

**PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL**
450 Civic Center Drive, Richmond, CA
March 15, 2018
6:30 p.m.

COMMISSION MEMBERS

Marilyn Langlois, Chair
Nancy Baer
Claudia Garcia
David Tucker
Andrew Butt, Vice Chair
Jen Loy
Michael Huang

The regular meeting was called to order by Commissioner Baer at 6:30 p.m.

ROLL CALL

Present: Commissioner Nancy Baer, Claudia Garcia, Yu-Hsiang (Michael) Huang and David Tucker

Absent: Chair Marilyn Langlois and Vice Chair Andrew Butt

INTRODUCTIONS

Staff Present: Planning Staff: Planning Manager Lina Velasco, Senior Planner Jonelyn Whales, and Assistant City Attorney Rachel Sommovilla

MINUTES:

November 16, 2017

ACTION: It was M/S/C (Garcia/Tucker) to approve the Minutes of November 16, 2017; which carried by the following vote: 5-0-2 (Ayes: Garcia, Tucker, Baer, Loy, Huang; Noes: None; Absent: Langlois, Butt)

January 18, 2018

ACTION: It was M/S/C (Garcia/Tucker) to approve the Minutes of January 18, 2018; which carried by the following vote: 5-0-2 (Ayes: Garcia, Tucker, Baer, Loy, Huang; Noes: None; Absent: Langlois, Butt)

February 1, 2018

ACTION: It was M/S/C (Garcia/Tucker) to approve the Minutes of February 1, 2018; which carried by the following vote: 5-0-2 (Ayes: Garcia, Tucker, Baer, Loy, Huang; Noes: None; Absent: Langlois, Butt)

Commissioner Garcia requested an update on the Methadone Clinic and if the public had been updated on that. Ms. Velasco stated that the public who had questions did get answers to those

questions after the meeting. Since the raise of concerns from the public the application has been withdrawn.

AGENDA

Commissioner Baer provided an overview of meeting procedures for the speaker registration, public comment, and public hearing functions. She said items approved by the Commission may be appealed in writing to the City Clerk by Monday, March 26, 2018, by 5:00 p.m.

CONSENT CALENDAR

Commissioner Baer briefly outlined the process and procedures for the Consent Calendar.

Ms. Velasco voiced to the Commission that the Commission did receive some new memos pertaining to some of the items and that there was a typo in item one which should be PLN17-088, not PLN17-604.

1. **PLN17-088: Golden State Organiz, Inc. CUP** PUBLIC HEARING to consider a request for a Conditional Use Permit to operate a medical marijuana cultivation facility within an industrial building at 601 Juliga Woods St. (APN: 549-211-025). IL, Industrial Light District. Matthew Yee, owner; Hakeem Brown, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Commissioner Garcia requested removal of item #1 from the Consent Calendar.

2. **PLN17-657: W Club Karaoke Bar -** PUBLIC HEARING to consider a request for a Conditional Use Permit to allow a Karaoke Club within an existing 7,200 square foot commercial space located at 5327 Jacuzzi St. (APN:510-070-002). CR, Regional Commercial District. Shihong Lin, owner/applicant Planner: Jonelyn Whales Tentative Recommendation: Hold Over to 4/19/2018
3. **PLN17-587: Golden Grass, Inc., Medical Marijuana Cultivation CUP**
PLN17-613: MJ Pot, Inc., Medical Marijuana Cultivation CUP
PLN17-614: Grow House Solutions, Inc., Medical Marijuana Cultivation CUP
PLN17-615: Fireside Flora, Inc., Medical Marijuana Cultivation CUP
PLN17-616: Unicorn Relief, Inc., Medical Marijuana Cultivation CUP
PLN17-617: Green Richmond, Inc., Medical Marijuana Cultivation CUP PUBLIC HEARING to consider requests for Conditional Use Permits to operate medical marijuana cultivation facilities in an industrial building at 1170 Hensley St. (APN: 561-280-010). IL, Industrial Light District. Richmond Hensley LLC, owner; Shihong Lin, Yuleong Chan, Qiwen Wu & Tony Wei Tong, applicants Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Commissioner Loy requested removal of item #3 from the Consent Calendar.

