PLANNING COMMISSION
CITY OF SONORA

OCTOBER 9, 2018

5:30 P.M.

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, and Ron Jensen. Commissioner Kevin Anderson was absent.

PUBLIC APPEARANCES:

MINUTES:

MOTION: Approve the minutes of the September 10, 2018 Planning Commission Meeting, as mailed.

MOTION:		J. Richardson	**SECOND:**	G. Anderson
VOTE:	**AYES:**	J. Richardson, G. Anderson, Garnin and Jensen (4)		
	NOES:	None (0)		
	ABSTAIN:	None (0)		
	ABSENT:	K. Anderson (1)		

DESIGN REVIEW:

1) Application by St. James Church, for a Design Review permit to remove and replace the roof material on the Red Church to a similar stamped metal shingle with a scallop design, located at 42 Snell Street, in a C, Commercial zone; APN: 001-092-002.

Planner, Paula Daneluk, presented the staff report for the project. She explained that originally the applicant planned on removing and restoring the existing metal roofing material but determined that this would be problematic.

The applicant's representative provided additional structural details about the project.

Chairman Garnin asked about the project timeline.

The applicant's representative stated that they are completing the project specifications and anticipate installing the new roof in the spring of 2019.

Commissioner Richardson asked what the expected life of the proposed material was.

The applicant representative stated that the new roof material has a 25 to 30-year warranty, however, they are hoping to get 80 years or more.

Commissioner Anderson asked how the color was to be applied.

The applicant's representative stated it was applied to the metal at the factory, and prior to stamping the design.

Sharon Marovich stated that she was in support of the project and that she appreciated the work that the congregation was doing to preserve the building.

Member of the public, spoke in favor of the project and the durability of the roofing material being proposed.

MOTION: To approve a Design Review Permit to remove and replace the existing roofing material with a similar stamped metal shingle with a scallop design, located at 42 Snell Street, in a C, Commercial zone, subject to the following conditions and findings:

MOTION: Richardson **SECOND:** Jensen

VOTE:	**AYES:**	Richardson, Jensen, G. Anderson, and Garnin (4)
	NOES:	None (0)
	ABSTAIN:	None (0)
	ABSENT:	K. Anderson (1)

Findings for Red Church Design Review Permit – 42 Snell Street

1. The use is consistent with the City of Sonora General Plan;

2. The use is consistent with Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;

3. The proposed roofing material conforms with features found on the original building and typical of the period for which the structure was constructed;

4. The proposed roofing material reflects the traditional architectural characteristics of the community, blends with the adjacent neighborhood, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

Conditions of Approval Design Review Permit – 42 Snell Street

General:

1. This Design Review Permit is issued for the replacement of the roofing material with Berridge Victorian shingle system. All exterior alterations shall be in accordance with plans approved by the Sonora Planning Commission on October 9, 2018. The

Community Development Director may approve minor changes to the design that are in substantial compliance with the plans approved by the Planning Commission.

2. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:

   a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or

   b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)]

3. Applicant shall comply with all local, state and federal regulations and requirements and shall obtain necessary building permits. (SMC Section 17.32.090).

2) Application by Sandra Ung and Sreang Tan, for a Design Review Permit to remove the existing wood shingles on the roof overhang and replace them with a dimensional composition roofing material, located at 480 W. Stockton Street, in a C, Commercial zone; APN: 002-210-014.

Planner, Paula Daneluk, presented the staff report for the project. She explained that the parcel contains multiple buildings and that only the front building was visible from Stockton Street. She stated that the applicant was requesting to replace the existing wood shingles on the roof facing Stockton Street with composition shingles in a brown color.

Applicants, Sandra Ung and Sreang Tan, stated that they were available for any questions and would appreciate the Commissioners' approval of their request.

Commissioner Jensen asked if he could see a sample of the proposed roofing material.

Planner, Paula Daneluk, provided a sample of the proposed roofing material.

