September 21, 2020

The Good Leaf
Attn: Monica Buo
8769 Deer Creek Circle
Stockton, CA 95210

RE: Minor Amendment to an Administrative Use Permit #P20-0554 (2233 Grand Canal Blvd., Suite 208, APN 110-110-06)

This document constitutes the Minor Amendment to an Administrative Use Permit amending the establishment of a Non-Storefront Cannabis Business (delivery only) land use within an existing building located at 2233 Grand Canal Blvd., Suite 104 to 2233 Grand Canal Blvd, Suite 208. The proposed project is located in the Commercial, General (CG) Zoning District. This approval is based on the findings and subject to the conditions, as provided below.

**Findings (SMC §16.104.040(C)(1)(b))**

**Minor Amendment to Administrative Use Permit**

1. **Finding**: The structure or use expansion would not result in a change of use. (SMC §16.104.040(C)(1)(b)(i))

   **Evidence**: The proposed amendment to the Administrative Use Permit does not include a change in land use. The amendment includes change of location for the proposed project from Suite 104 to Suite 208 in the same building originally proposed.

2. **Finding**: The change to the structure or use would not have a substantial, adverse effect on adjoining properties. (SMC §16.104.040(C)(1)(b)(ii))

   **Evidence**: The proposed use is substantially surrounded by properties zoned Commercial, General (CG) and which include commercial land uses. The proposed amendment would maintain the integrity and character of the neighborhood conducting business out of a suite located within the building. Operations would be conducted within the building, and customers would not be allowed to visit the premise and or pick-up products. All customer deliveries would be conducted outside of the proposed location. The project would maintain a current security plan that is monitored by the City annually. A security gate would be installed within the walls of the business as to not cause an unnecessary unsightliness to the aesthetics of the
building. The project is compatible with the nonresidential land uses in the surrounding area due to the indoor nature of the proposed business.

3. **Finding:** The change to the structure or use would comply with the current requirement of this Development Code. (SMC §16.104.040(C)(1)(b)(iii))

   **Evidence:** The land use is permitted in the Commercial, General (CG) zone and is subject to approval of an Administrative Use Permit, per Stockton Municipal Code (SMC) §16.20.020, Table 2-2. The use, as conditioned, meets all City development standards.

4. **Finding:** The change to the structure or use would not result in a change(s) to the project involving features described in Section 16.104.030(A)(1)(b), (c), and (d) (Minor Changes). (SMC §16.104.040(C)(1)(b)(iv))

   **Evidence:** The proposed amendment to the Administrative Use Permit does not include a change involving features described in Section 16.104.030(A)(1)(b), (c), and (d) (Minor Changes). The amendment includes change of location for the proposed project from Suite 104 to Suite 208 in the same building originally proposed. For this reason, this finding can be met.

5. **Finding:** The change to the structure or use would not involve more than a total 10 percent increase in the overall site area covered by the existing use or intensify the use beyond that of the original approved project, adversely impact circulation or increase the required number of parking spaces by more than ten percent, or expand the parcel (SMC §16.104.040(C)(1)(b)(v)).

   **Evidence:** The proposed minor amendment includes change of location for the proposed project from Suite 104 to Suite 208 in the same building originally proposed. It does involve more than a total 10 percent increase in the overall site area covered by the existing use. It does not intensify the use beyond that of the original approved project. The increase square footage constitutes approximately 30% more square footage.

   For this reason, this finding is not met, and the project will be subject to noticing requirements set forth in SMC 16.104.040.C.(2). Notices were mailed on September 8, 2020 and no requests for public hearing were received by September 18, 2020.

The proposed Non-Storefront Cannabis Business (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.

The proposed minor amendment includes a change to the designated parking area for loading and unloading of product and provides for two (2) designated parking spaces to the north side of the building. This will eliminate the requirement for an unloading sign to be installed on Grand Canal Blvd as previously conditioned.
6. **Finding:** The change to the structure or use would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines (SMC §16.104.040(C)(1)(b)(vi)).

**Evidence:** The proposed use is Categorically Exempt from the provisions of Section 15301, Class 1 Existing Facility, of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines because it would occur within an existing commercial building and the project involves no expansion of use.

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.

**Conditions of Approval**

**Standard Conditions**

1. The Project shall be constructed and maintained in conformance with the plans included in Attachment A.

2. Plans submitted for purposes of building permit(s) shall reflect compliance with the standards at Development Code Table 2-3, including all aspects of Municipal Code Title 16 (Development Code).

3. Changes to the Project shall be in compliance with Development Code Chapter 16.104 (Changes to an Approved Project).

4. Compliance with these conditions is mandatory. Failure to comply with these conditions is unlawful, constitutes a public nuisance, and is subject to the remedies and penalties identified in the Stockton Municipal Code, including but not limited to, monetary fines and revocation or modification of said approval.

