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PLANNING COMMISSION
MEETING OF: **March 10, 2020**
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF March 10, 2020

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on March 05, 2020.

1. CALL TO ORDER: Chair Wilson called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present: Chair Wilson and Commissioners Kelley, Oetinger, Fritz, Douch, Lindenbusch and Haug
Absent: Commissioner Fernandez
Staff: Kari Svanstrom, Planning Director
Alan Montes, Associate Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES: February 25, 2020

Commissioners Haug and Lindenbusch emailed requested amendments to the minutes to staff prior to the meeting.

Director Svanstrom acknowledged receipt of those emailed requests and suggested that the revised draft minutes return to the Commission for review and approval at their next meeting.

Members of the Commission responded without objection.

4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: There were none.

5. STATEMENTS OF CONFLICTS OF INTEREST: There were none.

Commissioner Fritz referred to Item 7A and disclosed that he met with the applicant at the site.

6. PLANNING DIRECTOR'S REPORT (Update on Future Agendas, Action of Other Boards and City Council)

Director Svanstrom updated the Commission on the Climate Action Subcommittee, recent and upcoming Council actions, and coronavirus.

The Commission had no questions.

7. PUBLIC HEARING:

- A. USE PERMIT: Regen West/Ashley Nelson (115 MORRIS STREET) – Project #2019-105** – This is an application submitted by Regen West/Ashley Nelson, requesting to add cannabis delivery to the recently approved cannabis manufacturing facility at an existing building at 115 Morris Street.

Associate Planner Montes presented the staff report.

The Commission asked questions of Associate Planner Montes and Director Svanstrom.

Chair Wilson asked if the applicant wished to make a presentation.

Ashley Nelson, CEO of Regen West gave a brief presentation, introduced the applicant team, and was available for questions.

The Commission asked questions of Ms. Nelson and another member of the applicant team, Mr. Nolan.

Hearing no further questions of the applicant, Chair Wilson opened the public hearing.

Mitcho Thompson, a member of the applicant team, commented:

- This distribution permit will allow them to use their vans to get CBD plant material.
 - CBD plant material is very fleeting and is the hardest of the cannabinoids to capture.
- Right now, a lot of people are buying medicinal cannabis without the medical recommendation.
- These vans are crucial for their business because they don't want to have to rely on other companies that may not have the schedule that will work for them.
- This approval is crucial for the medicine they want to make.

BJ Avery commented:

- Runs a non-profit in Sebastopol called the Sonoma County Herb Association.
- Sonoma County Herb Association is an educational organization which allows it to be a non-profit.
- Sonoma County Herb Association works to educate people around the mindful and sustainable use of non-cannabis medicinal herbs.
- Their main project is the Sonoma County Herb Exchange.
- They are a cross point for local growers and makers of medicinal products.
- Has known and worked with Mr. Thompson for some time.

- Supports this application.
- Urged the Commission to grant this request.
- While she is sure the Commission will hear many excellent reasons for granting this request, she is approaching this from a refreshing and non-cannabis angle.
- Her organization works with local farmers.
- Wants to help local farmers stay on their land.
- You can't beat local.
- Reiterated her support for this request.
- With regards to coronavirus, her organization is giving a free panel presentation at the Graton Community Club on Edison street tomorrow from 6:00 to 8:00 p.m. Some skilled practitioners will be presenting, and it will be live streamed.
- Thanked the Commission for their time.

An unidentified person commented:

- Spoke in support of longtime friend Mr. Thompson.
- This is an awesome idea.
- Everyone that has been told about this has been very supportive.
- Approval of this request seems like a natural extension of what they already have. Wouldn't want to limit their ability to expand.
- It's important to support local businesses in their effort to stay local.
- Reiterated support for this request.

Kate Puccinelli commented:

- Supports the applicant team.
- Has worked in the cannabis industry for the past five years.
- Considers Mr. Nolan, Ms. Nelson and Mr. Thompson as industry leaders and personal mentors. They have taught her and many others the definition of integrity, compliance and efficiency. They operate above and beyond the rest and make decisions with care and precision.
- Currently works in a manufacturing and distribution facility in Santa Rosa and knows the pitfalls of not having a distribution license on the premise when trying to coordinate with other cultivators and manufacturers. It is very time consuming and is difficult in a day-to-day workflow.
- Highly encouraged the Commission to support these applicant's by approving this request.
- Thanked the Commission for their time.