4. **PLN18-046: 7 Stars Cannabis Dispensary CUP -** PUBLIC HEARING to consider a request for a Conditional Use Permit to relocate 7 Stars Holistic Healing Center medical cannabis dispensary from their existing location in the Pacific East Mall to 3219 Pierce St. (APN: 510-052-012). CR, Regional Commercial District. Pierce-Mills Properties, owner; Jawad A Dayem, applicant Planner: Roberta Feliciano Tentative Recommendation: Conditional Approval

Ms. Velasco voiced that there is a memo for a request from staff to remove Condition #31 which is related to the non-profit operations.

ACTION: It was M/S/C (Loy/Garcia) to accept the Consent Calendar with staff's suggested changes with items 1 and 3 being removed; which carried by the following vote 5-0-2 (Ayes: Baer, Loy, Garcia, Huang, Tucker; Noes: None; Absent: Langlois, Butt).

BROWN ACT – Public Forum

CORDELL HINDLER, Richmond, voiced that he does not support moving the methadone clinic to the El Sobrante area. He suggests possibly putting in retail in that area to bring in more revenue to the City. Mr. Hindler also suggested putting a spa in downtown Richmond for there are none in the area. He voiced that in regards to item three, he has spoken with the representative from Shields Reid Neighborhood Council and Shields Reid is not concerned about marijuana cultivation being located in this area.

ACTION ITEMS

- 1. PLN17-088: Golden State Organiz, Inc. CUP PUBLIC HEARING** to consider a request for a Conditional Use Permit to operate a medical marijuana cultivation facility within an industrial building at 601 Juliga Woods St. (APN: 549-211-025). IL, Industrial Light District. Matthew Yee, owner; Hakeem Brown, applicant Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Ms. Velasco voiced that there has been an added memo for this item that staff is recommending removal of Condition of Approval #30 which relates to a requirement that the operations be a non-profit statue. This requirement has been removed from the Zoning Ordinance and may conflict with state regulations.

Ms. Velasco also stated that there are an additional three conditions that the Commission would need to review. These are related to landscaping, light fixtures, and the last one regarding fencing.

Ms. Whales gave a brief introduction to the item. The applicant plans to grow, harvest, cut, trim and do some drying of marijuana within the facility. The applicant plans to hire between 3 to 5 employees and the hours of operations will be 8:00 to 5:00 p.m. During heavy crop season the applicant is requesting to stay open until 9:00 o'clock in the evenings. The parcel is not close to any schools and it meets the minimum distance requirement from parks and child care centers.

JAMES ANTHONY, Land Use Attorney, voiced that the applicant supports staff's recommendations. Prior to coming to Richmond, Mr. Anthony worked 13-years with Cannabis cultivation land uses issues. The applicant currently holds permits for medical marijuana and adult use in the City of Vallejo.

The application currently contains a wastewater plan, an odor plan, mold prevention, a renewable energy plan for Deep Green, and a neighborhood responsibility plan. They have done community outreach and have not received any opposition.

Commission Garcia ask if the applicant has reached out to the neighborhood council for the area. Mr. Brown, the applicant, informed Commissioner Garcia that they did reach out to the neighborhood council and local churches in the area. Both groups did not have any special requests or opposition to the proposed project.

Commissioner Garcia and Commissioner Loy asked if the applicant is willing to go along with the landscape plan and possibly be willing to donate some funding to the neighborhood council. Mr. Brown stated that he usually tries to exceed the landscape requirements. Also, he is willing to donate funds to the neighborhood council to beautify the area. Ms. Velasco voiced that in previous applications it was stated that \$1,000 would be donated annually to the neighborhood council. Mr. Brown said that he was in agreement with that request.

Commissioner Baer asked if there were any public comments and hearing none, she closed the public hearing.

ACTION: It was M/S/C (Garcia/Huang) to approve PLN17-088 with the recommended amendments per the memorandum to strike Condition of Approval #30 and to also recommend the applicant submit a landscaping plan and comply with the lighting and illumination requirements in the Richmond Municipal Code. Also regarding the requirements in the code for fencing. The additional added condition is the permittee shall fund a \$1,000.00 annually for the duration of the permit for neighborhood beautification projects and working with the neighborhood council to identify those and to be verified by staff; which carried by the following vote: 5-0-2 (Ayes: Baer, Loy, Garcia, Huang, Tucker; Noes: None; Absent: Langlois, Butt).

