



AGENDA

PLANNING COMMISSION

CITY COUNCIL CHAMBERS, 155 W DURIAN AVE., COALINGA CA 93210

TUESDAY SEPTEMBER 12, 2017

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

Chairman Stoppenbrink
Vice Chairman Sailer
Commissioner Jacobs
Commissioner Gonzales
Commissioner Helmar

Staff:

Sean Brewer, Community Development Director
Marissa Trejo, City Manager

PUBLIC COMMENTS

Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.

INFORMATION/CONSENT CALENDAR

1. Approval of Minutes from the August 22, 2017 Planning Commission Meeting

PUBLIC HEARINGS

1. Conditional Use Permit 17-09 (Application to allow for the Sale of Alcoholic Beverages at 203 W. Polk Street - State Foods Supermarket)

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURN



Staff Report- Chairman and Planning Commission

Subject: Approval of Minutes from the August 22, 2017 Planning Commission Meeting
Meeting Date September 12, 2017
Project Location: 155 W Durian Ave. Coalinga CA 93210
Applicant: N/A
Owner: N/A
Prepared By:

I. RECOMMENDATION:

Staff recommends the Approval of the Minutes from the August 22, 2017 Planning Commission Meeting.

II. BACKGROUND:

III. PROPOSAL AND ANALYSIS:

IV. FISCAL IMPACT:

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

- Planning Commission Minutes August 22, 2017

MINUTES

PLANNING COMMISSION

TUESDAY August 22, 2017

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners: *Chairman Stoppenbrink*
 Vice Chairman Sailer
 Commissioner Jacobs
 Commissioner Gonzales
 Commissioner Helmar

Staff: *Sean Brewer, Community Development Director*
 Marissa Trejo, City Manager

Wanda Earls, Secretary/ City Clerk

PUBLIC COMMENTS (None)

INFORMATION/CONSENT CALENDAR

1. Approval of Minutes from the August 8, 2017 Planning Commission Meeting
2. Approval of Minutes from the July 25, 2017 Planning Commission Meeting

*Motion by Sailer, Second by Gonzales to Approve Consent Calendar with Minutes of 8/8/17 and 7/25/17. Motion **Approved** by a 5/0 Majority Voice Vote.*

PUBLIC HEARINGS

1. **Adoption of Resolution No. 017P-021 Recommending to the City Council**
Adoption of an Ordinance Related to Minor Exceptions to the Planning

and Zoning Code Design and Dimensional Regulations

Community Development Director Sean Brewer presented the Staff Report to include the following:

- Recommendation
 - Planning Commission adoption of Resolution No. 017P-021 recommending to the City Council adoption of an ordinance related to the issuance of minor exception to the dimensional and design standards of the Coalinga Planning and Zoning Code.
- Background
 - The Planning Commission discussed all aspects of the ordinance and requested that staff bring back a draft ordinance for discussion that could then be recommended to the City Council.
- Proposal and Analysis
 - After the August 7th PC meeting, staff took all the feedback received and developed an ordinance that would meet the needs of the community while balancing the public health, safety and welfare.
 - The draft ordinance allows for a minor exception of ten (10%) as it relates to various design and site considerations such as distance buildings, projections, lot dimensions, set-backs, signs, required parking and dimensions, building height, code enforcements considerations and non-conformity. The ordinance also includes the imposition of conditions to ensure that the minor exception approval would be in compliance with the findings.

Comments:

- Code Enforcement – abate public nuisance
- Conformity adjustments
- Non-conformity adjustments
- Need clear direction
- Existing development, not new
- Sean needs flexibility
- Why did it take City so long to come up with this?
 - Businesses/Cannabis startup

After some discussion regarding 10%, 15% or 20%, the PC is recommending 15%.

Chairman Stoppenbrink opened and closed the public hearing receiving no comments.

