

**PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING**

April 12, 2016

The regular meeting of the Placentia Planning Commission on April 12, 2016 was called to order at 6:33 p.m. in the Placentia Council Chambers, 401 East Chapman Avenue, Placentia, CA by Chair Schaefer.

ROLL CALL:

PRESENT: Commissioner Francine, Lee, Schenck, Solomonson, Tomazic, Schaefer

ABSENT: Commissioner Lee, Perez

OTHERS PRESENT: Yolanda Summerhill, Assistant City Attorney
Charles Rangel, Senior Planner
Elsa Villagrana, Secretary

PLEDGE OF ALLEGIANCE: Chair Schaefer

ORAL COMMUNICATIONS: None

Chris Wissman provided public testimony. He expressed that he received notification for conditional use permit for Sit Means Sit Dog Training and had concerns with the item.

Chair Schaefer informed Mr. Wissman that the item he is referring to is a public hearing item and he will be invited to speak at the appropriate time.

CONSENT CALENDAR: None

PUBLIC HEARINGS:

1. **Applicant: Cynthia Hunt, Dba as "Sit Means Sit Dog Training"**
Project Location: 510 Cameron Street , Placentia, CA 92870

Use Permit (UP) 2016-01:

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Use Permit 2016-01, Receive the staff report and consider all Public Testimony, and continue this item.

Chair Schaefer open the public hearing at 6:38 p.m.

Senior Planner Rangel provided a brief report regarding Use Permit 2016-01. He noted that he did not receive the licensing requirements from Orange County Animal Care before preparing the staff report. Mr. Rangel requested the Commission continue the item to the next regular meeting in May in order to complete the staff analysis.

Chair Schaefer asked the Assistant City Attorney Summerhill if the Chair could open the Public Hearing if the item will be continued.

Assistant City Attorney Summerhill recommended the Commission close the public hearing and continue the item at next meeting in May.

Chair Schaefer asked Chris Wissman if he will be able to attend the next meeting on May 10, 2016.

Chair Schaefer inquired if the applicant will be able to attend the meeting on May 10, 2016.

Cynthia Hunt, applicant noted that she will be able to attend the next meeting on May 10, 2016.

Chair Schaefer closed the Public Hearing at 6:42 p.m.

Motion to continue this item to the next Commission meeting on May 10 , 2016 by Schenck, seconded by Solomonson and carried on a (5-0) vote to approve the recommended actions.

Ayes: Francine, Schenck, Solomonson, Tomazic, Schaefer

Noes

Abstain:

Absent: Lee, Perez

2. **Applicant: City of Placentia**
Project Location: City-wide

Zone Code Amendment (ZCA) 2016-02:

An Ordinance of the City of Placentia Repealing Chapter 8.42 of Title 8 of the Placentia Municipal Code Regarding Medical Marijuana Dispensaries, Enacting Title 12 and Chapter 23.85, Authorizing and Permitting the Establishment, Operation and Regulation of Certain Specified Cannabis-Related Businesses.

Recommended Actions: It is recommended that the Planning Commission:

- a. Open the Public Hearing, concerning Zoning Code Amendment 2016-02, Receive the staff report and consider all Public Testimony, and Close the Public Hearing; and Adopt Resolution PC-2016-04, A Resolution of the Planning Commission of the City of Placentia, California, Recommending that the City Council of the City of Placentia Approve an Amendment to Placentia Municipal Code Repealing Chapter 8.42 Regarding Medical Marijuana Dispensaries and Adding Title 12 Entitled "Medical Marijuana Businesses and Activity," Adding Chapter 23.45 Entitled "Medical Marijuana Uses and Activity" and Amending Section 23.46.040 Pertaining to Medical Marijuana Cultivation; and
- b. Making Findings and Approving Resolution 2016-04 and Making Findings in Support Thereof; and
- c. Find that the adoption of the ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 14 California Code of Regulations Section 15061 (b)(3), there is no possibility the activity in question will have a significant effect on the environment.

Chair Schaefer open the Public Hearing at 6:43 p.m.