MOTION: To approve a Design Review Permit to remove and replace the existing wood shingles and replace with dimensional composition roofing, located at 480 W. Stockton Street, subject to the following conditions and findings:

MOTION: Jensen **SECOND:** G. Anderson

VOTE:	**AYES:**	Jensen, G, Anderson, Garnin and Richardson (4)
	NOES:	None (0)
	ABSTAIN:	None (0)

ABSENT: K. Anderson (1)

Findings for Design Review Permit – 480 W. Stockton Street

1. The use is consistent with the City of Sonora General Plan;

2. The use is consistent with Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;

3. The proposed roofing material conforms with features found on the original building and typical of the period for which the structure was constructed;

4. The proposed roofing material reflects the traditional architectural characteristics of the community, blends with the adjacent neighborhood, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

Conditions of Approval for a Design Review Permit – 480 W. Stockton Street

Conditions of Approval Design Review Permit – 480 W. Stockton Street

General:

1. This Design Review Permit is issued for the replacement of the roofing material with dimensional composition shingles. All exterior alterations shall be in accordance with plans approved by the Sonora Planning Commission on October 9, 2018. The Community Development Director may approve minor changes to the design that are in substantial compliance with the plans approved by the Planning Commission.

2. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:

    a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or

    b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)]

3. Applicant shall comply with all local, state and federal regulations and requirements and shall obtain necessary building permits. (SMC Section 17.32.090).

PUBLIC HEARINGS

1) Application by Loren & Virginia York and Thomas & Joy Vandell, for a Tentative Parcel Map to split a parcel into 2 parcels, located at 8 Pesce Way, in a PD, Planned Development zone; APN: 035-230-044.

Planner, Paula Daneluk, presented the staff report for the project. She explained that the proposed parcel map would split the property into two parcels to provide for separate ownership of the businesses. She stated that TUD is requiring that each parcel have its own water and sewer connections.

Commissioner Gary Anderson requested clarification regarding project condition # 1 removing "vesting" from the map title.

Planner, Paula Daneluk, explained that a "vesting" map provides certain rights to the applicant, however there would be additional requirements that must be complied with in order to get a "vesting" tentative map.

Chairman Garnin asked if the applicant was aware of TUD's water and sewer connection requirements.

Planner, Paula Daneluk, stated that the applicant was aware of the requirement.

Commissioner, Gary Anderson, asked if an easement will be included on the map for access to the rear parcel.

Planer, Paula Daneluk, stated that an access and maintenance agreement was included as a condition of the project.

Applicant's engineer, Reuben Churnside, informed Commissioners that he was available to answer any questions.

Chairman Garnin opened the Public Hearing at 5:57 p.m.

There being no comments from the public, Chairman Garnin closed the Public Hearing at 5:58 p.m.

MOTION: To approve an application for a Tentative Parcel Map to split a parcel into two parcels, located at 8 Pesce Way, in a PD, Planned Development zone, subject to the following conditions, including adding condition #3, and with the following findings:

MOTION: Jensen **SECOND:** Richardson

VOTE:	**AYES:**	Jensen, Richardson, G. Anderson, and Garnin (4)
	NOES:	None (0)
	ABSTAIN:	None (0)
	ABSENT:	K. Anderson (1)

Findings for a Tentative Parcel Map at 8 Pesce Way

1. The project is consistent with Title 17 of the Sonora Municipal Code.

2. The project is consistent with Sonora General Plan 2020.

3. The project is consistent with the State Subdivision Map Act.

4. The project is exempt from further review pursuant to the California Environmental Quality Act.

Conditions of Approval for Tentative Parcel Map at 8 Pesce Way

1. Remove "Vesting" from the map title.

2. Address future maintenance of the common access, parking areas and utility easements, as a note on the final map, with reference to a recorded access and maintenance agreement or covenant.
3. Provide separate water and sewer services for each resultant parcel as per TUD requirements.

2) Application by Jeff Muzio of Hazy Bulldog Farms LLC, for the following:

a) Approval of a Development Agreement between the City of Sonora and Hazy Bulldog Farms LLC, for the operation of a medicinal cannabis dispensary to be located at 1243 Mono Way, in a C, Commercial zone; APN: 056-190-012.

b) Approval of a Use Permit for a Medical Cannabis Dispensary for 1243 Mono Way.

Commissioner Gary Anderson recused himself from the meeting at 6:00 p.m. stating he had a conflict of interest regarding this project.

Community Development Director, Rachelle Kellogg, explained to Commissioners that there were two items under consideration; the Development Agreement as a recommendation to the City Council and approval of a Use Permit for the Medical only, Cannabis Dispensary. She also informed Commissioners that a letter that was received by the City, from Symons Properties I, LLC regarding this project and a copy had been placed at their seat at the start of the meeting. A copy of the letter was placed into the Planning Commission File.

