



CITY OF NOVATO
CALIFORNIA

PLANNING COMMISSION

Meeting Minutes

Via Zoom Teleconference

Monday, November 1, 2021 – 7:00 pm

A. CALL TO ORDER AND ROLL CALL

The Planning Commission meeting began at 7:00 PM.

Commission Present: Chair Rachel Farac, Vice Chair Peter Tiernan, Commissioner Dan Dawson, Commissioner Ronald Gerber, Commissioner Justin Derby, Commissioner Curtis Havel, and Commissioner Lia Heath

Commission Absent: Commissioner Gerber arrived late

Staff Present: Planning Manager Steve Marshall, Senior Civil Engineer Elisa Sarlatte, Community Development Director Vicki Parker

B. APPROVAL OF FINAL AGENDA

COMMISSION ACTION: Upon motion by Vice Chair Tiernan and seconded by Commissioner Dawson, the Planning Commission voted 6-0-0-1 via roll call to approve the final agenda as amended to take up item G.1. before items F.1. and F.2.

AYES: Commissioners Dawson, Derby, Havel, Heath, Tiernan, and Farac

NOES: None

ABSTAIN: None

ABSENT: Commissioner Gerber (arrived late)

Motion carried.

C. PUBLIC COMMENT

NONE

D. CONSENT ITEM

D.1. Approval of PC Minutes of AUGUST 9, 2021 (JD, RF, RG, CH, LH, PT)

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Heath, the Planning Commission voted 6-0-0-1 via roll call to approve the minutes.

AYES: Commissioners Derby, Dawson, Farac, Havel, Heath, and Tiernan
NOES: None
ABSTAIN: None
ABSENT: Commissioner Gerber (arrived late)
Motion carried.

**E. UNFINISHED AND OTHER BUSINESS
NONE**

F. PUBLIC HEARING

F.1. CONSIDERATION OF AMENDMENTS TO CHAPTER XIX OF THE NOVATO MUNICIPAL CODE RELATED TO DISTANCING REQUIREMENTS OF COMMERCIAL CANNABIS USES LOCATED ON PROPERTIES DESIGNATED WITH BUSINESS & PROFESSIONAL OFFICE ZONING OR GENERAL PLAN LAND USE AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

Conduct a public hearing and consider adopting a resolution recommending the City Council approve amendments to Chapter XIX (Zoning) of the Novato Municipal Code (NMC) involving the addition of distancing requirements to residential and youth oriented facilities from commercial cannabis uses locating on properties designated with Business and Professional Office zoning or land use and finding the amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Community Development Director Parker introduced the item and provided a presentation.

Commissioner Heath inquired whether the concern about commercial cannabis uses in the BPO district were based on a fear of crime.

Director Parker confirmed there were concerns about the potential for crime, as well as increased traffic and visitors.

Commissioner Heath asked if crime data from other communities was reviewed.

Director Parker confirmed crime data from other communities had been reviewed and noted it was hard to make generalizations from the data since crime was location specific.

Commissioner Heath noted she had done her own research on crime and didn't find any data on increased crime. She didn't want the cannabis regulations to be harsher or stricter based on fears.

Commissioner Gerber recounted his professional experience with commercial cannabis uses in another community. He referenced the security measures associated with cannabis uses as being a deterrent to crime.

Vice Chair Tiernan referenced the graphic depicting the 300-foot and 600-foot buffer areas for cannabis uses from residential. He wondered if the Pell building is the only location where a non-storefront retail cannabis business could be located based on the 600-foot buffer area.

Director Parker noted the graphic was just a single example and no review was performed for other BPO locations since the buffer is generated from the boundaries of the suite occupied by the cannabis business. She noted there isn't enough information on interior building configurations to analyze all locations.

Vice Chair Tiernan asked if the 300-foot buffer allows CB Labs to stay where it is.

Director Parker confirmed the 300-foot buffer allows CB Labs to stay where it is.

Commissioner Tiernan noted touring cannabis facilities in Sonoma County and felt resident concerns about cannabis businesses were a matter of perception.

Commissioner Havel asked if only three sites were acceptable for non-storefront retail cannabis.

Director Parker stated more sites are likely available since a full inventory of acceptable BPO sites was not prepared.

Commissioner Havel acknowledged the percentage of voter support in Novato and Marin County for recreational cannabis.

Chair Farac opened the public comment period.

There were no members of the public desiring to address the Commission.

Chair Farac closed the public comment period.

Chair Havel commented that good can come from not being overly restrictive, but this is a new use and as time goes on the regulations can evolve, possibly becoming less restrictive.

Commissioner Heath asked Director Parker to clarify current requirements versus the proposed revisions.

Director Parker stated there is currently no spacing criteria for commercial cannabis businesses near residential uses, but rather a 600-foot buffer to youth facilities. The new regulations would require a 600-foot buffer from residential uses and a 0- to 300-foot buffer from youth facilities.

Commissioner Heath felt 600-feet was conservative. She worried the regulations are more conservative than other communities and Novato will miss business opportunities.

Commissioner Gerber noted 600-feet is equal to two-blocks. He asked to confirm that any cannabis business within 2-blocks of residential uses would not be permitted.

Director Parker stated that non-storefront retail cannabis is not permitted in neighborhood commercial centers.

