



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Trevor Keith Director of Planning & Building

August 2, 2019

REROC
2115 WILLOW RD E
ARROYO GRANDE, CA 93420

SUBJECT: Notice of Final County Action, Development Plan / Coastal Development Permit DRC2019-00016

Dear Sir/Madam,

LOCATED WITHIN COASTAL ZONE: YES

On July 25, 2019, the County Planning Commission approved your application based on the approved Findings and subject to the approved Conditions, both attached as exhibits to the adopted official resolution, which is enclosed for your records.

If you disagree with this action, pursuant to (County Real Property Ordinance Section 21.04.020 / County Land Use Ordinance Section 22.70.050 / County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042), and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted to the Director of the Department of Planning and Building on the proper Department appeal form, as provided on the County website. The appeal form must be submitted with an original signature; a facsimile will not be accepted.

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action is directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County cannot take any further administrative actions for the proposed development, including but not limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period have expired without an appeal being filed, and the County's notice of final action that it submitted to the Coastal Commission has been accepted by Commission staff as compliant with Title 14 CCR Section 13571.

Please note that exhaustion of local appeals at the County level is almost always required prior to appealing the matter to the California Coastal Commission. Three exceptions apply to this requirement as provided in CZLUO Section 23.01.043b.(1)-(3).



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If you have any questions regarding your project, please contact **Cassidy Mcsurdy** at (805) 788-2959

Ramona Hedges, Secretary

A handwritten signature in black ink.

County of San Luis Obispo
Department of Planning & Building

CC: PUBLIC POLICY SOLUTIONS INC, 200 S 4th St #301, GROVER BEACH, CA 93433

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, July 25, 2019

PRESENT: Commissioners James Harrison, Don Campbell, Jay Brown, and Dawn Ortiz-Legg

ABSENT: Commissioner Michael Multari

PLANNING COMMISSION RESOLUTION NO. 2019 - 029
RESOLUTION RELATIVE TO THE GRANTING
OF A
DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 25th day of July, 2019, grant a Development Plan / Coastal Development Permit, and approved the General Rule Exemption. The site is in the Industrial land use category and is located at 2115 Willow Road, 2 miles west of the community of Nipomo in the South County (Coastal) Planning Area. Assessor Parcel Number(s) / APN(s): 091-195-003.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 25th day of July, 2019, does hereby grant the aforesaid Permit No. DRC2019-00016.

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance/Coastal Zone Ordinance Section 22.64.070/23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Harrison, seconded by Commissioner Ortiz-Legg, and on the following roll call vote, to-wit:

a

AYES: Commissioners Harrison, Ortiz-Legg, Campbell, and Brown

NOES: None

ABSENT: Commissioner Multari

the foregoing resolution is hereby adopted.

the foregoing resolution is hereby adopted.

/s/ Jay Brown
Vice Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

FINDINGS - EXHIBIT A
CONDITIONAL USE PERMIT DRC2019-00016 / REROC

Environmental Determination

- A. The project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15061. The project qualifies for a Categorical Exemption for Class 1 as set forth in the CEQA Guidelines because it involves the operation and permitting of an existing private structure and facilities, involving negligible expansion of use beyond that which was existing. The project does not involve any site disturbance and is not located in a sensitive environment, will not have a cumulative impact, will not have a significant effect due to unusual circumstances, will not damage scenic resources, is not located on a hazardous waste site, and will not affect any historical resources.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a distribution facility and cannabis nursery, as Cannabis Activities, are allowed land uses and are, as conditioned, consistent with all relevant policies of the General Plan.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis distribution and nursery activities do not generate activities that present a potential threat to the surrounding property or buildings, water use would be minimized and actual usage shall be monitored, energy usage shall be monitored, security fencing shall be installed, State water quality regulations shall be met, solid waste shall be properly disposed of, and nuisance odor shall be controlled. This project is subject to Coastal Zone Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis activities would occur within an existing building, cannabis and cannabis related products would not be visible from offsite, noise will not exceed baseline conditions, and nuisance odors would not be detectable from offsite.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project is accessed from Willow Road (SR-1). As described in the traffic study prepared by Rick Engineering, January 28, 2019, the project is anticipated to generate up to 4.65 AM peak hour trips. The increased ADT will not reduce the Level of Service of roads and intersections serving the project. The project is conditioned to pay the Public Works Department the South County Area 2 Road Improvement Fee based on the latest adopted fee schedule.

Cannabis Distribution

- G. The cannabis distribution facility, as proposed, will comply with all requirements of the State and County for the dispensing of cannabis, including all dual licensure and participation in an authorized track-and-trace program.
- H. County staff has reviewed the cannabis distribution facility operating plan and found that it demonstrates proper protocols and procedures that address enforcement priorities for cannabis activities including ensuring that it will not be open to the public, that the site will have security fencing, that it will restrict access to minors, and ensuring that cannabis and cannabis products are limited to those obtained from and supplied to other permitted licensed sources within the State and not distributed out of State.
- I. The cannabis distribution will not be located within six hundred (600) feet from any preschool, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.

Cannabis Nursery

- J. The cannabis nursery, as proposed, will comply with all the requirements of State and County for the propagation of cannabis, including dual licensure and participation in an authorized track-and-trace program.
- K. The cannabis nursery will not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- L. The cannabis nursery includes adequate measures that minimize use of water for cannabis propagated at the site.
- M. The cannabis nursery includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- N. The cannabis nursery includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the State and not distributed out of state.

