Map designates the subject site as Commercial. The Commercial designation is intended to accommodate a wide variety of commercial uses, including, but not limited to, service uses. SMC Section 16.20.020 Table 2-2 classifies the Cannabis Retailer Storefront and the Non-storefront Cannabis Retail Operator Permit (Delivery Only) use within a service use category. Therefore, the proposed use is consistent with the Commercial designation.

Additionally, the project is consistent with 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 this policy since it would provide for a business type that generates tax revenue for the City of Stockton's general fund.

4. **Finding:** 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.).

Staff Analysis: The proposed project would occupy a portion of an existing commercial building within a shopping center. The project has been analyzed by all departments and it has been determined all streets and public access ways are adequate to serve the proposed project. Further, The proposed project was reviewed for compliance with all applicable and current Building Code guidelines and found to be in compliance given the nature of the proposed project. No expansion of the building is proposed. The site will have access to City utility services.

5. **Finding:** 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.

Staff Analysis: 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, Bureau of Cannabis Control (BCC). The BCC issues annual licenses and monitors Retailer Storefronts and Non-Storefront Retail (delivery only) to ensure safety of business practices. The applicant will also be required to obtain and maintain a City of Stockton, Operator's Permit that requires the business owner to develop and maintain a security and lighting plan that is reviewed annually by the City of Stockton, Police Department.

The operations are being carried out indoors, in a commercial zone; appropriate security provisions will be incorporated into the project operations plan, including both electronic surveillance and on-site security personnel procedures.

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

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neighborhood of the proposed use.

6. Finding: 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.

Staff Analysis: The proposed Retailer Storefront and Non-Storefront Retail (delivery only) is located in an existing commercial building and no changes have been proposed to the exterior characteristics of the project site. The proposed use is commercial in nature and modest floor area 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. Finding: The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Staff Analysis: The proposed uses would occur within a portion of an existing commercial building. Therefore, the project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15301 (Existing Facilities). A categorical Exemption under section 15301, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

As a point of reference, Staff has provided a location map of currently approved Retailer Storefront businesses, and Non-storefront Retail (delivery only) commercial cannabis businesses as an attachment to this report (Attachment B - Existing Retailer Storefront and Non-storefront Retail (delivery only) Businesses). However, the distance between cannabis businesses is not regulated by the SMC. Therefore, the proposed Retailer Storefront and Non-Storefront Businesses are permitted to be in the same shopping center as the existing, previously approved cannabis business.

PUBLIC COMMENT

Notice for this item was published in the Record on May 3, 2021, and a notice has been sent to all property owners within a 300-foot radius of 7616 Pacific Avenue on May 3, 2021. Staff received thirty-four (34) communications regarding this project. All communications received were in opposition of the project at the proposed location. The communications received prior to the posting of this staff report have been provided in Attachment C.

Although not required by the Stockton Municipal Code, a virtual community meeting was held on May 10, 2021 at 4:30 pm. All property owners within a 300-foot radius of the subject property were invited to the meeting. Meeting attendance statistics will be presented during the public hearing. The applicant recorded the presentation and made it available to community members by request.

Attachment A - Location Map

Attachment B - Existing Retailer Storefront and Non-storefront Retail (delivery only) Businesses

Attachment C - Public Communications

This report was prepared in part by Stephanie Ocasio, Assistant Community Development Director,

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(209) 937-8544; stephanie.ocado@stocktonca.gov.

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION DENYING A USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

On September 16, 2020, the applicant, Heng Heung, submitted an application to the Community Development Department for Commission Use Permit and Administrative Use Permit No. P20-0693 to establish a Retail Storefront and Retail Non-Storefront (Delivery Only) Cannabis Businesses at 7616 Pacific Avenue, Unit A5; and

On May 3, 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 13, 2021, upon request of the applicant, the Planning Commission continued the Public Hearing to the July 8, 2021 Planning Commission meeting date; and

On July 8, 2021, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.168.040(D), at which point all persons wishing to be heard were provided such opportunity; and

On July 8, 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 July 8, 2021, the Planning Commission approved motion 2021-07-08-0501-02, based on verbalized findings (by a vote of 4-2) 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 this Development Code and the Municipal Code. The proposed cannabis business types (i.e., uses) are both allowed in the CG Zone. The subject uses would be located within an existing commercial building and, therefore, do not raise a question of conformance with Title 16 development standards. As noted below, adequate off-street parking spaces are provided for both the existing and proposed uses. The proposed project is subject to location requirements set forth in SMC 16.80.195.A(6) and 16.80.195.B(4). The project meets the location requirements. 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, childcare, in-home (family day care home), religious facilities, or drug abuse or alcohol recovery/treatment facility.