Assistant City Attorney Summerhill introduced Crystal Hodgson from the City Attorney's Office to discuss the item and respond to questions.

Assistant City Attorney Summerhill provided a report on the Zone Code Amendment 2016-02 and the three ordinances the commission will be voting on. Summerhill provided the commission with a summary of the history of regulations related to medical marijuana in the state of California. She noted that in 2008, the Placentia City Council adopted an ordinance that prohibited marijuana dispensaries from operating within the City. Most recently, in 2016, the Placentia City Council adopted an additional ordinance prohibiting marijuana cultivation in the City to preserve local control over regulations relating medical marijuana. She noted that other cities took similar actions.

Assistant City Attorney Summerhill stated that the proposed City ordinance would effectively authorize a license for cultivation, manufacturing, testing, dispensaries, transport and distribution. The ordinance would expand upon the five permitted licenses under state law and allow one license for each of the respective uses.

Assistant City Attorney Summerhill asked Attorney Hodgson to elaborate on the restriction on the number of licenses businesses can obtain under state law.

Attorney Hodgson stated that the state is restricting the combination of licenses business will able to have. State law only allows having up to two licenses for applications are compatible with the ordinance.

Assistant City Attorney Summerhill noted that out of the 5 permitted licenses, businesses are only allowed to have one of the following 3 types of licenses: transporting, testing and distribution.

Commissioner Schenck inquired which types of licenses the ordinance will be permitting.

Assistant City Attorney Summerhill noted that she is providing a broad picture of all the ordinances and therefore is providing information regarding the three ordinances related to Chapter 8 and 12. She noted that the ordinance related to entitlements and land uses are being reviewed by to the Planning Commission.

Assistant City Attorney Summerhill commented that the proposed ordinance would provide an option for expansion. Under the ordinance, after 18 months, the City Council would have the opportunity to vote to grant a second permit in the categories of cultivation and dispensary businesses.

Chair Schaefer asked for clarification on the expansion option in the proposed ordinance.

Assistant City Attorney Summerhill commented that one more cultivation permit may be issued to the permitted medical marijuana manufacturer business.

Commissioner Tomazic expressed he would like more information on the how the ordinance would be administered.

Assistant City Attorney Summerhill provided a summary of the proposed locations for the permitted uses under the proposed ordinances. She noted dispensaries will be permitted in C-O (Commercial Office), C-1 (Neighborhood Commercial), and C-2 (Community Commercial) zones

but will have to stay within 1,000 feet of the hospital and 600 feet away from any school, church, park, large daycare, library, or drug and alcohol rehabilitation center.

Assistant City Attorney Summerhill stated that other medical marijuana businesses will be permitted in M (Manufacturing) zones, subject to the distances requirements explained below. These business will be located a minimum of 200 feet from any residentially zoned property. They also must be 600 feet away from any school, church, park, large daycare, library, or drug and alcohol rehabilitation center.

Chair Schaefer inquired if cultivation will be allowed outside or inside.

Senior Planner Rangel commented that the proposed ordinance will only allow cultivation to be inside.

Assistant City Attorney Summerhill explained the selection process of the applicants. She noted the City Administrator will conduct an initial review of the application and will bring forward three (3) applications for medical marijuana businesses to the City Council. The City Council will select the top candidates and these candidates will be provisionally approved, subject to review by planning staff through the Building and Zoning approval process and any environmental review as required. Attached to this report are illustrations mapping out the distancing requirements for both dispensaries in the designated commercial zones and other medical marijuana businesses permitted in the M zones. These maps show parks, schools, large daycare facilities located in the vicinity of the areas permitting the medical marijuana businesses.

Chair Schaefer asked if any of the businesses will be allowed to be located outside Placentia.

Chair Schaefer asked if members of the public wish to speak on the item.

Mr. Josh Correa, resident stated he is neutral on this issue. He expressed concerns with businesses in the manufacturing zone but was pleased to see dispensaries are being proposed near the hospital. He would like to be sure that distribution not be distributed in the neighborhood. Mr. Correa inquired that since the permit is for one year, will the property owner/lessor be able to revoke the permit if they do not want to renew.