**EXHIBIT B - CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT DRC2019-00016 / REROC**

Approved Development

1. This approval authorizes use of a 3,000 square foot lease space within an existing 12,000 square foot building located at 2115 Willow Road for the following:
 - a. Phase 1 -- A 3,000-square-foot cannabis distribution business.
 - b. Phase 2 -- A 2,500-square-foot cannabis nursery business.
 - c. A maximum of 12 full time employees working in two separate shifts daily to serve both on-site operations and both phases.
 - d. The facility will not be open to public; a maximum of 6 pick-ups and deliveries weekly will be scheduled to avoid overcrowding the loading and parking area. All pick-ups and deliveries will occur between the hours of 7:15AM and 10PM and will include on-site distributor activities as well as receipt of off-site distributor trips.
 - e. Operational hours of 6AM to 10PM Monday thru Sunday.
 - f. Excepting the items listed above, no other onsite uses are permitted, including, but not limited to, additional full time or seasonal employees, cultivation, manufacturing, non-storefront retail, greenhouse, retail sales, tours, or events.
2. This approval authorizes a cannabis distribution business which shall be operated in compliance with the following restrictions:
 - a. Cannabis goods for distribution shall only travel in an enclosed motor vehicle operated by a distribution employee of the permittee.
 - b. While carrying cannabis goods for distribution, a distribution employee shall ensure the cannabis goods are not visible to the public.
3. This approval authorizes a cannabis nursery business which shall be operated in compliance with the following restrictions:
 - a. The nursery shall not be open to the public.
 - b. The products sold shall be in accordance with applicable State regulations and licenses.

Conditions required to be completed prior to commencing permitted activities

4. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
5. **Prior to commencing permitted activities**, the applicant shall complete all State licensing requirements for cannabis distribution and cannabis nursery at the approved location. A copy of all pertinent State licenses shall be submitted to the County of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
6. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections

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have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

7. **Prior to commencing permitted activities**, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.
8. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.

Conditions required to be completed prior to issuance of a County Business License.

9. **Prior to issuance of County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
10. **Prior to issuance of County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 23.04.280 b. and c. of the Coastal Zone Land Use Ordinance.
11. **Prior to issuance of County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County Sheriff as required by Section 23.08.423.D of the Coastal Zone Land Use Ordinance.
12. **Prior to issuance of a County Business License**, the applicant shall offset the net increase of water (approximately 11.12 gallons per day) to meet the 1:1 cannabis-related water use offset for the total proposed water use of the proposed nursery facility as required by Sections 23.08.420.e.6.
13. Prior to issuance of a Business License, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.

Conditions required to be completed at the time of application for building permits

Fees

14. **At the time of application for building permits**, the applicant shall pay all applicable public utility and housing impact fees.

Lighting

15. **At the time of application for construction permits**, the applicant shall provide a lighting plan showing all exterior security lighting with shielding that confines light sources to the project site and shields neighboring properties. Any lighting shall be the minimum necessary and shall be shielded, angled and operated so that it is not visible from public roads.

Fire Safety

16. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from Cal Fire. All plans submitted to the Planning and Building Department shall meet the fire and life safety requirements of the California Fire Code and the requirements described in the letter of February 5, 2019 from CalFire.

Services

17. **At the time of application for construction permits**, the applicant shall submit evidence of compliance with all applicable State requirements and standards associated with State Route One as determined by Caltrans.
18. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.

Site Development

19. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
20. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
21. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
22. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
23. **At the time of application for construction permits**, the submitted building plan set shall show a total of six (6) parking spaces including one handicapped accessible parking space consistent with the standards set forth in CZLUO Sections 23.05.104, 23.04.164 and 23.04.168.
24. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.
25. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;

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1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals
- c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
26. **Prior to acceptance of the improvements (if applicable),** the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

27. **Prior to occupancy or final inspection,** whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire for all required fire/life safety measures.
28. **Prior to occupancy of any structure associated with this approval,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Ongoing conditions of approval (valid for life of the project)

29. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Coastal Zone Land Use Ordinance Section 23.02.042, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Coastal Zone Land Use Ordinance and these conditions of approval. Substantial site work is defined by County Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
30. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to relevant provisions of the County Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
31. All cannabis nursery areas used for "research and development" or otherwise to include flowering plants shall be delineated and separated from the general cultivation spaces and will comply with all state standards.

32. **Throughout the life of the project**, no activities associated with this permit shall be allowed to occur within the public right-of-way, including, but not limited to, project signage, landscaping, etc., without a valid Encroachment Permit issued by Caltrans.
33. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with LUO Sections 23.04.280 b. and c.
34. **Throughout the life of the project**, and in accordance with the parking standards set forth in Section 23.04.160, the applicant shall maintain **no less than six (6) parking spaces** onsite and one loading space for the life of the project.
35. **Throughout the life of the project**, the applicant shall post onsite all required land use permit approvals and all required State and County permits and licenses required to operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.
36. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
37. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
38. Upon adoption of the County of San Luis Obispo Cannabis Monitoring Program, the applicant shall enter the program within 90 days of adoption. Any associated fees shall be paid to the County of San Luis Obispo.
39. **Throughout the life of the project**, the cannabis nursery shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for cannabis nursery shall be equipped and/or maintained with sufficient ventilation controls (e.g., carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. In the event of a verified nuisance complaint, the County may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, abatement of the violation pursuant to Land Use Ordinance Section 23.08.432 and permit revocation pursuant to Land Use Ordinance Sections 23.08.431 and 23.08.432.
40. **Throughout the life of the project**, pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
41. **Throughout the life of the project**, no minors or unauthorized personnel shall be permitted inside any restricted access areas, under any circumstance.
42. **Throughout the life of the project**, Irrigation water supplies for the project shall not include water transported by vehicle from off-site sources.
43. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Planning and Building Department with quarterly water usage

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monitoring reports based on meter readings, not to exceed 4,059 gallons per year (0.012AFY).

44. **Throughout the life of the project,** the applicant shall meter electricity used for cannabis activities and provide the Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.