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 as it would not be conducive or beneficial to surrounding businesses. The proposed use would reduce neighboring business prosperities and would create an excessive concentration in this area, placing the burden of the legal cannabis market on this one area.

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 Commercial. The Commercial designation is intended to accommodate a wide variety of commercial uses, including, but not limited to, service uses. SMC Section 16.20.020 Table 2-2 classifies the Cannabis Retailer Storefront and the Non-storefront Cannabis Retail Operator Permit (Delivery Only) use within a service use category. Therefore, the proposed use is consistent with the Commercial designation. Additionally, the project is consistent with 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 this policy since it would provide for a business type that generates tax revenue for the City of Stockton's general fund.

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 would occupy a portion of an existing commercial building within a shopping center. The project has been analyzed by all departments and it has been determined all streets and public access ways are adequate to serve the proposed project. Further, the proposed project was reviewed for compliance with all applicable and current Building Code guidelines and found to be in compliance given the nature of the

proposed project. No expansion of the building is proposed. 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 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 increased number of retail storefront cannabis businesses in the surrounding area may cause a possible increase in surrounding crime rates. Further, the addition of another Storefront Retailer Cannabis Business to the shopping center will increase traffic congestion and reduce available parking for neighboring business patrons.

6. The design, location, size, and operating characteristics of the proposed use would not be compatible with the existing and future land uses on-site and in the vicinity of the subject property. The proposed use would not be beneficial because it would interfere with existing neighboring businesses. With the current existence of the neighboring Storefront Retailer Cannabis Business, excessive concentration would contribute to reduced economic activity for the existing Storefront Retailer Cannabis Business and future activity as land uses should be balanced and varied.

7. The proposed action is a Categorical 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.

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Planning Commission Action

Based on its review of the entire record herein, including the July 8, 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 4-2.

PASSED, APPROVED, and ADOPTED September 9, 2021.

ANNE MALLET, CHAIR
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY
City of Stockton Planning Commission



City of Stockton

Legislation Text

File #: 21-0547, Version: 1

PLANNING COMMISSION STUDY SESSION FOR CITY-INITIATED AMENDMENTS TO THE STOCKTON GENERAL PLAN LAND USE MAP, THE CITYWIDE ZONING MAP, AND TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH THE 2040 GENERAL PLAN

RECOMMENDATION

It is recommended that the Planning Commission receive a presentation from City staff and provide direction on the proposed third Series ("Series 3") of City-initiated amendments to the Stockton General Plan Land Use Map and Citywide Zoning Map; and Phase 3 of amendments to Title 16 (Development Code) of the Stockton Municipal Code to comply with the 2040 General Plan.

Summary

The current request involves a study session for the third phase of map and code amendments and will highlight possible solutions to address more complex inconsistencies. These solutions to the inconsistencies involve amendments to the General Plan and Zoning Maps and the Development Code (zoning code) to align with General Plan policies for sustainable and equitable growth. Changes are intended to maintain property rights, incentivize future allowable uses, and ensure equitable and sustainable growth for certain communities.

The report below provides a summary of the inconsistencies and proposed options for solutions (map and code amendments). Staff is seeking direction from the Planning Commission on the options to resolve these Inconsistencies. The input received at this study session will be used by Staff to perform further analysis and develop recommendations for future Planning Commission action.

DISCUSSION

Present Situation

Table A summarizes the main solutions to support the Series 3 (map) amendments.