Chair Wilson asked if other members of the public wished to speak on this item.

Hearing none, Chair Wilson closed the public comment period and brought it back to the Commission for discussion.

Commissioner Oetinger asked why the applicant was being limited to two vans.

Associate Planner Montes responded:

- The general idea behind it was that two could be feasibly parked within the structure.
- If the Commission is open to their vans being parked outside, as long as they're unmarked and aren't left with product inside, more could be allowed.

Commissioner Kelley commented:

- The proposal that these applicants have brought forward is amazing.

- Was on the City Council with Craig Litwin and was part of creating the medical cannabis dispensary ordinance and with adding cultivation as well.
- Peace In Medicine applied and was approved for the first dispensary permit and she has never heard a complaint.
- Understands and appreciates the reputation of these applicants.
- Expressed concern with requiring the delivery trucks to be indoors and does not want to limit the number of vans they can have as their business expands.
- Unsure as to whether the Commission should specify the number of vans they can have.
- It is important that the applicant provide an ADA bathroom or two.

Commissioner Fritz commented:

- Appreciates the thoroughness of the application and presentation.
- Was invited to tour the facility and site which he did.
- Appreciated having a firsthand look at it.
- Seems like a completely appropriate use of the site.
- Expressed having no strong concerns.
- Not concerned about limiting the number of vehicles they use for delivery.
- Open to allowing them to grow their business as necessary.
- The vans do not need to be locked inside.
- Does not have a problem with them parking unmarked and empty vehicles outside.
- Not concerned about the parking as there are plenty of parking spaces between the two sites and in the surrounding area.
- Referred to Condition 9 which reads, 'Any future modifications to the interior or exterior of the facility shall require a building permit.' and commented that it seems vague.

Chair Wilson suggested revising Condition 9 to read, 'Any future modifications to the interior or exterior of the facility shall require a building permit as required by City codes.'

Commissioner Fritz responded in the affirmative and commented:

- It makes sense for a manufacturer to have a distribution license.
- Doesn't see any negative issues that the City should be concerned with.
- Expressed being generally supportive of this application.

Commissioner Haug commented:

- Agreed on their not needing to be a limit on the fleet vehicles if they are kept unmarked, locked and empty.
- It's to the applicant's advantage to comply.
- Doesn't have a concern regarding parking because it's not a retail location and the cars that are parked there will mostly be employees and occasional visitors.

Commissioner Douch commented:

- Supports this application.
- Thanked the applicant for a thorough presentation and documentation.
- The staff report made this application easy to review.
- Has no problem with the conditions that are being discussed regarding the vans.

Commissioner Lindenbusch commented:

- Expressed not being concerned about parking.
- Doesn't object to parking the vans outside.
- Thanked the applicant as well as the Planning Department for their thorough work on this.

- Plans to support this request.

Commissioner Kelley surmised that the Commission would be in support of striking Condition 27 and 28.

Commissioner Kelley suggested addressing the ESOS overall in the Findings of Approval.

Commissioner Lindenbusch suggested that Condition 28 remain and be revised to clarify intent.

Commissioner Douch concurred and commented that it should include language about the vehicles being unmarked.

Director Svanstrom suggested the following revision to Condition 28, 'Distribution vehicle(s) shall be unmarked, securely stored and contain no product when stored overnight.'

Members of the Commission concurred.

Chair Wilson request that an explicit Condition which states that no retail sales are allowed be included.

Commissioner Fritz commented:

- Referred to Condition 51 and commented that it should be revised to read, 'All Conditions of Approval for Administrative Permit 2019-93, which approved the existing indoor cannabis manufacturing facility shall remain applicable.'
- Referred to Condition 18 and commented that it should be revised to read, 'Lighting shall be controlled so that lighting is shielded to appropriate limit exterior glare to surrounding properties.'
- Referred to Condition 9 and commented that it should be revised as previously discussed.