City Administrator, Tim Miller, explained the process that the City undertook related to cannabis businesses within the City of Sonora. He stated that in 2017, the City Council adopted the Cannabis Business Ordinance which established the Cannabis Business Pilot Program. The Ordinance allows for the regulation of cannabis businesses through a Development Agreement and Use Permit process.

2 (a) Development Agreement –

City Attorney, Nubia Goldstein, presented the staff report. She stated that the City Attorney working with the City Administrator, negotiated the Development Agreement with the applicant. She stated the Development Agreement is for a 3-year term for a medicinal cannabis dispensary and includes payment of a public benefit to offset project impacts. She informed Commissioners that the public benefit amount is $10,000 or 5% of gross receipts, whichever is greater, per month.

Chairman, Chris Garnin, stated that he felt that the public benefit fee was high and requested an explanation on how it was calculated.

City Attorney, Nubia Goldstein, stated that it was negotiated.

City Administrator, Tim Miller, stated it is one of the lowest fees negotiated for a dispensary statewide.

Chairman Garnin asked if there was parking behind the building.

Planner, Paula Daneluk, stated that the applicant does not have access to the rear of the property.

Chairman Garnin questioned why there was a parcel 1 and 2 on the legal description and asked if there was an existing easement to access the rear of the parcel.

Planner, Paula Daneluk, said that it was staff's understanding that the applicant does not have access to the rear of the property, as the access was owned by a different property owner.

Chairman Garnin asked if the Development Agreement is tied to this specific location and expressed concern over the fact that the lease is not for the full 3-year period.

City Attorney, Nubia Goldstein, stated that it was tied to the location and would be terminated if he could not operate in that location.

City Administrator, Tim Miller, stated that the agreement includes an annual review by the City.

Commissioner Richardson asked if there was a background check done for the operators and their employees.

City Attorney, Nubia Goldstein, stated that these issues fall under the State licensing requirements and were not regulated at the local level.

Commissioner Richardson stated that the Symons' letter also expressed concerns over parking.

Planner, Paula Daneluk, said that parking requirements are tied to use and additional parking is only required if there is a change of use that triggers additional parking. This project is not a change in use according to the parking regulations and therefore no additional parking is required.

Applicant, Jeff Muzio, stated that he does not have access to rear parking but the size of the building will restrict the number of patrons.

Chairman Garnin asked if this is a cash only business.

Applicant, Jeff Muzio, stated that there were some banks or credit unions that are state chartered that will work with cannabis businesses or credit cards based out of the United States, but it mainly is a cash only business.

Chairman Garnin asked how many employees they anticipate having and if they had previous experience with operating a cannabis business.

Applicant, Ron Baker, stated they will have one employee and they have not operated a cannabis business, but have previously owned another business.

Commissioner Richardson asked if they had considered other locations for the business.

Applicant, Jeff Muzio, stated that with the restrictions imposed by the City, it was very difficult to find a location.

Applicant, Ron Baker, stated it had been a long process with the City to get to this point.

Commissioner Richardson asked what type of security will be in place and how they will make sure that their employees comply with the requirements.

Applicant, Jeff Muzio, stated that the State requires computer logging of all sales and cameras. He also informed Commissioners that the State does require a background check for the owner but not for employees. He informed Commissioners that employees will be screened carefully as he would not want to risk losing his State license or his reputation.

Commissioner Jensen asked where the product was kept at night.

Applicant, Jeff Muzio, explained the security requirements.

Chairman Garnin opened the Public Hearing at 6:42 p.m.

Member of the public, spoke in favor of the project.

Member of the public, stated that the building was used for a dispensary before and parking was not an issue. He stated there was a need for a medical cannabis dispensary within the City.

Member of the public spoke in favor of the project but expressed concern over the amount of the public benefit fee, feeling it should not be charged by the City.

Member of the public stated that they were with the cannabis industry in Calaveras County and they thought the public benefit fee was low and there were more qualified businesses that the City should consider. He also expressed concerns over the limited parking available.

There being no further public comments, the Public Hearing closed at 6:52 p.m.

City Administrator, Tim Miller, explained that the City's Cannabis Task Force met over several months and held several public meetings. He explained the Pilot Program process and that the City interviewed four applicants interested in operating a medicinal cannabis dispensary within the City.

Chairman, Chris Garnin, asked if law enforcement was consulted.

City Administrator, Tim Miller, said yes and they were part of the task force.