*Motion by Gonzales, Second by Jacobs to Adopt Resolution No. 017P-021 Recommending to the City Council Adoption of an Ordinance Related to Minor Exceptions to the Planning and Zoning Code Design and Dimensional Regulations for a 15% flexibility to Community Development Director. Motion **Approved** by a 5/0 Majority Voice Vote.*

2. **Adoption of Planning Commission Resolution No. 017P-020 Recommending to the City Council approval of; (1) Adoption of a Cannabis Retail Operations Ordinance and Associated Zoning Text Changes; (2) Establishment of a Commercial Cannabis Retail Overlay District; and (3) Adoption of various amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code related to Commercial Cannabis Operations in accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act.**

Mr. Neil Hall, SCI Consulting

Community Development Director Sean Brewer presented the staff report as follows:

On November 8, 2016 the Citizens of the City passed Measure “G” authorizing and regulating the placement of one single cannabis retail operation within the City. At their February and March meetings in 2017, the City Council began discussing the location in which the single retail facility would be located and directed staff to proceed with locations near West Elm/SR 198 and select parcels at the Juniper Ridge Industrial Park. With the direction from the Council, staff began working with the planning consultants on a framework in establishing a zoning overlay district consistent with the boundaries established by the City Council and developed regulations for the single cannabis retail facility.

Comments:

- Around the asbestos area
- South edge of town – city owned
- Anyone can submit applications
- Retail ordinance
- Draft resolution for security measures at facility
- Resolution can change by amendment
- SB94 Adult vs. Medicinal
 - Marijuana to Cannabis
 - Compliance with new State laws
 - Update licenses
 - City to solicited operators
 - Competitive process
 - Only one facility operations
 - RFP Selection Committee with no Council Members
 - Selection Committee to make selection
 - 90% done with RFP
 - 3 phase approach
 - Reg. Permit Approval
 - Background checks
 - Reg. by permit
 - Regulatory retail
- Legal Status
 - City will select operator to go through permit process

- Entitlements for CUP, Site Plan Review, Etc.
- Ranking of applicants
- Council Adoption Hearing in mid-September
- Second reading of ordinance
- Other cities have gone through RFP process
- One retail facility and number of applicants unknown
- Things being ironed out as to parking, food, beverage requirements

Mr. Neil Hall, SCI Consultants

- License fee pays him

Chairman Stoppenbrink asked for any specific areas to address. Seems cut and dry and no real red flags.

- Section 129 Retail Ordinance
- Section 128 Permit Process
- POS for inventory tracking
- Verified on cameras – as to weight, etc.
- No Diversion
- Good practices
- Division of cash and product
- Banking issues
- Compliance – security cameras
- Monthly compliance and monitoring of camera feeds
- PD says similar to
- Track employees like car dealers

- Overseen
 - Financial component on retail
 - BOE reporting of taxes
 - Have to review to insure taxes are collected
 - Medicinal or adult cannabis
 - Licenses – A & M Licenses
 - Regulations out within 4 weeks
 - Local vs. State

- Retail establishment
 - Is retail and medical in same facility?
 - Medical – non taxable
 - Recreational – taxable
 - Card required or Recommendation for Medicinal
 - Regulations will clear up
 - Medicinal is 1/3 of sale of recreational
 - Gross receipts tax for medicinal but not sales tax
 - Customers and patients
 - DATA Base required
 - Probably two doors
 - Separate areas
 - Regs coming out

- Products labeling
- ID Card and prove 21 and over
- Scan processing by State
- Medicinal manufactured by illness
- Delivery of cannabis
- Outside of City limits?
- Neighborhood will see people from out-of-town

Chairman Stoppenbrink opened the public hearing.

Mr. Neil Hall said it is important that everyone moves in same direction. Compromises will be made.

Chairman Stoppenbrink closed the public hearing.

Mr. Brewer covered the changes of Ordinance 797 Strike Trough's:

- **Page 5, 15 - (15) Odor control.** Marijuana Cannabis operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the outside the premises, outside the building housing the marijuana cannabis operations, or anywhere on adjacent property or public rights-of-way. As such, marijuana cannabis operations must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness, if a smell extends beyond a property line:
 - a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
 - b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility
- **Page 5, 17 - (17) Secure building.** All marijuana cannabis operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other Page 6 of 32 security measures exist to ensure that the marijuana cannabis operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.
- **Page 7, 0 - o.** Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
- **Page 10, K and Q - k.** A descriptive business plan for the marijuana cannabis operation, including a detailed list of all marijuana cannabis operations proposed to occur on the premises.
- **Q - (q) Abandonment.** In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if marijuana cannabis operations cease for a period of more than ninety
- **Page 12 3 - (3)** For employee permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