Director Svanstrom suggested that the Commission take a brief break to allow staff to come up with language on the ESOS overlay as a Finding for Approval as suggested by Commissioner Kelley so it can be read into the record for final approval.

Chair Wilson reiterated the proposed Condition insertions, removals and modifications and asked if there was consensus on those as stated.

Members of the Commission were in consensus.

Chair Wilson adjourned the meeting at 8:10 p.m. for a brief break.

Chair Wilson reconvened the meeting at 8:15 p.m.

Director Svanstrom commented that Finding of Approval 8. would read, 'That the proposed use is exempt from the ESOS requirements in that Sebastopol Municipal Code Section 17.46.070(A) exempts projects which entail only interior improvements. 17.46.070(c) exempts modifications to the existing structure does not include any new footprints and elevations will not be extended into or adversely affect resources of concern.'

Members of the Commission expressed support for Finding of Approval 8. as read by Director Svanstrom.

Commissioner Douch made a motion to approve the application as submitted with the revisions discussed.

Commissioner Fritz seconded the motion.

Chair Wilson asked for further discussion.

Hearing none, the Commission voted on the motion as follows:

AYES: Chair Wilson and Commissioners Oetinger,
Douch, Fernandez, Kelley, Lindenbusch, Fritz and Haug
NOES: None
ABSTAIN: None
ABSENT: Vice Chair Fernandez

Director Svanstrom notified the applicant and members of the public of the process to appeal this decision. If no appeal is filed within 7 days, the decision becomes final.

8. REGULAR AGENDA:

A. DESIGN GUIDELINE SUBCOMMITTEE – Selection of Planning Commission member for this Subcommittee.

Director Svanstrom presented the staff report.

Commissioner Fritz volunteered to serve on the Design Guideline Subcommittee.

Commissioner Lindenbusch made a motion to appoint Commissioner Fritz to the Design Guideline Subcommittee.

Commissioner Douch seconded the motion.

Hearing no further discussion, the Commission voted on the motion as follows:

AYES: Chair Wilson and Commissioners Oetinger,
Douch, Fernandez, Kelley, Lindenbusch, Fritz and Haug
NOES: None
ABSTAIN: None
ABSENT: Vice Chair Fernandez

B. CLIMATE ACTION SUBCOMMITTEE – Selection of Planning Commission member for this Subcommittee.

Director Svanstrom presented the staff report.

Commissioner Oetinger nominated Commissioner Lindenbusch.

Commissioner Lindenbusch responded:

- Thanked Commissioner Oetinger for nominating him.
- Would love to serve on the Climate Action Subcommittee.

- This has been a long time coming.
- He is interested in the environmental policy side of City Planning.
- It is really important to shape how Sebastopol can continue to be a leader on environmental policy for all.
- Spoke on his background in this community.

Commissioner Fritz made a motion to appoint Commissioner Lindenbusch to the Climate Action Subcommittee

Commissioner Oetinger seconded the motion.

Hearing no further discussion, the Commission voted on the motion as follows:

AYES: Chair Wilson and Commissioners Oetinger,
Douch, Fernandez, Kelley, Lindenbusch, Fritz and Haug
NOES: None
ABSTAIN: None
ABSENT: Vice Chair Fernandez

Director Svanstrom reminded the Commission that their next regularly scheduled meeting (March 24, 2020) is scheduled to be a joint meeting with the Design Review Board to receive a presentation on housing legislation from the City's consultant. In addition, she expects to hold both regular meetings in April.

Commissioner Fritz commented that he will not be able to attend the meeting on March 24, 2020.

Commissioner Douch commented that he will not be able to attend the meeting on March 24, 2020.

A member of the Commission suggested that the City Council receive the same presentation.

Director Svanstrom concurred and commented that they may receive it separately.

9. DISCUSSION: None

10. WRITTEN COMMUNICATIONS: None

12. ADJOURNMENT: Chair Wilson adjourned the meeting at 8:35 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, March 24, 2020, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kari Svanstrom
Planning Director