TABLE A- Options for Map Amendment Solutions

Inconsistency	Description	Possible Solution
Split Zone	Properties with multiple General Plan Land Use designations or Zoning designations.	1. GPLUMA and/or change Zoning 2. Changes to support current use and match surrounding uses/development patterns

No Designation	Properties without a General Plan Land Use designation or Zoning but are currently used for some purpose.	1. GPLUMA and/or change Zoning 2. Changes to support current use and match surrounding uses/development patterns
Rights-of-Way ("ROW")	Properties used for circulation and cannot be developed for other uses (e.g., buildings).	1. GPLUMA and/or change Zoning 2. Classify streets, waterways, and railway corridors as ROW. 3. Zoning Code Amendment to clarify ROW definitions. 4. These areas of travel must align with the General Plan (i.e. street system, parks).
Property Owner-requested	Property owners have expressed interest in modifying their General Plan Land Use and/or Zoning to maximize development potential or align with surrounding uses.	1. GPLUMA and/or change Zoning 2. The request should benefit the surrounding community. 3. Staff will not support requests that will create an Inconsistency, precedent, or negatively impact a surrounding property.
Area Specific Improvements	Includes proposed amendments to the following Neighborhoods. • Downtown Core • Midtown • East Stockton • South Stockton • Boggs Tract	Changes would include GPLUMA, Rezone, and Code Amendments. Some sites may not have an inconsistency but could be an amendment to reflect area changes to maintain existing uses and incentivize future land uses.

Based on the feedback received during the Series 1 and 2 discussions, Staff created a list of Guiding Principles for the overall amendment effort to help staff determine the type of solution needed based on existing General Plan policies. Those values included sustainable growth, maintain property rights, ensure City resources, and streamline development. Proposed solutions for Series 1 and 2 reflected those principles by designating City resources (Parks, Schools, Open Space), defining paths of travel (Right of Ways), protecting housing capacity sites, and aligning the Zoning Map with the General Plan Land Use Map (GPLUM).

Due to the complexities of the Series 3 inconsistencies, staff has expanded the list of possible solutions for each Guiding Principles by relying on applicable General Plan policies to direct specific solutions. Attachment A includes an outline of the Guiding Principles with corresponding General Plan policies and solutions. The Attachment also includes a list of resources used during the analysis to

determine past growth patterns, vested rights, and past community preference to guide the creation of new solutions further.

The Series 3 map amendments will be recommended in tandem with the third phase Zoning Code Amendments ("Phase 3") so that the Code can better implement the proposed Series 3 map changes to resolve inconsistencies. The code amendments needed for the map changes are intended to ensure existing property rights and incentivize land-use transitions by allowing more land uses that are more compatible with the communities and comply with the adopted General Plan policies. As with the previous Phase 1 and 2 amendments, other changes are needed to comply with State Law, provide clarity, and accommodate current Best Practices.

Table B summarizes the main solutions to support the Series 3 (map) and Phase 3 (Code) amendments.

TABLE B- Code Amendment Options for Map and Code Solutions.

Effort	Topic	Possible Action	Reason for Amendment
Series 3- Map	Administrative process and Zoning Definition	Clarifications to zoning designations to align with General Plan Land Use descriptions. Could include General Plan Land Use definition amendment.	Maintain and expand property rights, Incentivize Future Uses, Clarity, and best practices,
Series 3- Map	Allowable Use Table	Addition allowable uses in Table 2-2 to provide flexibility for areas involving map amendments. Uses that could result in potential impacts that require staff review will not be by-right (i.e., use permit.).	Maintain and expand property rights, Incentivize Future Uses, Clarity and best practices,

Series 3-Map	Industrial-Commercial Hybrid Overlay District	New overlay intended to preserve urban-industrial uses while buffering heavy industrial activities from surrounding non-industrial uses. Sites would be zoned a non-industrial use (i.e., commercial) and would have an overlay to project certain industrial uses not commonly allowed in the new underlying zoning designation. The overlay would include allowable use table and performance standards. Similar to Magnolia Overlay.	Maintain and expand property rights, Incentivize Future Uses, Clarity, and Best Practices.
Series 3-Map and Phase 3-Code	Housing typology and standards	Expand housing typology definitions and standards to include "missing middle" housing, such as fourplexes and cottage courts.	Consistency with General Plan, State Law, Clarity
Series 3-Map and Phase-3 Code	Definitions and standards	Establish or amend definitions and standards for land uses, including Adaptive Reuse, Cottage Courts, Parklets, Greater Downtown, Miracle Mile, etc.	Consistency with General Plan, State Law, Streamline, Maintain and expand property rights, Clarity and best practices,
Phase 3-Code	Affordable Housing	Amendments to Density Bonus incentives and regulatory streamlining for Affordable Housing.	State Law

Phase 3-Code	Channel Overlay Zone	Amend for Marine Commercial Subarea to retain and continue certain marine uses adjacent to I-5 without requiring Use Permits to expand marine facilities.	Maintain and expand property rights, Clarity and best practices
Phase 3-Code	Magnolia Overlay District	Amend Table 2-4 for flexibility and streamlined approval to encourage adaptive reuse.	Maintain and expand property rights, Clarity and best practices
Phase 3-Code	Parking	Adjustments to parking standards in furtherance of encouraging housing development.	Consistency with General Plan, State Law, Clarity

Planning Commission Direction

City staff will present the subject matter and proposed map and code amendments for the Planning Commission to consider and provide direction/feedback to Staff. While the Planning Commission can comment on any component of the overall effort, Staff is explicitly looking for direction on the proposed solutions.

