



MINUTES
March 15, 2018
CITY OF SOUTH SAN FRANCISCO
REGULAR PLANNING COMMISSION

CALL TO ORDER / PLEDGE OF ALLEGIANCE

TIME: 7:00 P.M.

ROLL CALL / CHAIR COMMENTS

PRESENT: Chairperson Faria, Vice Chairperson Nagales, Commissioner Shihadeh, Murphy, Wong, Tzang, Evans

ABSENT:

AGENDA REVIEW

ORAL COMMUNICATIONS

CONSENT CALENDAR

- Approval of the regular meeting minutes of February 1, 2018.

Motion to approve the regular meeting minutes of February 1, 2018.

Commissioner Faria / Second Commissioner Tzang Approved by roll call vote (6-1-0)

PUBLIC HEARING

2. Indoor Cultivation of Cannabis Ordinance Introduced

Public Hearing Opened: 7:20 P.M.

Consideration of a Planning Commission recommendation that City Council adopt an ordinance to amend Chapter 20.410 of the South San Francisco Municipal Code to allow indoor commercial cultivation of cannabis and determine that the project is exempt from CEQA.

Public Hearing Closed: 7:42 P.M.

Commission Discussion begins 00:25:15 in video recording

- Vice-Chair Murphy was glad that the City revisited indoor cultivation since it gives the City an opportunity to be a part of an emerging field. Part of the reason of limiting this to indoor cultivation and no greenhouse was to not attract nuisance, and that was the same reason behind delivery. Delivery vehicles had to be non-descript and had to have certain security measures. Vice-Chair Murphy asked if the ordinance addresses signage so that the City does not face the same security issues with delivery and retail.
- Planning Manager Mehra replied that limiting visibility is built into the ordinance.
- Commissioner Evans asked about enforcement and how many times do they get to be non-compliant before there permit is pulled?
- Planning Manager Mehra stated that every year the permit would need to be renewed. If something happens in the middle of the year, the City may review the permit, modify the conditions, revoke the use-permit, or attach additional conditions to the business.
- Commissioner Evans inquired about the ordinance's reference to an operator's agreement and expressed interest in reviewing the agreement.

- Planning Manager Mehra replied that it would be part of the Operators Permit, and it would be in the packet when the Commission consider that operator's permit to establish the business. The details are still being finalized by the Finance Department.
- Commissioner Wong stated that since the Chief Building Officer was present he would like to have him explain the permit process and what happens when they review violations.
- Chief Building Officer Perry stated that the permit process for this would be no different than any other permit. Once the application has been vetted by Planning, it would then enter the permit process for plan check and review. Everything would be compliant, and it would be treated just like a regular tenant improvement.
- Commissioner Wong wanted to know if someone from Building would go out to the cannabis operation and check them to see if they were up to code?
- Planning Manager Mehra replied that in this instance it would be the Zoning Administrator or his/her designee.
- Commissioner Wong inquired as to what other cities in the Peninsula were doing and how the City compared.
- Planning Manager Mehra stated that as of now, Pacifica in unincorporated San Mateo County and possibly Brisbane were the only cities that allow retail in San Mateo County, and most cities prohibit all types of cannabis businesses.
- Commissioner Shihadeh also believes the only City allowing it is Pacifica and expressed concern about how the code will be enforced since once the Building permit is issued, the cannabis business is beyond the City's control. There will be an annual review and code violations, but there are going to be a lot of issues.
- Planning Manager Mehra replied that a deposit is required that will go towards staff time, such as police calls. The draft ordinance is very strict in making sure all necessary documents are submitted to run a cannabis business.
- Commissioner Faria agrees with all the concerns and likes that it is being kept to the East of 101, as he would hate to have it all over the City. The City is learning along with other cities, and there will definitely be a learning curve.
- Planning Manager Mehra replied it is a discretionary permit, and the Commission will have the final authority in granting that use permit. The Commission will have to make findings of compatibility with adjacent uses.
- Chair Nagales inquired if there can be two cultivation businesses next to each other or within 600 ft?
- Planning Manager Mehra replied that his understanding is the Planning Commission as the deciding body can make a decision on uses. If there is an over concentration of uses, then the Commission can make findings not to allow the use but there is not currently a concentration restriction.

Motion to recommend that the City Council adopt an Ordinance amending Title 20 (“Zoning”) of the South San Francisco Municipal Code to permit and regulate commercial cannabis indoor cultivation, citywide, in accordance with South San Francisco Municipal Code Chapter 20.550 (“Amendments to Zoning Ordinance and Map”).

Commissioner Wong /Second – Commissioner Evans Approved by roll call vote (7-0-0)