November 7, 2011

Tammy Murrary
1409 S. 4th Street
Oceano, CA 93445

NOTICE OF FINAL COUNTY ACTION

SUBJECT: TAMMY MURRAY / County File Number: DRC2010-00070

At the meeting of November 3, 2011, the County Planning Commission approved your application and adopted an official resolution. A copy of this resolution is enclosed for your records. The approved Findings, shown in Exhibit A, and the Conditions, shown in Exhibit B, are attached to the resolution. The conditions of approval must be carried out as set forth therein.

If you disagree with this action, pursuant to County Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing on the proper department appeal form, to the Department of Planning and Building. The appeal fee is $850.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature; a FAX will not be accepted.

If you have any questions regarding this matter, please contact me at (805) 781-5612.

Sincerely,

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, November 3, 2011

PRESENT: Commissioners Jim Irving, Ken Topping, Dan O'Grady, Tim Murphy, and Chairperson Carlyn Christrianson

ABSENT: None

PC RESOLUTION NO. 2011-027
RESOLUTION RELATIVE TO THE GRANTING
OF A MINOR USE PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 3rd day of November, 2011, grant a Minor Use Permit to TAMMY MURRAY to establish a 470 square foot medical marijuana dispensary in an existing 931 square foot single family dwelling that is proposed to be converted into a mixed use building consisting of 470 square feet of commercial space and 461 square feet of residential space. A new 75 square foot ADA compliant restroom will also be added. The subject property is 5,500 square feet. The proposed project is within the Commercial Service land use category and is located at 1409 South 4th Street in the community of Oceano. A Class I exemption pursuant to the California Environmental Quality Act (CEQA) was issued for the project on September 23, 2011.Templeton in the Salinas River Planning Area, APN: 062-291-019, in the San Luis Bay Planning Area. County File Number: DRC2010-00070.

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 10th day of July, 2003, does hereby grant the aforesaid Permit No DRC2010-00070

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.64.060 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

On motion of Commissioner Irving, seconded by Commissioner Topping, and the following roll call vote, to-wit:

AYES: Commissioner Irving, Topping, O'Grady and Chairperson Christianson

NOES: Commissioner Murphy

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Carlyn Christianson
Chairman of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

EXHIBIT A – FINDINGS
Conditional Use Permit DRC2010-00070 (Murray)

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project will be located within an existing structure and only involves a change in use. In addition, the project is located in an urbanized area not in close proximity to significant fish and/or wildlife habitat.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned and adjusted, the proposed project or use satisfies all applicable provisions of Title 22 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 medical marijuana dispensary, as proposed and conditioned, does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns, including limited hours of operation.

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 medical marijuana dispensary will be located in the Commercial Service land use category in an area that contains both residential and commercial uses. The medical marijuana dispensary will be also be located in an existing residence which is similar to, and will not conflict with, the surrounding lands and uses.

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 because the project is located on South 4th Street, a local road constructed to a level able to handle any additional traffic associated with the project. In addition, all “member” visits of this medical marijuana dispensary will be by appointment only, at approximately 15 minute intervals with a maximum number 35 member visits per day.

Adjustments

G. The application of the special use standard from LUO Section 22.30.225 – General Retail subsection c.1 is appropriate, which requires medical marijuana dispensaries be located a minimum of 1,000 feet from any pre-school, elementary school, high school,

library, park, playground, recreation or youth center, is unnecessary and shall be waived. This determination and the waiver are based on the location of the proposed medical marijuana dispensary in relation to the public park (Oceano Park). The actual distance of 922 feet is considered substantial. Significant separation between the proposed medical marijuana dispensary and the park is provided by Highway 1, the rail road, rail road right of way and 4th Street. There is also substantial topographic elevation change between the subject property and the public park, providing both a visual and physical barrier.

H. Based on the specific site characteristics, the project, including the proposed modifications to the standards of this Chapter, will satisfy all mandatory findings required for Conditional Use Permit approval by Section 22.62.060.C.4.

EXHIBIT B - CONDITIONS OF APPROVAL
Conditional Use Permit – DRC 2010-00070 (Murray)

Approved Development

1. This approval authorizes:

   a. a 470 square foot medical marijuana dispensary (MMD), the partial conversion of the existing residence into a commercial building consisting of 470 square feet of commercial space, 235 square feet of residential space, 226 square feet of shared employee/residential space and a new 75 square foot ADA compliant restroom.

   b. The Medical Marijuana Dispensary must abide by the following limitations on use:

      i. Hours of operation are limited to 11:00 a.m. to 6:00 p.m. seven days per week.

      ii. No person under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of his/her parent or guardian.

      iii. No retail sales of paraphernalia as defined in Health and Safety Code section 11364.5 are permitted at the Dispensary.

      iv. No cultivation of medical marijuana is permitted at the Dispensary or on Dispensary property.

   c. All staff/employees employed by the Medical Marijuana Dispensary must be 21 years of age or older.
   d. All "member" visits to this medical marijuana dispensary will be by appointment only, at approximately 15 minute intervals with a maximum number of 35 car visits per day.
   e. A security plan shall be submitted to the Department of Planning and Building.

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

Improvements to Existing Structure

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

3. **At the time of application for construction permits,** the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, that shall be prepared by the CalFire for this proposed project.

Services

5. **At the time of application for construction permits,** the applicant shall provide a letter from the Oceano Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

6. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

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

7. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***establishment of the use***. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

8. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.

9. **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.

10. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall notify Sheriff's Department informing it of the name, location and contact information for the owner/operator of the Dispensary. Name and phone number of Sherriff's Department contact must be provided so that notification can be confirmed.

11. **Prior to occupancy of 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. The conditions that must be completed prior to occupancy are as follows:

    The Dispensary, inside of the Dispensary itself, shall display in a manner legible and visible to its clientele:

    a. Notice that persons under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian; and

b. Notice that there is no consumption of medical marijuana in the vicinity of the Dispensary.

On-going conditions of approval (valid for the life of the project)

12. The applicant shall maintain the privacy fence located along the eastern and southern property lines.

13. The project shall be reviewed by the Planning Commission in a noticed public hearing, two years after operation of the use commences. The purpose of this review is to determine compliance with these conditions. The Planning Commission will have the option of suggesting modification of these conditions of approval at that time.

14. 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 Section 22.64.070 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 Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

15. 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 Section 22.74.160 of the Land Use Ordinance.