

**UNOFFICIAL MINUTES
OF THE
SALINAS PLANNING COMMISSION
June 5, 2024**

The meeting was called to order at 4:00 p.m. in the City Council Chamber Rotunda.

PLEDGE OF ALLEGIANCE

ROLL CALL

WELCOME AND STAFF INTRODUCTIONS

PRESENT: Chairperson Gonzalez and Commissioners Burrola, Manzo, McKelvey Daye, Meeks, Purnell, and Ramos

ABSENT: None

STAFF: City Attorney, Chris Callihan; Community Development Director, Lisa Brinton; Acting Police Chief, John Murray; Planning Manager, Courtney Grossman; Senior Planner, Thomas Wiles; and Administrative Aide, Maira Robles

Chairperson Gonzales introduced and welcomed Commissioner Tyler J. Burrola to the Salinas Planning Commission.

COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Chairperson Gonzalez opened for public comment at 4:01 p.m.

No public comments were received.

Chairperson Gonzalez closed for public comment at 4:01 p.m.

CONSENT

APPROVAL OF THE MINUTES: May 1, 2024

Upon motion by Commissioner Meeks, and a second by Commissioner McKelvey Daye, the minutes of May 1, 2024, were approved. The motion carried by the following vote:

AYES: Chairperson Gonzalez and Commissioners Burrola, Manzo, McKelvey Daye, Meeks, Purnell, and Ramos

NOES: None

ABSTAIN: None

ABSENT: None

APPROVAL OF THE MINUTES: May 29, 2024

Upon motion by Commissioner Manzo, and a second by Commissioner Meeks, the minutes of May 29, 2024, were approved. The motion carried by the following vote:

AYES: Chairperson Gonzalez and Commissioners Burrola, Manzo, McKelvey Daye, Meeks, Purnell, and Ramos

NOES: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

Commercial Cannabis Permit 2023-007; Appeal of Selection Committee Determination

City Attorney, Chris Callihan, informed that the three Salinas Police Memorandums previously missing from the original agenda packet, are now attached and have been distributed by email and at the dais to the Salinas Planning Commission.

Mr. Callihan presented a PowerPoint presentation, which is on file at the Community Development Department.

Commissioner Burrola requested clarification from staff regarding the change of opinion as presented in the Police Department memorandums dated February 26, 2024, March 16, 2024, and March 19, 2024. Commissioner Burrola inquired if additional information had been presented to the Police Department to cause the change of opinion or if this had been an administrative error.

Acting Police Chief, John Murray, informed that an initial conversation occurred between he and Sergeant Magana prior to the release of the memorandum dated March 16, 2024. After a closer review of the site, Mr. Murray requested to withdraw the memorandum dated March 16, 2024, and presented the memorandum dated March 19, 2024.

Commissioner Manzo inquired if the Applicant, CannaCruz, Inc., was made aware at the time of submittal, that the project site is near two sensitive uses.

Mr. Callihan confirmed that that this information was relayed to the applicant in the Zoning Information Letter dated December 15, 2021.

Commissioner McKelvey Daye requested clarification regarding the items presented for consideration at this hearing and those presented for consideration on April 3, 2024.

Mr. Callihan informed that the Planning Commission denied Conditional Use Permit 2022-048 on April 3, 2024, and an appeal is scheduled for presentation to the City Council on June 18, 2024. The item presented today, is to consider the appeal of CannaCruz, Inc., from the Selection Committee's denial of the application for a Major Amendment to Commercial Cannabis Permit 2023-007 to relocate from 1156 Abbott Street to 1228 South Main Street.

Commissioner McKelvey Daye acknowledged the concerns with the proposed site and requested additional information of the concerns outlined in the Police Department memorandum.

Mr. Murray indicated concerns with the proposed relocation site due to the following: the site is adjacent to a residential area, it is in an area that is very busy with traffic because of the intersection with South Main Street, and Plaza Circle, and the driveway of the location is very narrow. Mr. Murray indicated that there have been approximately 18 traffic collisions since 2021 at the intersection of South Main Street and Plaza Circle with one being a fatal traffic collision.

Commissioner Meeks inquired about the number and the nature of the crimes reported for the area.

Mr. Murray indicated that he did not have specific crime data, and informed that a significant number of calls for the area involve incidents at the bar located at Elli's Great American Restaurant. Additionally, Mr. Murray indicated that there have been several burglaries at Marijuana Dispensaries throughout Monterey County and in Salinas, and stated concerns as such crimes could create a situation which may result in a negative impact to the neighboring residential units.

Commissioner Meeks inquired about the traffic flow when vehicles exit the proposed site.

