



City of Yuba City

Council Chambers

October 25, 2017

6:00 p.m.

The meeting was called to order at 6:00 P.M.

**Roll Call:**

Present: Commission Members Jana Shannon, John Sanbrook, Dale Eyeler, Jackie Sillman, Vice Chair Michele Blake, and Chair Daria Ali.

Also present was Arnolando Rodriguez, Development Services Director/Recording Secretary and Ed Palmeri, Senior Planner.

**Pledge of Allegiance to the Flag:**

Led by Commissioner Dale Eyeler

**Public Communication:**

No comments made during this time.

**Public Hearing:**

**Item #3. Consideration of Use Permit No. UP 17-04 and Environmental Assessment No. EA 17-10: Luminance Health**

Planning Commissioners Ali and Eyeler indicated they previously heard a presentation by Luminance at a recent Chamber of Commerce, Government Affairs subcommittee meeting. However, both recused themselves prior to a vote and did not engage in a discussion of the project. Rather, they left the room during the discussion.

Presented by Senior Planner Palmeri

Senior Planner Palmeri reviewed the project requesting approval of a Use Permit application seeking to operate a substance abuse treatment facility located at 1251 Stabler Lane. The 5.46 acre site is developed with a 51,000 square foot facility that formerly housed a psychiatric hospital. The property is zoned C-O (Office Commercial District; Assessor's Parcel Number 59-010-050) and is presently vacant. The applicant is proposing a 70 bed, inpatient substance abuse treatment facility. No outpatient services will be provided. More specifically, Palmeri indicated that the project included the follow entitlements:

1. *Use Permit No. UP 17-04:* To allow operation of a substance abuse treatment facility.
2. *Environmental Assessment (EA) 17-08:* Environmental assessment of the proposed project.

Senior Planner Palmeri noted that the project is Categorically Exempt pursuant to CEQA guidelines and that the applicant will make significant interior improvements, as well as exterior upgrades to the parking, landscaping, and overall grounds. Palmeri noted that at staff's request,

the applicant held a community meeting to introduce the project to neighboring property owners. Palmeri continued by stating that the facility will not operate as a disciplinary facility, and that it is a voluntary substance abuse facility rather than a diversion program (in-lieu of jail). He noted that violent felony offenders will not be admitted and the facility will provide 24 hour a day, 7 day per week private security.

Commissioner Sanbrook noted that the site provides two points of ingress/egress via Stabler Lane and because the site has been vacant for an extended period of time, was any consideration given to anticipated traffic. Senior Planner Palmeri responded that Stabler Lane is improved to its ultimate right-of-way and that it has excess capacity to accommodate expected traffic. Commissioner Sanbrook also asked what open space amenities would be provided on-site. Senior Planner Palmeri stated that it would be used for a Zen garden, and active recreation activities such as volleyball, swimming, etc.

Commissioner Sanbrook requested clarification on Condition of Approval #8. More specifically, he inquired if the uses that staff is proposing to prohibit are permitted per the City's Municipal Code. Senior Planner Palmeri indicated that they are not, however staff wanted to ensure that the applicant has a clear understanding.

Chair Ali asked staff if there is a follow-up on the subject Use Permit. Senior Planner Palmeri indicated that should the facility not comply with the Conditions of Approval, the Development Services Director may recommend that the Use Permit be presented to the Planning Commission possible action.

Commissioner Sanbrook noted that the Use Permit runs with the land, not the applicant. Senior Planner Palmeri affirmed Commissioner Sanbrook's clarification.

There being no additional questions of staff, Chair Ali asked if the applicant would like to add anything.

Project applicant Brian Halloway indicated that during his career, this was the fastest a Use Permit, from the time of submittal, that a project has been presented before the Planning Commission and was appreciative of City staff for expediting the project.

Luminance Chief Executive Officer Michael Krause indicated that his company operates nine facilities from Malibu to San Juan Capistrano in Orange County and that they are excited to be part of the community. Mr. Krause stated that his company's mission is to change lives, and that given that his industry is relatively young, there is a high degree of NIMBYISM (e.g. Not in my backyard). Regardless, he believes that this is a good location.

Commissioner Sanbrook inquired as to who owns the facility.

CEO Krause indicated that Luminance will act as the operator with a 20-year lease.

Commissioner Eyeler noted that the facility is proximate to apartments, a grocery store, and he presumes that the facility will permit supervised visits to nearby stores. He asked if Mr. Krause could elaborate on what issues might Luminance anticipate. Mr. Krause indicated that they first attempt to stabilize their clients and that they do not allow them to move about. Once the client reaches a certain level, clients may shop.

Commissioner Eyeler followed- up by inquiring about the number and type of jobs Luminance will be creating. Mr. Krause noted that employees range from Doctors to cooks and janitorial staff. He noted that they anticipate an annual payroll of \$5,000,000.

Commissioner Shannon asked Mr. Krause to elaborate on how clients are accepted. Mr. Krause noted that Luminance collaborates with two state agencies and they first have a conference call, followed by an assessment. He noted that the rejection rate is high and that they do not operate a client "mill".

Commissioner Shannon asked Mr. Krause where clients come from, in terms of geographic area. Mr. Krause indicated that clients can select which facility they go to and that they anticipate that this facility will serve northern California, however clients may be nationwide.