Commissioner Francine commented that these will be dependent on the lease. She noted typically the lessee has the option to renew the lease.

Chair Schaefer closed the Public Hearing at 7:58 p.m.

Commissioner Solomonson stated for the record he would be inclined to not want to approve the item in the Commercial zone and table the item until staff has looked into allowing dispensaries in manufacturing zones.

Chair Schaefer stated if they wish to continue the item she has not heard any urgency on this item.

Senior Planner Ranged stated that they would encourage the Commission to take action on the item and include any recommendations.

Assistant City Attorney Summerhill noted that based on the City Council Calendar the goal was to take the ordinance to City Council at the first meeting in May.

Chair Schaefer inquired if approve of the resolution with amendments is equivalent to approving the resolution.

Commissioner Schenck expressed concerns with the commission voting against it four months ago and now they are approving it and with the sense of urgency. He noted that he is concerned that these actions will be misconstrued by the public and subject the city to lawsuits.

Chair Schaefer asked staff if they are aware of any particular reasons as to why the City Council is seeking to revisit this item soon.

Senior Planner Rangel commented that he is not aware of any specific reasons. He noted that there is still more work to be done in regard to approving the ordinance and it will take several months for implementation.

Commissioner Solomonson expressed concerns with dispensaries being located in the commercial zones due to the potential for criminal activity and instead should be located in the manufacturing zones.

Commission discussed recommendations and comments they would like to see included in their approval of the resolution and be presented to the City Council.

Commissioner Schenck expressed his desire for including language in the draft ordinance regarding the selection, should be changed from three (3) finalists to a maximum of ten (10) finalists, competing for a permit, and selected by a lottery instead of a point system.

Chair Schaefer reopened the Public Hearing at 8:20 p.m.

Mr. Correa, resident commented that he would like to see this item continued if the Commission is seeking to recommend the item to be changed to allow one zone only since it was publicized to the public in two zones.

Chair Schaefer commented that if staff is merely to note the sections they were concerned with it will not be the same as amending the resolution.

Mr. Correa noted he would not be comfortable with the Commission amending the ordinance.

Chair Schaefer noted that if the Commission moved to approve the resolution they will be simply providing the green light for City Council to consider the item and include their comments as items to look into.

Commissioner Schenck inquired how they will include their comments in their motion.

Assistant City Attorney Summerhill commented that the Commission can include their comments in their motion.

Motion by Solomonson, seconded by Francine carried on a (5-0) vote to approve the recommended actions subject to inclusion of the Planning Commission's comments.

Ayes: Francine, Schenck, Solomonson, Tomazic, Schaefer

Noes

Abstain:

Absent: Lee, Perez

OLD BUSINESS: None

NEW BUSINESS: None

DEVELOPMENT REPORT:

DIRECTOR'S REPORT:

Senior Planner Rangel provided the commission an update and report on Use Permit 2014-15 for a Verizon cell tower located in Wagner Park approved by the Planning Commission. He noted there is a disparity between the cell tower that was built and the renderings presented to the commission in the staff report when the item was approved. Rangel stated that he notified the applicant that staff will bring the item for revocation and will require notice of public hearing.

Matt Vigil, a representative from Verizon addressed the commission regarding the concerns surrounding their use permit. He stated that Verizon has been working with staff to remediate the issues since they were notified in December, 2015. He noted that yesterday they completed the modifications to the cell tower and provided a summary of the changes made.

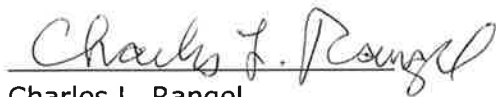
PLANNING COMMISSION REQUESTS:

Commissioner Tomazic requested additional information regarding if the Commission will be subject to approving financing and other matters regarding the proposed Metrolink station and parking structure.

ADJOURNMENT

Chair Schaefer adjourned the Planning Commission meeting at 8:47 p.m. to a regular meeting on Tuesday, May 10, 2016 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia CA.

Submitted by,



Charles L. Rangel,
Senior Planner