This feedback can include:

- whether the proposed solutions (Attachment A and presentation materials) are sufficient,
- substantially sufficient with minor edits, or
- whether different solutions should be explored.

The input received at this study session will be used by staff to perform further analysis and develop recommendations for future Planning Commission action. Should the Planning Commission substantially agree with the recommendations, Staff will continue public outreach efforts based on the Planning Commission's feedback.

Should the Planning Commission substantially agree with Staff's current approach, Staff anticipates presenting the final recommendations (map and text amendments) for consideration by the Planning Commission by Winter 2021 and to City Council shortly after.

Public Outreach

Due to Covid-19 impeding traditional in-person meetings, Staff has utilized various tools and strategies to conduct community outreach, solicit feedback, and engage property owners throughout this project. Examples include:

- Mailed Handouts explaining the effort
- Mailed workshop notices
- Conducted virtual public workshops
- Hosted a project-specific webpage, phone line, and email address
- Interactive web tools including an Inconsistency Search Tool and Neighborhood Storyboards

In tandem with the zoning map amendments, Development Code text amendments have been based on stakeholder outreach with community groups, nonprofits, housing developers, the California Department of Housing and Community Development (HCD), and industry experts. On August 30, 2021, a notice of this Planning Commission study session was sent to all property owners with parcels designated as Series-3.

Environmental Analysis

The Planning Commission's direction to City staff on the amendments is not considered a discretionary "project" under the California Environmental Quality Act (CEQA) and will not require analysis.

Attachment A - Guiding Principles for Change Options

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PRINCIPLES #1: SUSTAINABLE GROWTH AND PUBLIC HEALTH**Applicable General Plan Policies (Growth and Design)**

- *Policy LU-1.1 Encourage retail businesses and housing development in mixed-use developments along regional transportation routes and in areas that serve local residents.*
- *Action LU-1.1B Evaluate the City's parking policies and amend the Development Code to provide more flexibility as appropriate to facilitate mixed-use redevelopment.*
- *Action LU-2.2A Amend the Development Code to provide more flexibility for residential development to be feasible, including through a streamlined residential development permit process, and to contribute to the "charm" of the Downtown.*
- *Action LU-2.2B Establish Transit-Oriented Development (TOD) Overlay Zones around the Robert J. Cabral ACE Train Station and the San Joaquin Street Amtrak Station to promote high-density residential, including affordable and mixed-income housing and other TOD.*
- *Action LU-2.2D Discourage urban development at the edges of the city that would detract from or compete with the housing goals of the Greater Downtown.*
- *Policy LU-2.5 Promote Downtown Stockton as a primary transit node that provides multi-modal connections throughout the city and region.*
- *Action LU-2.5A Improve transit, bicycle, and pedestrian connectivity between the Downtown and local colleges and universities.*
- *Policy LU-3.3 Maintain or expand the currently available amount of public park and open space area in each neighborhood.*
- *Policy TR-2.2 Connect housing and employment development in areas with good transit access through open and inclusive processes where appropriate.*

Applicable General Plan Policies (Public Health and Equity)

