



**CITY OF SAN FERNANDO
PLANNING AND PRESERVATION COMMISSION**

**APPROVED MINUTES OF THE
MARCH 1, 2016
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc

CALL TO ORDER

The meeting was called to order by at 6:30P.M.

PLEDGE OF ALLEGIANCE

Led by Theale Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners Kevin Beaulieu, and Yvonne Mejia,

ABSENT

ALSO PRESENT

Community Development Director Fred Ramirez, Associate Planner Humberto Quintana, City Attorney Isabel Birrueta, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Vice chair A. Durham moved to approve the agenda of March 1, 2016. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	A. Durham, Y. Mejia, K. Beaulieu, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None

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CONSENT CALENDAR

Commissioner Y. Mejia moved to approve the minutes of the February 2, 2016 Planning and Preservation Commission Meeting. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	Y. Mejia, K. Beaulieu, A. Durham, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None

UNFINISHED BUSINESS

None

PUBLIC HEARING

CONDITIONAL USE PERMIT 2015-009 (CUP 2015-009) – EL CAMARON CAMPEON (C/O HANI MAMMO), 13737 FOOTHILL BLVD., SYLMAR, CA – THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER AND WINE WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (ON-SALE BEER AND WINE FOR BONA FIDE PUBLIC EATING PLACE, TYPE 41 LICENSE), AT THE PROPERTY LOCATED AT 1161 N. MACLAY AVENUE. THE EXISTING RESTAURANT OCCUPIES A TENANT SPACE OF APPROXIMATELY 2,580 SQ. FT. WITHIN A MULTI-TENANT COMMERCIAL BUILDING. THE SUBJECT PROPERTY IS LOCATED ALONG THE WEST SIDE OF THE 1100 BLOCK OF NORTH MACLAY AVENUE, BETWEEN KNOX STREET AND EIGHTH STREET; WITHIN THE MACLAY DISTRICT (NEIGHBORHOOD SERVICES OVERLAY AREAS) OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-4) ZONE.

STAFF PRESENTATION

Fred Ramirez recommended that the Planning and Preservation Commission continue the item to the next regularly scheduled meeting of April 5, 2016, to allow for additional time to work with the applicant and the property owners to address some outstanding issues. He recommended that the approval of the Agenda include the continuance of the item.

Subsequent to staff's recommendation, Vice Chair A. Durham moved to amend the approval of the Agenda of March 1, 2016 including the continuance of CUP 2015-009 to the April 5, 2016 meeting. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	Y. Mejia, K. Beaulieu, A. Durham, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None

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PUBLIC HEARING

ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE – CITY OF SAN FERNANDO, 117 MACNEIL STREET, SAN FERNANDO, CA 91340 – CONSIDERATION OF PROPOSED ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, CULTIVATION, DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES CITYWIDE.

STAFF PRESENTATION

Fred Ramirez gave the staff report recommending that the Planning and Preservation Commission:

1. Conduct a public hearing; and
2. Subsequent to the conclusion of commission discussion, adopt the attached Planning and Preservation Commission Resolution 2016-004 (Attachment No. 1) recommending to the City Council adoption of the attached Ordinance (Exhibit “A” to Attachment No. 1) Approving Zone Text Amendment 2016-001, Amending Chapter 22 (Businesses) to expressly prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and all Commercial Cannabis Activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15030(b)(3).

PUBLIC COMMENT

Mary Mendoza – 623 S. Brand Blvd., San Fernando, CA 91340 – Ms. Mendoza read a letter that was prepared by the San Fernando Community Coalition that supports the ban on all Medical Cannabis activities in the City of San Fernando. She stated that the letter will be presented to the City Council and signatures supporting the ban are being gathered and will be presented to the City Council as well.

Martin Joseph – 920 Orange Grove Avenue – Mr. Joseph stated that research shows that Cannabis and its products have some medical uses and does provide some comfort to those patients who are suffering from illnesses. He stated that he doesn’t support it getting into the hands of children but the Medical Cannabis can be a revenue source for the City.

Eduardo Torres – 14 year resident, he stated that he came to San Fernando because of nice street and close-knit community. He stated that he is against dispensaries in San Fernando but he does understand that if there is a need to obtain Medical Cannabis the preference would be to go outside of the City limits to obtain it. He asked that the commission make the best decision to keep the dispensaries out of children’s reach.

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Rafaela Gomez – Pacoima resident, mother of three – Ms. Gomez stated that the City of San Fernando has good schools and her children are students in San Fernando. She explained that she supports the ban of Medical Cannabis Dispensaries in San Fernando.

David Bernal – 702 Fourth Street, San Fernando, CA 91340 – Mr. Bernal stated that it was an honor and privilege to work with the Planning and Preservation Commission. He asked that the commission keep in mind the patients who are homebound and can't leave the city limits to obtain the Medical Cannabis. He stated that he supports the ban on dispensaries and is concerned with the ease of access by children to cannabis as a potential recreational use.