Mr. Murray indicated that vehicles exiting the site are permitted a right turn only.

Commissioner Ramos inquired about the previous use for the site and what the difference would be regarding the traffic impact consideration if a different type of business were to request to relocate to this site.

Mr. Murray indicated that the previous use of the site was a furniture store and his concern with the traffic impact is primarily due to the nature of the business and the potential trip count that may be generated by such business.

Commissioner Ramos inquired if there have been changes to the recommendation for denial made by the Selection Committee.

Mr. Callihan informed that the Selection Committee's recommendation for denial is based on the site's proximity to sensitive uses, the adjacent residential use, and that the City's overall master planning perspective is that commercial cannabis businesses are best suited for industrial or commercial areas that are not in proximity to sensitive uses, including residential areas.

Commissioner Purnell inquired about the roles of the staff members appointed to the Selection Committee.

Mr. Callihan informed that the five staff appointed to the Selection Committee include the following: an Associate Planner, an Economic Development Manager, a Police Sergeant, a staff member from Public Works, and a staff member from Library and Community Services.

Regarding the concern of the site's proximity to other sensitive uses, Commissioner Purnell inquired what alternative mitigation could be offered should the Planning Commission decide to modify the Selection Committee's recommendation for denial on said basis.

As an example, Mr. Callihan indicated that the Planning Commission could request that the applicant provide some screening or buffer to mitigate the impact of the project to the adjacent residential units.

Chairperson Gonzalez inquired about the specific information regarding staff's concerns with the proximity of the site to the other sensitive uses, specifically the smoke shop and the bar.

Mr. Murray indicated that the police department frequently responds to bar fights and one of his concerns, is for intoxicated individuals to access the cannabis dispensary. Mr. Murray added that, although it is the intent of the Applicant that cannabis products will not be consumed on-site, there is potential for this to occur, and this would only add to existing traffic safety concerns.

Chairperson Gonzalez inquired if there are feasible structural changes that can be made should the Planning Commission direct staff to work with the applicant in mitigating the traffic impact of the project.

Mr. Callihan indicated that it may be difficult for staff to identify those changes at this time; however, if this is the direction of the Commission, staff may consider mitigations measures such as the addition of a stop sign or alternative roadway design measures to decrease and control traffic speed at the site.

Chairperson Gonzalez opened for a statement from the applicant at 4:26 p.m.

Peter Brazil, Applicant's Attorney, provided public comment in support of the project and indicated the reasons for the applicant's request to relocate to the proposed project site.

Chairperson Gonzalez opened for public comment at 4:36 p.m.

Brad Palmer, CannaCruz, Inc., Co-Owner, provided public comment in support of the project.

Coby Butler, CannaCruz, Inc., employee and Monterey County resident, provided public comment in support of the project.

Jorge Rubio, Sun Street Centers Employee, provided public comment in opposition of the project.

Julianna, Sun Street Centers Volunteer, provided public comment in opposition of the project.

Salinas resident (name not provided), provided public comment in opposition of the project.

Anahi Martinez, Salinas High School student, provided public comment in opposition of the project.

Ms. Martinez, Salinas resident, provided public comment in opposition of the project.

Cassandra, Salinas resident, provided public comment in opposition of the project.

Crystal, Salinas resident, provided public comment in opposition of the project.

Anthony, Salinas resident, provided public comment in opposition of the project.

Genesis Mojica, Youth Organizer, provided public comment in opposition of the project.

Saidee Santos, Salinas resident, provided public comment in opposition of the project.

Eloise Shim, Salinas resident, provided public comment in opposition of the project.

Ramon, Salinas resident, provided public comment in opposition of the project.

Christopher Bahn, Salinas resident, provided public comment in opposition of the project.

Salinas resident (name not provided), provided public comment in opposition of the project.

Aaron, Salinas resident, provided public comment in opposition of the project.

Salinas resident (name not provided), provided public comment in opposition of the project.

Jayden, Hartnell College student, provided public comment in opposition of the project.

Cesar, Salinas resident, provided public comment in opposition of the project.

Dallas, Marine Corps Veteran, provided public comment in opposition of the project.

Salinas resident (name not provided), provided public comment in opposition of the project.

Edgar, Salinas resident, provided public comment in opposition of the project.

Grant Palmer, CannaCruz, Inc., Co-Owner, provided public comment in support of the project.

Rose Clark, Salinas resident, provided public comment in opposition of the project.

Charlie Sammut, commercial property owner, provided public comment in opposition of the project.

Luis Gutierrez, Salinas resident, provided public comment in opposition of the project.

Chairperson Gonzalez closed for public comment at 5:07 p.m.