- *Policy LU-6.3 Ensure that all neighborhoods have access to well-maintained public facilities and utilities that meet community service needs.*
- *Policy SAF-2.5 Protect the community from health hazards and annoyance associated with excessive noise levels.*
- *Action SAF-2.5E Require all new habitable structures to be set back from railroad tracks to protect residents from noise, vibration, and safety impacts.*
- *Policy CH-1.2 Promote healthy retail food choices within and adjacent to residential areas.*
- *Action CH-2.2D Collaborate with non-profit partners and San Joaquin Public Health Services to attract medical clinics, mental health facilities, and pharmacies in areas that lack access to health care.*
- *Policy CH-2.3 Focus on reducing the unique and compounded environmental impacts and risks in disadvantaged communities.*
- *Policy CH-3.2 Encourage neighborhood-serving commercial uses in areas where frequently needed goods and services are not widely available, especially for those areas with no availability within a 2-mile radius.*
- *Action CH-3.2B Consider options and develop an ordinance to restrict mini markets, gas stations, fast food restaurants, check-cashing establishments, and tobacco stores in areas with high existing concentrations of similar establishments and continue to restrict over-concentrations of liquor stores through the City's Alcohol Ordinance. To inform the development of this ordinance, create a map that identifies the locations of current*

establishments of these types and regularly maintain it so that it continues to aid in decision-making about such uses.

Possible Solutions for Recommendation

- Zoning Designation Intent
 - CG (Commercial General) allows more commercial uses but also allows more auto-oriented uses (auto maintenance, drive-throughs, etc.).
 - CN (Commercial Neighborhood) is like CG but more pedestrian-oriented and does not allow many auto-oriented uses.
 - CL (Commercial Large) like CG but intended for Big-Box and large regional shopping centers. Does not currently allow residential mixed-uses like other commercial designations.
- Maintain City Resources/Use (Included in Series 1 and 2)
 - Public school site = INT/PF (General Plan=Institutional and Zoning=Public Facility)
 - Bike/ped infrastructure along levee, creek, etc. = PF (Public Facilities)
 - Levee with no formal transportation infrastructure = OS (Open Space)
 - Agency property: PF vs. CG (Public Facility vs Commercial General)
 - Formal park = PR/PF (General Plan=Parks and Recreation and Zoning=Public Facility)
- Deter Truck traffic from neighborhoods and pedestrian's friendly areas.
- Undevelopable land-primarily serving as a floodplain, conservation, or preservation = OS
- CG along major thoroughfares/high traffic counts, shopping centers, and in areas transitioning away from industrial areas.
- CN along non-residential collectors and in areas where pedestrian activity is desired; lower capacity streets.
- Within downtown area (Greater and Core): If a parcel/area could be appropriate for either residential or commercial, generally defer to commercial zoning to allow for a greater mix of uses, while still allowing for similar residential intensities.
- Where zoning has long been RH (Residential-High Density), but General Plan shows Low-Density Development, both zoning and GP should become medium density residential to reflect current densities and lot sizes and balance existing neighborhood growth patterns.
- When applicable, place Land Use and Zoning on roadways that can accommodate intended intensity. This includes:
 - Predominantly Auto Servicing Streets for Auto Oriented Zones
 - Freeways/Hwys: are high-speed facilities that move inter-city or regional traffic.
 - Arterials: are high-volume facilities that connect the regional roadway network to the local roadway network.
 - Predominantly Neighborhood Servicing (Multimodal Focus)
 - Collectors: streets connect residential and local-serving commercial areas with the arterial system.
 - Minor Streets: find description- mostly local streets for two-lane access.

PRINCIPLES #2: STRENGTHEN PROPERTY RIGHTS

Applicable General Plan Policies

- *Policy LU-2.1 Promote the Downtown and waterfront as a hub for regional commerce and entertainment, with high-quality housing to complement commercial activity and to infuse the area with daytime, evening, and weekend activity.*
- *Action LU-2.1B Amend the Development Code to provide flexibility for redevelopment of historic structures in the Downtown to meet the needs of modern users while maintaining the overall historic value.*
- *Action LU-2.4C Partner with the Downtown Stockton Alliance to market the Downtown to attract businesses that complement the Downtown's multi-modal connectivity by appealing to the needs of travelers and providing shopping and recreation opportunities for visitors and commuters alike.*
- *Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.*
- *Action LU-6.2A Develop and implement an infill incentive program that encourages infill development through expedited permitting, changes in fee structures, prioritizing infrastructure improvements in infill areas, property owner and/or landlord incentives to maintain property and reduce blight, and/or other strategies. As part of this program, define and prioritize categories of infill types based on land use, and residential density or non-residential intensity.*
- *Action CH-3.2A Work with property owners to develop corridor-specific strategies for attracting and retaining businesses that will provide synergistic opportunities and improve the availability of goods and services adjacent to residential areas.*

Possible Solutions for Recommendation

- In general, the General Plan Land Use Designation should be maintained if feasible, as it reflects the most recent direction from the community and City Council.
- The General Plan Land Use Designation and Zoning Designations should reflect the reality of land uses on the ground by not creating nonconforming uses.
- Strive to minimize the creation of legal nonconforming.
- Encourage designation that provides flexibility of development.
- Approve zoning that transitions land uses intensity to avoid conflict.
- Encourage higher densities in Downtown Core but transition high intense uses from surround Greater Downtown Area.