Vice Chair Blake thanked Mr. Krause for selecting Yuba City and inquired to the effectiveness of sobriety post treatment. Mr. Krause indicated that there is not excellent data available given that it is based on self-reporting. Vice Chair Blake also inquired about the average stay and average number of visitors. Mr. Krause noted that the average client stay is 30 days and that the facility does not encourage a high number of visitors, rather families visit to participate in therapy.

Project representative Mr. Halloway noted that the maximum number of employees at the facility at any given time will not exceed 55.

Commissioner Sanbrook asked if Luminance will accept diversions from court. Mr. Krause responded in the negative.

Commissioner Eyeler asked Mr. Krause about the average cost of treatment, to which Mr. Krause responded \$30,000.

Chair Ali inquired about post discharge. Mr. Krause indicated that they "reach out" to clients.

Chair Ali asked if anyone from the audience wanted to speak in favor of the project.

Bob Harlan, Vice Chair of the Chamber of Commerce read a letter of support and indicated that they are in favor of the project and that they are satisfied with the security plan.

Barbara Nolan requested clarification. She indicated that the staff report states that this is not a diversion program, yet the operational statement indicates that two percent of clients may be via a diversion program. Mr. Krause clarified that no clients will be court appointed.

Earl Keith, representing the religious institution immediately to the east asked for clarification regarding the existing 14 foot tall wall and if the existing gate between the two sites could be removed. Mr. Keith also noted that there is an existing hedge that is in good condition, however it simply appears neglected.

Mr. Halloway indicated that the existing wall will remain, the gate will remain locked, and that the court appointed language was carry-over language from their initial submittal and that they will not accept court appointed clients. He also indicated that if the Fire Department is amenable, they will remove the gate altogether.

Sonni (sp?) of 1560 Butte House asked the applicant to define a “violent felony” and clarify on-site parking given that he believes that the site does not provide adequate parking for 55 on-site employees, plus 70 clients.

Commissioner Shannon noted that clients will not have vehicles.

Mr. Krause noted that they will not accept violent offenders, clients with a history of making physical or terrorists threats, or lewd conduct.

Aben, the site owner requested that the Commission reconsider condition #8. Commissioner Sanbrook noted that the Commission would have to review the merits of a project once a project is before them and that it would inappropriate to provide feedback on something not being considered.

No one spoke in opposition to the project.

Chair Ali closed the public hearing and called for discussion.

Commissioner Sillman stated that she dedicated over three hours reviewing the project and contacted the Police Department in San Juan Capistrano and that they had not received any complaints. She indicated that she is in favor of the project.

Commissioner Eyeler indicated that the facility will create excellent jobs and is also in favor.

Commissioner Sanbrook echoed Commissioner Sillman’s comments and is in support of the project.

Commissioner Shannon moved to approve staff’s recommendation. Commissioner Eyeler made a friendly amendment to Commissioner Shannon’s original motion. Commercial Eyeler requested that Condition #23 be amended to note that the gate will be replaced with continuous cyclone fencing, contingent upon approval from the Fire Department, and that Condition #33 be amended to note that court appointed persons shall not be admitted.

Commissioner Sillman seconded the motion. The Commission voted to unanimously approve the project by a vote of 6 yes to 0 no.

*Item #4. Consideration of Zoning Code Text Amendment No. 17-03 relating to cannabis uses.*

Director Rodriguez presented the proposed text amendment. Director Rodriguez noted that the text amendment would repeal all existing Municipal Code regulations which would in turn be replaced with new language. He continued by stating that the proposed changes were necessitated by Proposition 64, passed by California voters November 8, 2016 and Senate Bill 94.

Director Rodriguez noted that marijuana regulations have been fluid since 1994, and the subject text amendment is the latest in a series of updates. He continued by stating that the City currently narrowly defines Medical Marijuana and provides criteria for the cultivation of cannabis at private residences. He stated that the proposed text amendment would consolidate language throughout the City’s Municipal Code and there are no changes to the cultivation of marijuana rather than a new numbering system and the term cannabis will replace the term marijuana

consistent with State law. He also indicated that the ordinance would prohibit all commercial cannabis activity in the City, including cultivation, sales, delivery, processing, manufacturing, and testing.

Commissioner Ali noted that it may be appropriate to allow medical marijuana deliveries in the City to patients that may be in need. Director Rodriguez noted that the ordinance as proposed, would not permit the delivery of cannabis.

Chair Ali asked if anyone would like to speak in favor or in opposition to the proposed ordinance.

No one spoke.

Chair Ali closed the public hearing and called for discussion.

Commissioner Ali noted that she would recommend that the Commission, along with the City Council hold a policy discussion regarding the delivery of medical marijuana.

Being no further discussion, Commissioner TBD made a motion to recommend that the Council approve the ordinance. Commissioner TBD seconded the motion. The Commission voted to approve the text amendment by a vote of 5 yes to 1 no, with Commissioner Ali voting no in favor of holding a policy discussion in regards to the delivery of marijuana to medical patients.

**Development Service Director Reports:**

There were no reports.

**Report of Actions of the Planning Commission:**

There were no reports.

**Adjournment:**

There being no further business, the meeting was adjourned at 8:07 p.m. to the next regular meeting by Chair Ali.

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Arnoldo Rodriguez, Secretary  
YUBA CITY PLANNING COMMISSION