In addition to the public comments provided at the public hearing, three additional comment letters were received and made available to the Planning Commission. All public comments received during and after the public hearing, will become part of the record.

Commissioner Burrola inquired if the Community Development Director could provide a statement regarding the potential nuisances that could result due to the proposed relocation.

Community Development Director, Lisa Brinton, informed that she is not part of the Selection Committee, however, has read and understands the traffic and safety concerns presented by the Police Department staff and the concerns relating to the proximity of the project site to the adjacent residential units.

Mr. Callihan indicated that a public nuisance is only one of the potential findings that could be made as to whether the operation of a commercial cannabis business at this location would tend to cause a public nuisance or a situation which may result in repeated police department response or a negative impact on the adjacent residential uses.

Commissioner Burrola inquired if this is the first occurrence of a commercial business requesting to relocate.

Mr. Callihan confirmed that this is the first relocation request received from a commercial cannabis business in the City.

Commissioner Burrola inquired if the Planning Commission were to request recommendations from Staff regarding a modification to the determination made by the Selection Committee, would it be possible to receive it before the City Council hearing of June 18, 2024.

Mr. Callihan indicated that, should this be the Planning Commission's request, a Special Meeting would be required for Staff to return with recommendations.

Commissioner Burrola inquired if both the Conditional Use Permit and the Commercial Cannabis Permit are required for operation of the Commercial Cannabis business.

Mr. Callihan confirmed that the applicant would need both the Conditional Use Permit and the Commercial Cannabis Permit approved to operate their business.

Commissioner Burrola inquired about the intent of the current code, specifically Article VII of Chapter 5 of the Salinas Municipal Code which indicates that commercial cannabis businesses should not be located in proximity to sensitive that commercial cannabis businesses are best suited for industrial or commercial areas. Mr. Burrola asked if it is fair to say that if changes to this specific code section are needed, it is best for the policy making body that is accountable to City voters, to make said changes.

Mr. Callihan acknowledged Commissioner Burrola's statement.

Commissioner Manzo inquired about the security measures that the Applicant has established to prevent youth access to cannabis products.

Mr. Palmer indicated that there has never been an incident relating to cannabis sales to minors. Additionally, Mr. Palmer stated that video and sale records are kept for a 90-day period and assured that identification cards are scrutinized to ensure validity.

Commissioner Manzo inquired about the number of vehicles per hour that are anticipated and what measures the applicant will take to ensure patrons are not utilizing neighboring commercial parking spaces.

Mr. Palmer indicated that a traffic study concluded that there is adequate parking at the proposed site and that as part of their application, there is a request to build a fence between the proposed site and the Elli's Great American Restaurant parking area. Additionally, security will be onsite to enforce requirements and monitor vehicle activity.

Commissioner Manzo inquired about the businesses' policy regarding the sale of cannabis products to intoxicated individuals.

Mr. Palmer indicated that his business observes a strict policy prohibiting the sell of products to intoxicated individuals and upholds the right to refuse service to anyone. He also stated that on-site consumption of cannabis products is not permissible.

Commissioner McKelvey Daye inquired about the traffic study.

Mr. Palmer indicated that the traffic study has been revised to allow for the consideration of an additional tenant at the proposed site.

Commissioner McKelvey Daye inquired from the Applicant about the weight that the current business location has on their incident free record.

Mr. Palmer indicated that although the current location is within an industrial zone, it is still accessible and yet, they have never experienced any of the nuisance concerns expressed by staff or the public at any of their three locations.

Commissioner Meeks inquired about the zoning for the other two commercial properties occupied by the applicant in both Watsonville and in Santa Cruz.

Mr. Palmer indicated he did not recall the zoning for the other two locations, but believed them to be in commercial zones.

Commissioner Ramos acknowledged both the assurances presented by the Applicant, and the concerns presented by staff and the public.

Commissioner Purnell inquired about the tax revenue amounts generated from the operation of Commercial Cannabis Permits.

Planning Manager, Courtney Grossman, indicated that he did not have revenue data on hand and added that revenue peaked in 2021 and has since been in a decline. Mr. Grossman added that commercial cannabis businesses are required to complete annual renewals.

Commissioner Purnell inquired if staff is aware of current vacant sites that the Applicant may relocate to.

Mr. Grossman indicated that an analysis of vacant sites would be required to determine an alternate location, however, typically the responsibility of selecting a site falls on the applicants. Mr. Grossman indicated that the City allows for a maximum of five Dispensary Permits for Commercial Cannabis businesses, and only three are currently operational.

Chairperson Gonzalez inquired about the storefront and advertisement visibility.