PRINCIPLES #3: STREAMLINE HIGH-QUALITY DEVELOPMENT

Applicable General Plan Policies

- *Action LU-2.1E Develop and implement a public/private strategy for mixed-use high-end development along both sides of the Stockton Channel/San Joaquin River Corridor.*
 - *A public promenade along the North Channel to Louis Park and the South Channel to Mormon Slough.*
 - *Mixed-use development and re-use of historic structures.*
- *Policy LU-2.2 Facilitate the development of at least 4,400 new housing units in the Greater Downtown by 2040.*
- *Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.*
- *Action LU-6.7A Work with community-based organizations to develop and implement a comprehensive and accountable long-term strategy to engage the Stockton community in planning decisions.*

- *Action SAF-4.1B Use the results of the Health Risk Assessments required by the California Air Toxics "Hot Spots" Act to establish appropriate land use buffer zones around any new sources of toxic air pollutants that pose substantial health risks.*
- *Action CH-1.2D Prioritize pedestrian and active transportation improvement projects in low income/disadvantaged communities that connect residential areas to retail locations that sell healthy food.*
- *Action CH-3.2C Work with regulators, service providers, and employers to ensure the provision of safe, affordable, and high-quality childcare services.*
- *Action CH-2.3A Build strong ties with disadvantaged communities to ensure that local residents can make significant contributions to planning decisions.*
- *Action LU-6.2C Ensure prioritization of development and redevelopment of vacant, underutilized, and blighted infill areas be considered through strategies such as zoning changes and strategies to avoid gentrification.*
- *Action LU-6.4C Reduce Vehicle Miles Traveled (VMT) per household by planning new housing in closest proximity to employment centers, improving and funding public transportation and ridesharing, and facilitating more direct routes for pedestrians and bicyclists.*
- *Action TR-1.1A Direct truck traffic to designated truck routes that facilitate efficient goods movement and minimize risk to areas with concentrations of sensitive receptors, such as schools, for example, by disallowing any new truck routes to pass directly on streets where schools are located and vulnerable road users, like pedestrians and bicyclists.*

Possible Solutions for Recommendation

- See Vision #1 Principles
- Encourage CN (Commercial Neighborhood) on corner lots to encourage neighborhood-serving retail, activity nodes, and community-gathering.
- Deter commercial trucks from traveling through predominantly residential areas.
- Along or at key neighborhood corridors or nodes, commercial zoning is generally preferable over office to encourage the provision of daily-needed services and goods in close proximity to residents.

RESOURCES USED:

- Current 2018 General Plan (aka 2040 Plan)
 - Supportive Documents
 - Master Parks Plan
 - Master Bike Plan
 - Climate Action Plan
 - Housing Element (Housing Capacity Sites)
 - Safety and Community Health Elements
 - Policies (See Above)
- Past General Plan Land Use Map (For Reference in Growth Patterns)
 - 1957 General Plan
 - 1978 General Plan (aka 2000 Plan)
 - 1990 General Plan
 - 2007 General Plan (aka 2035 Plan)
- Zoning Codes (For Reference in Growth Patterns)

- Pre-Development Code (Zoning before 2004)
 - Past inconsistency effort research
- Past Approvals (For Vested Rights to Development)
 - Master Development Plans (MDP)
 - Specific Plans (Roadways and Land Use)
 - Subdivision and Planned Unit Residents Developments (PURDs)
 - Design Review, Use Permits, and Building Records
- County Tax Assessor Information (existing land use and building information)
- Past Districts and Community Plans (For Reference in Community Preference)
 - 2035 GP Districts (2007 adopted)
 - Gleason Neighborhood Plan (1999 adopted)
 - Greater Downtown Stockton Housing Strategy (2007 accepted)
 - Stockton Waterfront and Fremont Park Neighborhood Plan (2009 accepted)
 - University Neighborhood Renaissance Plan (2010 accepted)
 - Gleason Park Neighborhood (1999 adopted)