



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
WEDNESDAY, JANUARY 10, 2018**

CALL TO ORDER 6:30 p.m.

Chair Laferriere introduced and welcomed Commissioner Halverson to the Commission. He also stated that Commissioner Rodman had been re-appointed to the Commission.

FLAG SALUTE Commissioner Halverson.

ROLL CALL: Commissioners Halverson, McLaughlin, Rodman, Vice Chair Blum and Chair Laferriere were present.

City Staff: Community Development Director Buckingham, City Attorney David Hale, Senior Planner A. Rafael Castillo, Planner II Janet Reese. Fire Chief Lieberman arrived at 7:50 p.m.

AGENDA REVIEW:

Action: It was m/s by Vice Chair Blum/Commissioner Rodman to accept the agenda as presented and the motion passed unanimously.

PUBLIC COMMENTS: There was no one present that wished to speak.

CONSENT ITEMS:

1. Meeting Minutes of the December 19, 2017 Planning Commission Meeting

Action: It was m/s by Commissioner McLaughlin/Commissioner Rodman to approve the meeting minutes of December 19, 2017 as presented, and the motion passed unanimously, with Commissioner Halverson abstaining.

PUBLIC HEARING ITEMS:

2. Development Permit 17-25

Applicant – David Separzedeh, DMM Venture

The Planning Commission will consider making a recommendation to the City Council for a Use Permit to operate a commercial medical cannabis retailer, cultivation, manufacturing, and distribution facility. The property is located at 998 Huston Street (APN 060-545-035) in the Industrial (I) Zone. The project is categorically exempt from the California Environmental Quality Act.

Planner Castillo presented the staff report. He stated that staff was seeking direction regarding the proposed perimeter fencing and window grilles.

Commissioner Rodman requested clarification regarding the difference between the land use and regulatory ordinances. Director Buckingham stated that the items in the regulatory ordinance, such as background reviews, were not under the purview of the Commission, but land use was.

City Attorney Hale reminded the Commission that the land use permit requires making certain findings in order to make a recommendation of approval to the City Council.

Chair Laferriere opened the public hearing and invited the applicant's representative to speak.

Craig Smith, CRSA Architecture, provided an overview of the project, and presented a video of the proposed project as if one was visiting the site. He stated that the proposed six foot wrought iron fence along the street frontage is permissible by the Development Code. The proposed window grilles are more decorative than the standard security bars, but provides the added security they are seeking. He stated that product trash will be stored inside the building.

Kathy Schultz, Shell Beach resident, owner of CDMA, requested that it be required that the applicant successfully relocate Pacific Flips and CDMA so that there are not any youth centers within 600 feet of the proposed dispensary. She also said that with a shared parking lot that a child would be injured.

Chair Laferriere closed the public hearing.

Upon question by the Commission, Mr. Smith stated that the wood fence along the property line in the middle of the parking lot would serve as a visual separation from the adjacent property. Long term, the fence may be removed when the site to the south is utilized by the owner. He added that negotiations regarding relocation of the current tenants are in process.

Chair Laferriere stated that he could not make the third finding because of safety concerns associated with the project. He stated that all of the proposed security measures fortify the building, therefore the applicant is anticipating safety issues. He stated that he would have preferred if an agreement had been reached prior to the public hearing to relocate the youth activity.

It was the consensus of the Commission that the proposed perimeter fencing and window grilles were acceptable. As a result of the existence of the perimeter fencing, Director Buckingham requested that a condition be included to require that access to the site by tenants be allowed at all times.

Director Buckingham also recommended CDD-4 be modified to add "to the extent required by state law" to address changes in state laws.

Action: It was m/s Commissioner McLaughlin/Commissioner Rodman to:

- 1) Add a condition requiring that the perimeter fencing not impede access by any remaining tenants of 998 and 1030 Huston Street;
- 2) Amend CDD-4 as recommended by staff;
- 3) Recommend the City Council adopt the resolution, as amended, approving Development Application 17-25. The motion carried on the following roll call vote:

AYES: Commissioners Halverson, McLaughlin, Rodman, and Vice Chair Blum.

NOES: Chair Laferriere.

ABSENT: Commissioners – None.

ABSTAIN: Commissioners – None.

For the benefit for those in attendance, Director Buckingham stated that the item has been scheduled for the City Council meeting of January 22, which commences at 6:00 p.m.