Christine Bernal – 702 Fourth Street, San Fernando, CA 91340 – Ms. Bernal stated that the commission should take into consideration the ordinance's impact to Cannabis for medical purposes for homebound individuals and consider allowing deliveries within the city. She noted that she did support the ban of storefronts dispensaries.

Camilo Gomez (husband of Rafaela) – Mr. Gomez stated that by allowing Medical Cannabis Dispensaries to operate in San Fernando would create problems for the city. He stated that by allowing this type of business to operate in San Fernando it would generate much needed revenue but the community would not benefit from it.

Isabel Birrueta provided some clarification about the delivery component of the Text Amendment. She stated that this Ordinance response to new State Law that requires local governments who wish to want to prevent delivery businesses to be established within the City Limits. However if a permitted Medical Cannabis business has its approvals to operate outside of the city, they can deliver to the City of San Fernando residents based on the Business and Professional Code 19388(B) and 193440(F).

T. Haupt stated that what Ms. Birrueta just clarified is different than what Fred has presented.

*[Subsequent to the March 1, 2016, Planning & Preservation Commission meeting, City Attorney Isabel Birrueta conducted further review of applicable state regulations regarding whether cannabis deliveries that originate in other jurisdictions (by operators with valid local and state permits) but that **terminate** in San Fernando are authorized for those people that are homebound. Ms. Birrueta determined that MMRSA supports Subsection (c) of Section 106–194 of the proposed ordinance prohibiting deliveries that originate **or terminate** in the City. Specifically, Business and Professions Code Section 19340(a) states: “Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.”]*

Cindy Montañez – 608 Hollister Street, San Fernando, CA 91340 – Ms. Montañez thanked staff and the City Attorney for putting together such a strong Ordinance and it could be a good model for other Cities who want to ban all Medical Cannabis activities. Questioned whether the City can ban deliveries within our city limits. She stated she encouraged the City Council to support

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and vote in favor of the Ordinance. She thanked former Commissioner David Bernal for his service and she stated that the five members worked well together.

Lupita Camacho – Lives in Lake View Terrace – Ms. Camacho stated that she is a business owner in San Fernando and sometimes she stays late at her place of business and she is concerned that by allowing this activity it will bring crime to the City.

Jose Castillo – Real Estate Broker – Mr. Castillo is an advocate for family. He stated that by allowing this type of business it going to adversely affect property values and quality of life. He stated he supports the ban.

COMMISSION DISCUSSION

K. Beaulieu stated that it is obvious that Medical Cannabis does provide some medical benefits, however, the Commission's decision is for the benefit of the City. He stated that the City might be in a different position if this is placed on the November ballot.

Y. Mejia stated that she echoes Commissioner Beaulieu's comments and further noted that she does understand the need of individuals to have access to medical cannabis. She noted that she did support the zone text amendment to ban all commercial cannabis activities within the city limits.

A. Durham stated that it is an important subject and if we need to adjust pending the voting outcome.

T. Haupt stated that he hopes that Ms. Bernal concerns with delivery had been answered and at this point he doesn't have a problem with the proposed ordinance as it is written.

Isabel Birrueta recommended that the City Attorney's office add a section that has to do with deliveries. Additionally the definition of Caregiver is defined as Business and Profession's Code and it should be Health and Safety Code. The definition of Qualifying Patient should be defined as Health and Safety Code.

Subsequent to discussion Commissioner Y. Mejia moved to adopt Planning and Preservation Commission Resolution 2016-004 recommending to the City Council adoption of attached Ordinance approving Zone Text Amendment 2016-001, amending Chapter 106 (Zoning) and, Chapter 22 (Businesses) to expressly prohibit medical cannabis dispensaries, medical cannabis cultivation, medical cannabis deliveries, and all commercial cannabis activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15030(B)(3) including the friendly amendments of "Caregiver and Qualifying Patient" definitions and the added language to the Ordinance explaining any potential "allowed deliveries" under applicable state regulations. Seconded by Vice Chair A. Durham, the motion carried with the following vote:

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AYES: Y. Mejia, A. Durham, K. Beaulieu, and T. Haupt
NOES: None
ABSENT: None
ABSTAIN: None

STAFF COMMUNICATIONS

Fred thanked former Commissioner Bernal for his work on the Planning and Preservation Commission. He stated that he hopes that he will continue to be involved in the community.

COMMISSION COMMENTS

All Commissioners expressed their appreciation of Mr. Bernal's time and input while a Commissioner.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner Chairperson T. Haupt moved to adjourn to April 5, 2016. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES: T. Haupt, K. Beaulieu, A. Durham, Y. Mejia
NOES: None
ABSENT: None
ABSTAIN: None

7:28 P.M.

Fred Ramirez

Planning Commission Secretary