



City of Manteca

PLANNING COMMISSION RESOLUTION NO. 1656

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANTECA, STATE OF CALIFORNIA, RECOMMENDING THE CITY COUNCIL FIND THE PROJECT EXEMPT FROM CEQA, AND APPROVE A CONDITIONAL USE PERMIT FOR MANTECA RESPONSIBLE AND COMPLIANT RETAIL, LLC (“EMBARC MANTECA”) (FILE NO. UPJ 24-22)
(CEQA exempt pursuant to 14 Cal. Code Regs. § 15301 (Existing Facilities Exemption))**

WHEREAS, pursuant to Manteca Municipal Code Sections 5.64.070 and 5.64.140, applicants who were successfully awarded a Commercial Cannabis Permit pursuant to Phase IV are required to obtain a Conditional Use Permit in order to begin engaging in their Commercial Cannabis operations in the City of Manteca; and

WHEREAS, the Manteca City Council at its duly noticed public hearing of December 18, 2023, adopted a resolution awarding three commercial cannabis permits to Embarc Manteca and two other applicants pursuant to Phase IV of the Commercial Cannabis Program in Manteca Municipal Code Section 5.64; and

WHEREAS, the Manteca Planning Commission at their duly noticed public hearing of May 2, 2024, considered a Conditional Use Permit No. UPJ 24-22 for Embarc Manteca, filed by Embarc Manteca; and

WHEREAS, the Embarc Manteca project is located at 1140 S. Main Street, identified by Assessor’s Parcel Number (APN) 221-050-26; and

WHEREAS, the Project plans for Embarc Manteca dated May 3, 2023 are incorporated herewith and attached as **Exhibit A**; and

WHEREAS, the project Conditions of Approval for Embarc Manteca are incorporated herewith and attached as **Exhibit B**; and

WHEREAS, the current General Plan land use designation of the Project Site is GC General Commercial and the site is zoned CG General Commercial; and

WHEREAS, Chapter 5.64 of the Manteca Municipal Code requires a Conditional Use Permit for cannabis retailers to conduct business in the City; and

WHEREAS, the Project is consistent with multiple General Plan policies and goals such as Land Use Element policies LU-P-20, LU-P-49, and Economic Development Policy ED-P-7, in that the proposed project, prioritizes in-fill development, generates tax revenue, and expands the variety of employment opportunities in the City; and

WHEREAS, the Project is consistent with the City's Climate Action Plan in that the proposed project is in-fill development and will not require additional parking to be constructed; and

WHEREAS, the Project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per 14 Cal. Code Regs. 15301, Class 1, "Existing Facilities" because the Project involves the minor alteration of a private structure and involves no expansion of an existing commercial building; and

WHEREAS, Title 17, Section 17.08.060 of the Manteca Municipal Zoning Ordinance mandates the transmittal of a recommendation to the City Council by Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Manteca Planning Commission recognizes the appropriateness of the Conditional Use Permit UPJ 24-22 and in accordance with Chapter 17.08 of the Manteca Zoning Ordinance hereby submits a recommendation that the City Council approve the Conditional Use Permit for Embarc Manteca based on the following findings:

1. The foregoing recitals are incorporated by reference as if fully set forth herein.
2. The proposed use is consistent with the General Plan, any applicable Specific Plan, and all applicable provisions of this Title in that the proposed cannabis retail use is supported by multiple goals and policies of the General Plan, as well as being consistent with the General Plan land use designation of General Commercial. The project will also comply with all requirements of the Zoning Code. This site is not part of a Specific Plan.
3. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city in that the proposed use will operate as a retail establishment in an existing commercial building. As part of the proposed use, extra security will be provided, enhancing the safety of the general area. Through adhering to the requirements specific to cannabis retailers, such as buffers to sensitive uses, the proposed use will not negatively affect persons residing or working in the City.
4. The proposed use is consistent with the purpose of the applicable district or districts in that Cannabis retail use is a conditionally allowed use in the General Commercial Zoning District.
5. The proposed use meets the minimum requirements of Title 17 applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city and state in that the project is in substantial compliance with the City's General Plan as well as the City's Zoning Code. It also satisfies the conditions for a categorical exemption under 14 Cal. Code Regs. § 15301 (Existing Facilities), and supports the City's Climate Action Plan.
6. The proposed retailer will be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties in that the proposed development is a tenant improvement, with minimal alterations to the exterior of the building, maintaining the site's consistency with surrounding properties. The use of the products being sold is prohibited on site; as such, all products will remain in their original packaging, keeping order to a minimum.
7. The proposed retailer will be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the

development in that the proposed use is a tenant improvement in an existing storefront, already developed with the necessary exterior walls, fences, parking, loading, etc.

8. The proposed retailer will be served by streets and/or alleys adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate in that the proposed site has an existing access to S. Main Street and existing parking. The parking and access were evaluated by City departments and found to be adequate for commercial retail use.
9. The proposed retailer will be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose in that the proposed site has existing electricity, sewerage, disposal, water, fire protection and storm drainage facilities. The proposed project was evaluated by applicable City departments and outside agencies and no concerns were raised in regards to providing the before mentioned services.
10. The proposed retailer meets the following rules relating to proximity to sensitive uses:
 - a. For any separation requirements from sensitive uses, the distance shall be determined by the horizontal distance measured in a straight line from the closest property line of the sensitive use to the closest property line of the lot on which the cannabis business is to be located, without regard to intervening structures in that the City generated a buffer map which created a 600 foot buffer in straight lines from property boundaries of all known sensitive uses in City limits. The proposed location of the cannabis retailer in question was evaluated utilizing this buffer map.
 - b. Shall be no closer than 600 feet from any parcel containing any a school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including preschool, transitional kindergarten, and K-12) in that no schools are located within 600 feet of the subject parcel, as determined by the City's buffer map from sensitive uses.
 - c. For a commercial daycare center licensed by the State, County or city or that is in existence at the time the cannabis business permit is issued, or a Youth Center that is in existence at the time the cannabis business permit is issued or at the time the license permit is issued, the distance shall be set at 600 feet in that no commercial daycares or youth centers are located within 600 feet of the subject parcel, as determined by the City's buffer map from sensitive uses.
 - d. Shall be no closer than 600 feet from any substance abuse rehabilitation center or emergency shelter, religious assembly use, park, or library in that no substance abuse rehabilitation center, emergency shelter, religious assembly use, park or library is located within 600 feet of the subject parcel, as determined by the City's buffer map from sensitive uses.
11. The proposed retailer is conditioned to require that it maintain a Cannabis Retailer Permit pursuant to Chapter 5.64, and that it at all times conform with the requirements Sections 5.64.360 through 5.46.460, as applicable, and that exercise its Conditional Use Permit within 12 months, consistent with the requirements set forth in Section 5.64.150(B).

I hereby certify that Resolution No. 1656 was passed and adopted by the Planning Commission of the City of Manteca at a regularly scheduled public hearing held on May 2, 2024 by the following vote:

Roll Call:

AYES:

NOES:

ABSTAIN:

ABSENT:

Judy Blumhorst, Chair

Date

Attachments:

“Exhibit A” Project Plans dated May 3, 2023
“Exhibit B” Conditions of Approval – UPJ 24-22