Planner, Paula Daneluk, said that the Police Department was also consulted under the Use Permit process.

City Administrator, Tim Miller, stated that under the Use Permit, a condition to review parking after 6 months of being in operation could be added to address the public's parking concerns.

Commissioner Richardson asked what would be the solution if a parking issue was found during this evaluation.

Planner, Paula Daneluk, stated that staff would work with the applicant to discuss solutions such as evaluating the hours of operation, staff parking, etc.

Commissioner Richardson stated he did have concerns but was willing to vote in favor of the project because it was only for medicinal purposes and he felt that there was a need in the community.

MOTION: To recommend to the City Council, approval of Ordinance No. 850, approving the Development Agreement by and between the City of Sonora and Hazy Bulldog Farms, LLC to allow Hazy Bulldog Farms, LLC to operate a medicinal cannabis dispensary business at 1243 Mono Way.

MOTION:		Richardson	**SECOND:** Jensen
VOTE:	**AYES:**	Richardson**,** Jensen**,** and Garnin (3)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	K. Anderson and G. Anderson (2)	

2(b) Use Permit –

Planner, Paula Daneluk, presented the staff report. She stated that the proposed location met all of the requirements under Section 17.60.040 of the Sonora Municipal Code. She also described the attachments provided by the applicant.

City Attorney, Nubia Goldstein, explained that the building must have a reception area where customers are screened prior to entering the retail space.

Planner, Paula Daneluk, discussed the proposed project conditions and verified that all Use Permit requirements within the Ordinance had been addressed.

Chairman Garnin opened the Public Hearing at 7:19 p.m.

Member of the public, expressed concerns over the City's process stating that it was not competitive enough.

Member of the public, spoke in favor of the project and the City's process.

There being no further comments, the Public Hearing closed at 7:22 p.m.

MOTION: To approve a Use Permit for Hazy Bulldog Farms, LLC (with the additional condition # 3(g) related to parking) to operate a medicinal cannabis dispensary business at 1243 Mono Way, subject to the following conditions and findings:

MOTION: Jensen **SECOND:** Richardson

VOTE:	**AYES:**	Jensen, Richardson**,** and Garnin (3)
	NOES:	None (0)
	ABSTAIN:	None (0)
	ABSENT:	K. Anderson and G. Anderson (2)

1. The use is not located within 600 feet of a school, youth center, day care, church, or park.
2. The use is desirable at the specific location;
3. The use is consistent with the City of Sonora General Plan;
4. The use is consistent with the intent of Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located.

Conditions of Approval - Use Permit for Medicinal Cannabis Dispensary, 1243 Mono Way

General:

1. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:

a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or

b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)]

2. This Use Permit is issued a Medicinal Cannabis Dispensary pursuant to a M-license. All activities shall be in accordance with plans approved by the Sonora Planning Commission on October 9, 2018. [Project Description, SMC Section 17.32.090]

3. The Use Permit is issued to allow for a Medicinal Cannabis Dispensary with the following conditions:

   a. The facility shall be maintained and operated in compliance with the site plan and floor plans included in the Planning Commission Staff Report (Oct 9, 2018).
   b. The applicant shall provide high resolution security cameras (1280 x720 min) at all entrances and exits, anywhere cannabis is being stored and delivered, all limited access rooms, and point of sale locations allowing a view of facial features for both the seller and buyer.
   c. The Security Plan shall meet the requirements of Section 8.36.040 D (4) and shall prevent theft or diversion of any cannabis or currency, will discourage loitering, crime and illegal or nuisance activities by having interior and exterior camera surveillance and a professionally monitored alarm system, and will secure storage and waste areas. The Security Plan shall be approved by the City of Sonora Police Department.
   d. The business hours shall be 10 am to 7 pm.
   e. The proposed use shall be operated entirely within the 525 square foot building.
   f. If access to the rear of the property is acquired, all parking spaces constructed shall meet parking and building code requirements.
   g. Parking for the business shall be evaluated after six (6) months and adjusted as deemed necessary by the City.

4. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

DISCUSSION ITEM

1) Community Development Director, Rachelle Kellogg, provided information regarding items planned for the November 13, 2018 Planning Commission Meeting.

There being no further business to come before the Commission, the meeting was adjourned at 7:28 p.m. to the next Planning Commission Meeting on Tuesday, November 13, 2018, as Monday is a holiday.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director