- **Page 17 S – 1, 2, 3 - (s) Fees and taxes.** All marijuana cannabis operations shall pay applicable fees and taxes, which may include one or more of the following. (1) Business license fee. The business owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to business licensing. (2) Regulatory license fee. The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the marijuana cannabis operation. The amount of the fee shall be set by resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the marijuana cannabis operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The regulatory fee may be amended from time to time based upon actual costs. (3) Revenue raising fee. An annual revenue raising fee ("revenue fee") for the privilege of having the right to operate in the City.
- **Page 18 B - b. Alternative voter approved tax.** If the voters of the City approve a tax rate which is equivalent to the revenue fee, the business owner shall pay the tax in lieu of the revenue fee, or portion thereof, once the City begins to collect the tax revenue. In no event shall the business owner be required to pay more than the revenue fee.
- **Page 19 U - (u) Inspection.** Marijuana Cannabis operations shall be open for inspection by any City law enforcement officer or City code enforcement officer at any time the marijuana cannabis operation is operating, at any other time upon responding to a call for service related to the property where the Marijuana Cannabis operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any marijuana cannabis operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

Code enforcement officer will not be doing all inspections. Consultants like SCI can enter building for inspections. City agents can enter buildings for inspections.

*Motion by Helmar, Second by Gonzales to Adopt Planning Commission Resolution No. 017P-020 Recommending to the City Council Approval of; (1) Adoption of a Cannabis Retail Operations Ordinance and Associated Zoning Text Changes; (2) Establishment of a Commercial Cannabis Retail Overlay District; and (3) Adoption of Various Amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code Related to Commercial Cannabis Operations in Accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act. Motion **Approved** by a 3/2 Majority Voice Vote. Jacobs and Sailer Voted "No".*

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. Review of Remaining 2017 Planning Commission Meeting Dates

Future meetings:

September 12 and 26
October 10 and 24
November 14
December 12

Stoppenbrink gone on September 12th
Gonzales gone on week of September 10th for possible training

Maybe special meeting on the 17th of October

Sailer gone on November 14

Stoppenbrink may be on Jury Duty on November 14th. Meeting can begin at 6:30 PM instead of 6:00 PM.

December 12th meeting okay

Chairman Stoppenbrink wants to insure that those with conflicts are excused from attending the Planning Commission meetings.

DEPARTMENT REPORTS

More applications coming in.

CUP for supermarket to sale beer and wine; process too long. City is over-extended for ABC licenses.

K-mart – nothing new

Wal-Mart is not coming.

State Market purchased R&N.

Shift Se3tor approved and is a go.

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements

Commissioner Jacobs said he did not hear from Self-help.

Mr. Brewer said he would email Marissa the city manager.

Question about all the parking on Truman Street. A parking lot is being paved so vehicles are parking on the streets.

3. Chairman Announcements

Chairman Stoppenbrink announced that WHCC Trustees are moving forward on the district office.

ADJOURN 7:30 PM

Chairman/Vice Chairman

City Clerk/Deputy Clerk

Date



Staff Report- Chairman and Planning Commission

Subject: Conditional Use Permit 17-09 (Application to allow for the Sale of Alcoholic Beverages at 203 W. Polk Street - State Foods Supermarket)
Meeting Date September 12, 2017
Project Location: 203 W. Polk Street
Applicant: Sonrisa Inc., Maroof Obaid
Owner: Donlon and Agnes Gabrielson
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff recommends approval of Conditional Use Permit 17-09 by adopting Resolution No. 017P-022 with conditions.

II. BACKGROUND:

On August 21, 2017 the Community Development Department received a Conditional Use Permit application for the sale of alcohol (Beer and Wine Type 20 ABC License) at the State Foods Supermarket located at 203 W. Polk Street. Staff accepted the application on August 30, 2017 and began processing the application for a conditional use permit.

The requirements of a conditional use permit are intended to prevent problems associated with commercial establishments involved in the sale of alcohol for consumption on-site (on-sale) or off-premises (off-sale), and to prevent unnecessary over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. Therefore, the purpose of the CUP is to establish regulations to govern land uses involved in the dispensing of alcoholic beverages.

III. PROPOSAL AND ANALYSIS:

General Plan/Zoning Consistency: The State Foods Supermarket is located at 203 W. Polk Street within an existing shopping center. The sale of alcohol in the CR (Commercial Retail) Zoning designation is a permitted activity subject to a conditional use permit. The issuance of conditional use permit for this use is permitted and consistent with that of the General Plan Land Use Goals and Policies and Zoning Regulations.