Chair Laferriere recessed the meeting at 7:49 p.m. At 7:55 p.m. members of the commission returned to the dais and the meeting reconvened with all members present.

3. Development Permit 17-42

Applicant – Sunni Mullinax, Banana LLC

The Planning Commission will consider making a recommendation to the City Council for a Coastal Development Permit and Use Permit to operate a commercial medical cannabis retailer, manufacturing, and distribution facility. The property is located within the Coastal Zone at 239 South 3rd Street (APN 060-213-015) in the Coastal Industrial (CI) Zone. The project is categorically exempt from the California Environmental Quality Act.

Senior Planner Castillo presented the staff report. He presented the updated elevations that were received after the distribution of the staff report. He provided a graphic that depicted the surrounding uses and whether they were conforming or non-conforming uses. He pointed out that the staff report includes an error regarding landscaping: the minimum requirement is 10 percent, however only seven percent is proposed on-site. The Commission could require the applicant provide the additional 3 percent to comply with the Development Code, or the Commission could make a finding that providing the additional landscaping is impractical.

Commissioner Halverson requested clarification where the additional landscaping would be located. Planner Castillo indicated that it would be located between the building and south property line.

Chair Laferriere stated that the plans include an error regarding the number of required parking spaces. Eleven are required, but the plans indicate nine. Therefore there is not extra parking as he had originally thought that could be converted to landscaping.

Chair Laferriere opened the public hearing and invited the applicant to speak.

Sunni Mullinax, applicant, Paso Robles resident, stated they liked the site because a tenant would not be displaced and the site is in proximity to other retail. She provided an overview of their security measures and odor control and indicated the project would provide security to the area, and would eliminate a vacant building in the area. She indicated that they had talked to the residents of the area, who were positive towards the project.

Randy Russom, RRM Architecture, Arroyo Grande resident, stated that the building, which was an automotive shop, has been unoccupied for years. He presented the updated version of the elevations. He was supportive of the landscaping exception because landscaping to the south of the building will deteriorate. He indicated that there intent was to replace the existing landscape located behind the sidewalk in the public right of way that is adjacent to the proposed on-site landscaping.

Upon question by Commissioner Rodman, Ms. Mullinax explained what a “day gate” is.

Chair Laferriere closed the public hearing.

It was the consensus of the Commission that for the subject site, the only location for additional landscaping behind the building was not suitable for the continued vitality of any landscaping.

Director Buckingham stated that the minimum amount of landscaping would be enforced for a new project, but on sites that already have structures and paving, the Commission can make a finding that the purpose and intent of the landscape requirements is met with the proposed landscaping. They can also clarify in the conditions that the public right-of-way landscaping is required, although the applicant has stated their intention to replace the existing landscape in the public right-of-way.

Action: It was m/s Vice Chair Blum/Commissioner Rodman to:

- 1) Require the applicant to landscape the public right-of-way and enter into an encroachment agreement;
- 2) Amend CDD-4 to read: To the extent required by state law, Permittee shall obtain a valid state license(s) from the following State agencies: Bureau of Cannabis Control, Department of Public Health, and the California Department of Food and Agriculture for all aspects of their business that includes the cultivation, manufacturing, distribution, and medical retail sales of cannabis. Applicant shall not commence operations until such time as they have received a State license for cannabis uses.
- 3) Recommend the City Council adopt the resolution approving Development Application 17-42 with the above revisions to the draft resolution:

The motion carried on the following roll call vote:

AYES: Commissioners Halverson, McLaughlin, Rodman, Vice Chair Blum, Chair Laferriere.
 NOES: Commissioners – None.
 ABSENT: Commissioners – None.
 ABSTAIN: Commissioners – None.

Director Buckingham stated that the item has been scheduled for the City Council meeting of January 22, which commences at 6:00 p.m.

COMMISSIONERS' COMMENTS None.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Buckingham stated that the February 14th meeting would include Use Permit hearings for two cannabis retailers and one cannabis manufacturer, in addition to possibly a non-cannabis project.

ADJOURNMENT 8:45 p.m.

/s/ _____
 CHAIR LAFERRIERE

/s/ _____
 SECRETARY TO THE PLANNING COMMISSION
 BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(approved at PC meeting of February 14, 2018)