5. This permit shall become effective after completion of a 10-day appeal period with no appeal being filed.

6. This permit shall become void unless the required building permit is submitted within 12 months of this permit being issued. (§16.120.080(D))

**Project-Specific Conditions**

**Police Department**

1. Prior to commencing operations, a Cannabis Operators Permit shall be obtained in accordance with Stockton Municipal Code Chapter 5.100 (Commercial Cannabis Activity Permits). For questions about this condition, please contact Lieutenant Kyle
Piece, Police Department at kyle.pierce@stocktonca.gov or by phone at (209) 937-8604.

Public Works Department

2. Previous condition regarding the requirement to install an unloading zone sign is removed from this approval.

Conclusion

This decision may be appealed to the Planning Commission in accordance with Development Code §16.120.080(A) and Chapter §16.100 (Appeals). An appeal must be made in writing within 10 days and accompanied by the requisite fee. If no appeal is filed within that time, the decision shall be final.

ISSUED BY: Ariana Adame
ARIANA ADAME, PLANNING MANAGER
September 21, 2020
DATE ISSUED

Attachments: A. Approved Plan Set Drawings
July 7, 2020

The Good Leaf
Attn: Monica Buon
8769 Deer Creek Circle
Stockton, CA 95210

RE: Administrative Use Permit and Waiver Request #P19-0854 (2233 Grand Canal Blvd., Suite 104, APN 110-110-06)

This document constitutes the Administrative Use Permit and Waiver approval authorizing a Non-Storefront Cannabis Business (delivery only) land use within an existing building located at 2233 Grand Canal Blvd., Suite 104 in the Commercial, General (CG) Zoning District. The Waiver concerns a request to reduce the 300’ foot buffer requirement from a residential zone and the 600’ foot buffer requirement from a park, as provided at Stockton Municipal Code (SMC) Sec. 16.80.195(B)(4)(a) and (b). This approval is based on the findings and subject to the conditions, as provided below.

Findings

Administrative Use Permit

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. (SMC Sec. 16.168.050(A)(1))

**Evidence:** The proposed use is permitted in the Commercial, General (CG) zone and is subject to approval of an Administrative Use Permit, per Stockton Municipal Code (SMC) §16.20.020, Table 2-2. The use, as conditioned, meets all City development standards.

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. (SMC Sec. 16.168.050(A)(2))

**Evidence:** The proposed use is substantially surrounded by properties zoned Commercial, General (CG) and which include commercial land uses. The proposed development would maintain the integrity and character of the neighborhood conducting business out of a suite located within the building. Operations would be conducted within the building, and customers would not be allowed to visit the premise and or pick-up products. All customer deliveries would be conducted outside of the...
proposed location. The project would maintain a current security plan that is monitored by the City annually. A security gate would be installed within the walls of the business as to not cause an unnecessary unsightliness to the aesthetics of the building. The project is compatible with the nonresidential land uses in the surrounding area due to the indoor nature of the proposed business.

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. (SMC Sec. 16.168.050(A)(3))

**Evidence:** 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 Sec. 16.20.020, Table 2-2 classifies the Non-storefront Cannabis Retail Operator Permit (Delivery Only) use within a service 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.). (SMC Sec. 16.168.050(A)(4))

**Evidence:** The project site consists of a developed commercial property with existing utilities and infrastructure. The project would result in no new construction (e.g., new building or expansion of existing building) and, rather, would provide for all land use activities to occur indoor by employees without visiting customers. The project site is located in an area with reduced flood risk due to levee, however the proposed project does not expand occupancy. For these reasons, this finding can be met.

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. (SMC Sec. 16.168.050(A)(5))

**Evidence:** 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 Non-Storefront Cannabis Business (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.
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. **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. (SMC Sec. 16.168.050(A)(6))

**Evidence:** The proposed Non-Storefront Cannabis Business (delivery only) is located in an existing commercial building and no changes have been proposed to the exterior characteristics of the project site, except for installation of an “loading” parking designation. 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. (SMC Sec. 16.168.050(A)(7))

**Evidence:** The proposed use is Categorically Exempt from the provisions of Section 15301, Class 1 Existing Facility, of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines because it would occur within an existing commercial building and the project involves no expansion of use.

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.

**Waiver**

1. **Finding:** The granting of the waiver shall enable the site to be utilized so that specific standards can be addressed without creating undue hardship. (SMC Sec. 16.176.040(A))

**Evidence:** The proposed use is consistent with the intent of the cannabis regulatory program to expand the cannabis industry within the City and continue to balance the needs for the public health and safety of the community by locating businesses in commercial and industrial zones. The proposed use is located within 300 feet of High-Density Residential zones to the south. The entrances to the High-Density Residential areas are not located on Grand Canal Blvd. The natural path of travel does not require residents to drive-by the proposed located to enter into the complex. The proposed use is located within 600 feet of property owned by the East Bay Municipal Utility Department, Land Division. This area includes a trail and landscaping along the south side of March Lane to the north of the proposed property.
The proposed use will not create an undue hardship to those who reside in the high-density residential zone or those who use the trail and landscaped area located to the north of the proposed project because the operations will be a delivery-only business bound to the requirements set forth by the State of California Code of Regulations, Title 16, Division 42, which established the oversite and control of the California Bureau of Cannabis Control that enforces the Medicinal and Adult-Use Cannabis Regulations and Safety Act (MAUCRSA). The traffic to and from the business will be limited to employees, delivery drivers, contractors, vendors, and those conducting business. This is distinguished from other cannabis business types (e.g., retail storefront) whose visibility and relationship with residential uses may result in an incompatibility.