Location: 203 W. Polk Street (Map Attached)

Operations: The sale of alcohol will be sold within the existing supermarket and beer and wine will be the only permitted beverages to be sold on these premises according to the ABC license application. No spirits will be sold at this location however, this permit would not prohibit the amendment of their ABC license to sell spirits. All sales will be monitored by the department of alcoholic beverage control and strictly enforced. This location previously had a beer, wine and spirits license (Savemart) and from the City's knowledge did not cause an adverse effect to the surrounding area or cause increased police presents.

Since this permit will be for a Supermarket and not a bar or other establishment that may host special events, it is not anticipated that there will be a need for additional security and noise attenuation. Hours of operation will be limited to those of the supermarket (7am - 11pm) and conditions will ensure that there is lighting satisfactory to the police department to enhance security.

Surrounding Uses: The project site is located at 203 W. Polk, a major aerial street that bisects the City north and south. Polk Street has a mix of Residential, Public/Semi-Public and Commercial and Mixed Uses along the corridor which is not anticipated to be impacted by the proposed use.

Direction	Use
North	Apartments and Private School Site
South	Residential
East	Commercial
West	Residential - Apartments

Staff has determined that there are no land use compatibility and/or transitional concerns related to the placement and approval of this use.

Public Notification

Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

Environmental Clearance

Staff has determined that this approval is not a project under CEQA as there are no anticipated impacts from the service station selling alcoholic beverages.

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

A Conditional Use Permit shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission determines that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established for the record.

General Plan consistency: Approval of the proposed project will advance the goals and objectives

of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood compatibility: The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties;

Asset for the neighborhood: The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

ATTACHMENTS:

Description

- ☐ Resolution 071P-022 (203 W. Polk Approval with Conditions)
- ☐ Site Location

RESOLUTION 017P-022

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 17-09 FOR THE SALE OF ALCOHOL (BEER AND WINE) AT THE STATE FOODS SUPERMARKET LOCATED AT 203 W. POLK STREET

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit for the sale of alcoholic beverages located at State Foods Supermarket located at 203 W. Polk Street; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on September 12, 2017 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300 feet of the site and posted at least in 3 public places (Library, City Hall, Police Department, Fire Department Chamber of Commerce, and Post Office) as required by Local and State law.

WHEREAS, the Planning Commission has determined that this project is not a project under CEQA and requires no further environmental review, and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

General Plan Consistency. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood Compatibility. The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

Asset for the Neighborhood. The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

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NOW THEREFORE BE IT RESOLVED, that the Planning Commission approves the proposed sale of alcohol at the above location with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 12<sup>th</sup> Day of September 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Planning Commission Chairman/Vice Chairman

ATTEST:

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City Clerk/Deputy City Clerk



## **Exhibit A**

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 17-09 (203 W. Polk Street – Sale of Alcohol)**

REVISIONS: Any proposed change, as determined by the Community Development Director, to the approved use or activity on the site shall require submittal, review and approval of an additional land use application.

EXPIRATION: This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within one (1) year of the effective date of conditional approval.

PERMITS: Prior to the sale of alcohol, the applicant shall have a fully functioning supermarket up and running with an approved business licenses and signed off by the Fire Department and Building Department.

LICENSES: Prior to selling alcoholic beverages, the applicant shall obtain the appropriate license from the California State Department of Alcoholic Beverage Control and must follow the conditions of said license at all times. The approval shall permit the sale of spirits should the applicant submit an amendment to their ABC license.

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

SIGNAGE: All signage related to the sale of alcoholic beverages shall be in accordance with the sign regulation in the City's planning and zoning code.

POLICE DEPARTMENT: Should the Police Department determine that the sale of alcohol at this location has become an excessive burden on police services the Police Department may remedy the situation by recommending to the Planning Commission revoke the Conditional Use Permit.

ADDITIONAL CONDITIONS:

1. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
2. This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:

- a. Conditions of approval have not been fulfilled;
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
  - c. The use has resulted in a substantial adverse impact on public facilities or services.
3. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.





N Fresno St

California St

N Sunset St

W Polk St

W Polk St

W Polk St

W Polk St

Elm Ave

W Polk St

W Polk St

W Pleasant St

W Pleasant St

W Elm Ave

Big 5 Sporting Goods - Coalinga

West valley Shopping Center

Westwood 1 Apartments

Coalinga Laundryland

Expose III

Cricket Wireless Authorized Retailer

Rite Aid

Dollar Tree

SUBWAY® Restaurants

Faith Fellowship

McDonald's

Starbucks

Cafe 101

AutoZone

Access to Money

Chevron