Commissioner Tiernan asked if cannabis applications would come to the Planning Commission.

Director Parker stated cannabis applications are reviewed through licenses by the City Council.

Chair Farac stated the direction of the City Council on this matter resounds with her. She expressed her support for the modified standards.

COMMISSION ACTION: Upon motion by Vice Chair Tiernan and seconded by Commissioner Derby, the Planning Commission voted 7-0-0-0 via roll call to adopt the resolution recommending approval of the amendments to Chapter XIX of the Novato Municipal Code related to distancing requirements

of commercial cannabis uses with the BPO Zoning or General Plan Land Use designation and finding the amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)3).

AYES: Commissioners Dawson, Derby, Farac, Gerber, Havel, Heath, and Tiernan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried.

F.2. CONSIDERATION OF AMENDMENTS TO CHAPTER XIX OF THE NOVATO MUNICIPAL CODE RELATED TO THE KEEPING OF CHICKENS AND BEES AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

Conduct a public hearing and consider adopting a resolution recommending the City Council approve amendments to Chapter XIX (Zoning) Sections 19.34.060 Animal Keeping and 19.34.080 Home Occupations of the Novato Municipal Code (NMC) involving the keeping of chickens and bees and finding the amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Community Development Director Parker introduced the item and provided a presentation.

Commissioner Dawson noted the standard addressing minimum lot areas and asked why lot coverage is not factored into the regulations in terms of ensuring sufficient area for foraging.

Director Parker noted that lot size was selected since it is consistent with traditional zoning.

Chair Farac asked how many requests staff had received regarding bee keeping.

Director Parker and Planning Manager Marshall responded by noting interest was received during the process to update the General Plan.

Chair Farac asked if there were any regulations to prevent the spread of disease among bees - to avoid impacting local bees.

Director Parker stated the regulations include provisions to support good bee keeping practices.

Chair Farac opened the public comment period.

Frank Marino stated he was thrilled about the proposed regulations related to chickens and encouraged the Planning Commission to support the proposed zoning amendments.

Chair Farac closed the public comment period.

Commissioner Havel noted his experience raising chickens and encouraged neighbors to communicate with one and other to address concerns.

Commissioner Heath asked about permits required to keep animals.

Director Parker stated no permit is required to keep animals.

Planning Manager Marshall added that permits may be required for shelter structures.

Director Parker noted the bee keeping amendments also include a change to home occupation standards – selling honey on-site would be permitted.

Chair Farac encouraged posting resources for bee keeping on the City's website.

Upon motion by Vice Chair Tiernan and seconded by Commissioner Gerber, the Planning Commission voted 7-0-0-0 via roll call to adopt the Resolution recommending approval of the amendments to Chapter XIX of the Novato Municipal Code related to animal keeping and home occupations and finding the amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

AYES: Commissioners Dawson, Derby, Farac, Gerber, Havel, Heath, and Tiernan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried.

G. GENERAL BUSINESS

G.1. GRANT OF EASEMENTS TO PACIFIC GAS AND ELECTRIC, COMCAST AND FRONTIER COMMUNICATIONS FOR UNDERGROUND UTILITY INFRASTRUCTURE ON CITY-OWNED PROPERTY LOCATED AT 1663 NOVATO BLVD. (APN 140-041-44) - GENERAL PLAN CONSISTENCY REPORT

Consider providing a report to the City Council regarding whether the grant of easements to Pacific Gas and Electric (PG&E), Comcast, and Frontier Communications (Frontier) for the purpose of installing, operating, and maintaining underground utility infrastructure on city-owned property is consistent with the Novato General Plan.

Senior Civil Engineer Sarlatte introduced the item and provided a presentation.

Vice Chair Tiernan inquired as to the timeline of the undergrounding project.

Engineer Sarlatte responded they are hoping to start early next year, and the team is working hard to make that happen.

Vice Chair Tiernan asked if the underground utility infrastructure runs parallel to Novato Blvd.

Engineer Sarlatte said that it runs perpendicular to the property line. The PG&E pieces will be up front by the right-of-way and Comcast will run a line further back to serve those residences.

Vice Chair Tiernan asked where we are with tackling the intersection of Diablo and Novato Blvd. Will it possibly be done within a year?

Engineer Sarlatte responded that the improvement plans are under way and the EIR is out for public comment. The project team will put out a communication to all the residents that front Novato Blvd that will be affected by the change in the right-of-way. PG&E will come in next year with their work and then coordinate with the sewer & water districts, so that in 2022, we should be going through the bid process.

COMMISSION ACTION: Upon motion by Commissioner Gerber and seconded by Vice Chair Tiernan, the Planning Commission voted 7-0-0-0 via roll call to adopt the Resolution reporting that the grant of utility easements on the City-owned property at 1663 Novato Blvd is consistent with General Plan 2035.

AYES: Commissioners Dawson, Derby, Farac, Gerber, Havel, Heath, and Tiernan
NOES: None
ABSTAIN: None
ABSENT: None
Motion carried.

H. COMMITTEE AND LIAISON REPORTS

Planning Manager Marshall discussed future meeting schedules.

I. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:07 PM.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the Planning Commission meeting of December 13, 2021.

/Shelley Woods/

Shelley Woods, Senior Office Assistant