2. **Finding:** The granting of the waiver shall allow for the economic viability and use of the site. (SMC Sec. 16.176.040(B))

**Evidence:** The proposed use will provide for a new business to be developed within the Commercial, General (CG) zoning district which is consistent with SMC Chapter 16.80.195 and will allow for the use of a currently vacant building suite.

3. **Finding:** The granting of the waiver, with conditions that are imposed, will not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or injurious to the property or improvements in the zone or neighborhood in which the property is located. (SMC Sec. 16.176.040(C))

**Evidence:** The applicant will be required to adhere to all marketing and advertising mandates stated in California Code of Regulations, Title 16, Division 42, Section 5040. The project will be required to follow all State and City protocols as it relates to security, lighting and safety and must maintain an annual Operators Permit. The proposed use is for a non-storefront cannabis business (delivery only), which does not allow the business to sell product directly to the customer at the premise (building). Customers will not have access to the business, as it is a Non-storefront Cannabis Business (delivery only). For these reasons, the proposed use will not be detrimental to the public convenience, health, interest, safety or general welfare.

4. **Finding:** The granting of the waiver will be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code. (SMC Sec. 16.176.040(D))

**Evidence:** See Finding No. 3 above. Also, the project site is not subject to a specific plan, precise road plan, or master development plan.

5. **Finding:** The granting of the waiver will not conflict with applicable provisions of the latest edition of the [California Building Code](#) and Fire Code and other applicable Federal, State, and local laws and regulations. (SMC Sec. 16.176.040(E))

**Evidence:** The Building & Life Safety Division staff reviewed the proposed project and determined the project may feasibly comply with the referenced codes.
6. **Finding:** The granting of the waiver will be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines. (SMC Sec. 16.176.040(E))

   **Evidence:** See Finding No. 7 above.

**Conditions of Approval**

**Standard Conditions**

1. The Project shall be constructed and maintained in conformance with the plans included in Attachment A.

2. Plans submitted for purposes of building permit(s) shall reflect compliance with the standards at Development Code Table 2-3, including all aspects of Municipal Code Title 16 (Development Code).

3. Changes to the Project shall be in compliance with Development Code Chapter 16.104 (Changes to an Approved Project).

4. Compliance with these conditions is mandatory. Failure to comply with these conditions is unlawful, constitutes a public nuisance, and is subject to the remedies and penalties identified in the Stockton Municipal Code, including but not limited to, monetary fines and revocation or modification of said approval.

5. This permit shall become effective after completion of a 10-day appeal period with no appeal being filed.

6. This permit shall become void unless the required building permit is submitted within 12 months of this permit being issued. (§16.120.080(D))

**Project-Specific Conditions**

**Police Department**

1. Prior to commencing operations, a Cannabis Operators Permit shall be obtained in accordance with Stockton Municipal Code Chapter 5.100 (Commercial Cannabis Activity Permits). For questions about this condition, please contact Lieutenant Kyle Piece, Police Department at [kyle.pierce@stocktonca.gov](mailto:kyle.pierce@stocktonca.gov) or by phone at (209) 937-8604.

**Public Works Department**

2. Prior to commencing operations, applicant will submit request to install unloading zone sign in front of business on Grand Canal Blvd. For questions about this
condition, please contact Dennis Yep, Public Works Department/Traffic Engineering at Dennis.Yep@stocktonca.gov or by phone at (209) 937-8825.

Conclusion

This decision may be appealed to the Planning Commission in accordance with Development Code §16.120.080(A) and Chapter §16.100 (Appeals). An appeal must be made in writing within 10 days and accompanied by the requisite fee. If no appeal is filed within that time, the decision shall be final.

ISSUED BY: Ariana Adame
ARIANA ADAME, PLANNING MANAGER

DATE ISSUED: July 7, 2020

Attachments: A. Approved Plan Set Drawings
Planning Description:

Planning Number: P20-0554

Building Use: Building will be used to store and house all cannabis products. Building will not be open to public and will be secured by armed security during operating business hours.

Security:
- Armed security will be present during operating business hours
- All windows will be covered with a dark window tinting.
- Surveillance cameras will be installed throughout the building
- Gates will be installed and mounted onto the walls and the post of the window. They will be used during the store is closed.

Hour of Operation:
- Sunday: 9am - 7pm
- Monday: 9am - 7pm
- Tuesday: 9am - 7pm
- Wednesday: 9am - 7pm
- Thursday: 9am - 7pm
- Friday: 9am - 7pm
- Saturday: 9am - 7pm

Planning #: P20-0554

The Good Leaf Co.
Building Use: Cannabis Delivery Service (Storage Use)
Building Size: 1,866 sq. ft
Building Number: Suite 208

Parking Space Info:
- # of parking spaces per 1,000 sq ft: 5 spaces
- # of spaces for our proposed use: 7 spaces