3. **PLN17-587: Golden Grass, Inc., Medical Marijuana Cultivation CUP**
PLN17-613: MJ Pot, Inc., Medical Marijuana Cultivation CUP
PLN17-614: Grow House Solutions, Inc., Medical Marijuana Cultivation CUP
PLN17-615: Fireside Flora, Inc., Medical Marijuana Cultivation CUP
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PLN17-617: Green Richmond, Inc., Medical Marijuana Cultivation CUP PUBLIC HEARING to consider requests for Conditional Use Permits to operate medical marijuana cultivation facilities in an industrial building at 1170 Hensley St. (APN: 561-280-010). IL, Industrial Light District. Richmond Hensley LLC, owner; Shihong Lin, Yuleong Chan, Qiwen Wu & Tony Wei Tong, applicants Planner: Jonelyn Whales Tentative Recommendation: Conditional Approval

Ms. Velasco voiced that there has been an added memo for this item as well regarding removal of Condition of Approval #41 which relates to a requirement that the operations be a non-profit statue. This requirement has been removed from the Zoning Ordinance and may conflict with state regulations. Also adding three additional conditions relating to landscaping, lighting, and fencing.

Ms. Whales voiced that there are six different operators for the proposed project site. The existing building includes separate rooms and each applicant will work out of one of those rooms for growing marijuana and for administrative offices. Five employees will be hired and the hours of operations would be from 9:00 to 5:00 p.m. The facility is located in a heavy industrial area and the facility is more than 1,800-square feet from residential, parks and child care centers.

DANIEL BUTT, representative, is a Land Use Attorney based out of Richmond and also a resident who lives about 5-minutes away from the facility. The facility is located in a very heavy industrial neighborhood and there is no real neighborhood community to reach out to for special requests.

KEVIN WANG, owner of the building, voiced that he thinks this is the best use for the building because of its size. He voiced that he will ask his tenants to give at least 10% of the work to Richmond residents and his goal is to reach 25% of the workforce. He voiced that he understands the neighborhood and the dynamics of the neighborhood. Also, he has donated copious amounts of money to the neighborhood for various community events, projects and plans to continue to do.

Commissioner Garcia voiced that she is happy to hear that the applicant is more than willing to contribute money to the neighborhood and help clean it up. Mr. Butt suggested that instead of giving money to the two neighborhood councils that are located equal distance from the site. To put that money into the surrounding industrial area and really clean up the garbage. Mr. Wong voiced he is happy to comply either way the Commission addresses the allocation of the funding.

Commissioner Tucker suggested allocating the funds to illegal dumping versus just cleaning up the area and beautifying it and possibly reaching out to a local non-profit for help with this issue. Mr. Butt agrees with this idea but also stated that there are no local non-profits in the surrounding area.

Mr. Velasco voiced that reporting for compliance that the funds were used for cleaning up illegal dumping would be to the Planning Department on an annual basis. She also suggests that instead of working with a non-profit, the applicants can work with the City's Abatement crew or Code Enforcement to clean up illegal dumping.

Commissioner Huang asked if the applicants would be interested in forming their own neighborhood council with other surrounding property owners. Mr. Butt suggested that since it's such an industrial area, maybe forming a non-profit organization for the area would be better. Commissioner Loy voiced that it's not in the Commission's purview to establish such a group but she suggests to include language that encourages the applicants to follow down the path of such a group.

Commissioner Baer opened the public hearing but seeing none she closed the public hearing.

Ms. Velasco voiced possible language for a motion that stated that each permittee shall fund \$1,000.00 annually for the duration of the Conditional Use Permit to fund illegal dumping and neighborhood beautification projects within the vicinity of the project area. Commissioner Baer voiced she wished to add language such as annual reporting to the planning staff.

ACTION: It was M/S/C (Garcia/Baer) to approve PLN17-587, PLN17-613, PLN17-614, PLN17-615, PLN17-616, PLN17-617 with the additional amendment to strike #41 and also require the permittees to submit landscaping plans to comply with lighting and illumination requirements per the Municipal Code and fencing requirements. In addition to require that each permittee fund \$1,000.00 annually for the duration of the permit for illegal dumping and beautification projects within the vicinity of the project area and

annual reporting to planning staff; which carried by the following vote: 5-0-2 (Ayes: Baer, Loy, Garcia, Huang, Tucker; Noes: None; Absent: Langlois, Butt).

COMMISSION BUSINESS

5. Reports of Officers, Commissioners, and Staff – Ms. Velasco wanted to remind the Commission and the public that there will be no meeting on the first Thursday of April. Ms. Velasco also stated that staff’s intention is to come back on April 19th with an update on the Point Malate outreach.

6. Adjournment - The meeting was adjourned at 7:27 p.m. to the next regular meeting on April 19, 2018.