Mr. Palmer stated that the proposed business site would not be visible from S. Main Street. Mr. Palmer added that CannaCruz, Inc., has paid over seven hundred thousand dollars in both taxes and fees in the past year.

Chairperson Gonzalez inquired if it is the City's practice to assist in identifying alternate locations for the relocation of Commercial Cannabis businesses.

Mr. Grossman informed that the City and applicants utilize the GIS Mapping database as a tool to identify locations that meet the required regulations, however, data is not always up to date as there are frequent changes to the location of sensitive uses. Mr. Grossman added that although staff is available to assist, the responsibility of identifying an adequate location is that of the applicant.

Mr. Grossman requested to clarify tax revenue data previously provided and reported the following: \$1.8 million in 2020, \$2 million in 2021, \$1.5 million in 2022, and \$1.074 in 2023.

Ms. Brinton indicated that staff's role is to respond to zoning inquiries and provide zoning information letters informing of any restrictions that may exist for those sites.

Chairperson Gonzalez inquired from the Applicant about the number of customers per hour that are expected.

Mr. Palmer indicated he did not recall this data specifically, however, the completed traffic study estimated approximately four hundred to five hundred vehicles per day.

Commissioner Ramos inquired about the hours of operation for the proposed business.

Mr. Palmer indicated that the hours of operation are from 9 a.m. to 9 p.m., seven days per week. Mr. Palmer added that although relocation of his business has been challenging due to the sensitive use requirements, he understands that this is his responsibility as the applicant.

Commissioner McKelvey Daye inquired about the repercussions to the Applicant if they fail to secure a relocation site.

Mr. Palmer indicated that they would go out of business and stated that the landlord at the current site has issued a thirty-day notice.

Commissioner McKelvey Daye inquired if the permits will be revoked once the applicant vacates their current location.

Mr. Callihan indicated that the permits would remain in good standing for the current location.

Commissioner McKelvey Daye indicated that there are various challenges with the City's code as is, both for business owners who may need to relocate and for residents. She added that it is important to revisit the code and amend it if necessary as she anticipates there will be additional Commercial Cannabis business that will also have to relocate in the future.

Commissioner Manzo acknowledged the challenges in identifying alternate business locations due to existing regulations and sensitive use distance requirements, as well as the concerns presented by the public.

Commissioner Meeks expressed concerns with the proposed business location due to crime and the traffic impact and moved to neither affirm, reverse, or modify the Selection Committee's determination and refer the Selection Committee's determination and appeal thereof to the City Council for consideration.

Mr. Brazil requested an additional comment period to respond to outstanding inquiries.

Chairperson acknowledged Mr. Brazil's request and allowed for a two-minute comment period for responses from the applicant team.

Mr. Brazil indicated the following in support of the project and in response to the concerns expressed by the public: the requested relocation site is zoned as a commercial zone, not a residential zone, CannCruz, Inc., contributes significantly to tax revenue, the proposed location meets and exceeds the required distance from schools, and lastly, the proposed site would deter crime due to the narrowness of the existing driveway.

Chairperson Gonzalez returned to Commissioner Meeks for a motion.

Commissioner Meeks moved to neither affirm, reverse, or modify the Selection Committee's determination and refer the Selection Committee's determination and appeal thereof to the City Council for consideration. Commissioner Gonzalez seconded the motion. The motion carried by the following vote:

AYES: Chairperson Gonzalez and Commissioners Burrola, Manzo, McKelvey Daye, Meeks, Purnell, and Ramos

NOES: None

ABSTAIN: None

ABSENT: None

OTHER BUSINESS

General Plan Steering Committee Update

Ms. Brinton informed that a public review draft will become available in late summer of 2024.

Commissioner Manzo inquired if the Planning Commission will have a study session for the public review draft of the General Plan.

Ms. Brinton informed that Staff will return to the Planning Commission on July 17, 2024, with a study session regarding the Environmental Justice and Public Safety Elements. At a later date, Staff will also present an Economic Development Update and Economic Development Strategic Plan, and the Environmental Impact Report. The final draft is expected to become available in the Fall of 2024.

FOLLOW-UP REPORTS

No follow-up reports were discussed.

FUTURE AGENDA ITEMS

Mr. Grossman clarified that the study session regarding the Environmental Justice and Public Safety Elements is scheduled for presentation to the Planning Commission on July 3, 2024. On July 17, 2024, staff also expects to present the draft of the Alisal District Identity Master Plan and a Central Area Specific Plan, Tentative Map.

ADJOURNMENT

Chairperson Gonzalez reviewed for quorum for the July 3, 2024, meeting and adjourned at 5:48 p.m.

ROSA GONZALEZ
Chairperson

COURTNEY GROSSMAN
Executive Secretary