

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
February 10, 2020

CALL TO ORDER: Chair Bernier called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. in the Council Chambers located at 100 East La Habra Boulevard in La Habra, California.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER POWELL

PRESENT: COMMISSIONERS: POWELL, MANLEY, FERNANDEZ, BERNIER

ABSENT COMMISSIONERS: NIGSARIAN (Excused)

OTHERS PRESENT:

DEP. DIR. OF COMM. DEV.: JARAMILLO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
PLANNING COMMISSION SECRETARY: GONZALEZ

PUBLIC COMMENT

The Chair asked if there was anyone in the audience that wished to speak on any item not on the agenda. There was none.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures to the audience. She called attention to the speaker's cards to be filled out before speaking on any item before the Commission and to be left on the lectern. She asked if any members of the audience or the Commission wished any item removed. There were no items removed.

Commissioner Powell, noted that there was not a quorum of Commissioners that attended the January 24, 2020 meeting to approve the meeting minutes.

By order of the Chair item "a" was continued to the next meeting.

a. Continuation of the minutes of the Planning Commission meeting of January 27, 2020 to the meeting of February 24, 2020.

PUBLIC HEARINGS

a. Consideration of Zone Change 19-03 for an Ordinance modifying La Habra Municipal Code Title 18 (Zoning), Chapter 18.22 (Commercial Cannabis Activity) to allow for commercial non-storefront cannabis facilities and modifications to existing development standards.

Deputy Director Jaramillo presented the staff report to the Commission.

Commissioner Powell asked if this request was initiated at the direction of the City Council. Deputy Director Jaramillo responded that yes it was. Commissioner Powell asked if the proposed code change would allow for only delivery of cannabis products. Deputy Director Jaramillo explained that delivery of cannabis products is legally permitted to just about any address within the State of California.

Commissioner Powell asked about the delivery times as mandated by state law and how orders are placed. Deputy Director Jaramillo responded deliveries can be made from 6:00 a.m. to 10:00 p.m. and further explained the process for orders, deliveries and security. Commissioner Powell also asked staff if it was correct that if the Ordinance was approved a Conditional Use Permit would be required and that a specific condition addressing delivery time, parking, fencing, security and cameras would be addressed. Deputy Director Jaramillo stated that was correct providing a brief explanation of the review and criteria process.

Commissioner Powell referred to the staff report which states that an unarmed security guard would be required on the site. He noted that it did not state if 24-hour security is required. Deputy Director Jaramillo stated that in La Habra armed security is required and at all times that cannabis is on the property per the ordinance. Commissioner Powell requested staff review the report and ordinance to ensure that is the case.

Chair Bernier noted distribution facilities have been approved already. She asked if these existing companies will be providing retail delivery of cannabis products. Deputy Director Jaramillo replied that the city's current ordinance allows for up to 4 distribution facilities. He then briefly explained the difference between distribution and retail delivery of cannabis products. Existing distribution operators could apply for a delivery license as well.

Commissioner Powell noted that there are four Commissioners present this evening. He asked what would occur if there was a 2-2 vote. Deputy Director Jaramillo stated that the motion would fail and staff would forward the item to the City Council with no Commission recommendation.

The Chair opened the public hearing and asked if there was anyone in the audience to speak in favor of the request.

Mr. Rick Casas, CEO, Medical Cannabis Education Center, 980 Mesa Linda Street, Hesperia, California, came forward to address the Commission. Mr. Casas provided details of his business model that involves serving 30 regions within California and includes La Habra. He added that he and his wife have been in business since 2018 focusing mainly in medical cannabis sales which generated one million dollars in their first five months in business. He added that they have not had any operational issues. Mr. Casas stated that they expect to generate five to six million dollars in revenue, in this current year. If they are allowed to add a facility in La Habra they will move 70% of their revenue here and the city would realize taxes from that revenue.

Mr. Casas explained that a recent amendment to state law regarding delivery/drivers no longer requires the company to own the delivery vehicles and that they may use an "Uber like" delivery method. He added they would make sure that all the drivers carried the proper insurance coverage. Additionally, he stated they have a good relationship with the City of Hesperia. He made himself available for questions and requested the Commission's favorable consideration.

Chair Bernier asked Mr. Casas to explain his comment of "Uber like" delivery model. Mr. Casas explained that when their employees are hired they may use their own vehicles.

Ms. Dana Cisneros Esq., 1240 North Lakeview Avenue #125, Anaheim, California, came forward to address the Commission. Ms. Cisneros stated she is the attorney who represents Cana America, which is one of the license distributors in the City of La Habra that is currently going through the building plan check process. She added that Cana America is also interested in perusing the delivery license within La Habra. She commented on the delivery model. She stated that the delivery vehicles do not need to be owned by the licensed operator but the drivers for the license operators must be employed directly by the business. Also, every employee must

undergo a background check and a live scan process. She noted that this is not required by the State of California for lower employees, but that La Habra added this requirement to their ordinance. Ms. Cisneros suggested that the city provide a priority for the existing licensed operators in La Habra, because they have already gone through the process and it would also allow for greater revenues by those operators. With regards to outside cannabis sales, she strongly encourages the city to enact the ordinance to keep the revenues within the city currently benefiting cities such as Santa Ana and Commerce. Ms. Cisneros noted Fullerton and Anaheim are in the process of considering and/or reviewing similar ordinances.

Mr. Marty Simonoff, resident of the City of Brea, came forward to address the Commission and to express his support for the request. Mr. Simonoff stated that although he is a retired law enforcement officer he supports this request. He commented that while working in law enforcement they were never able to stop deliveries. Cities can have some control now and benefit from the increase in revenues. Mr. Simonoff asked for the Commissioner's favorable consideration.

The Chair then asked if there was anyone who wished to speak in opposition to the request.

Ms. Christine Cook, 2001 South Mangrum Court, La Habra, came forward to address the Commission. Ms. Cook expressed her concerns that anywhere this type of business operates will be near children and residential areas.

There being no further speakers, in favor or in opposition, the Chair closed the public hearing and asked for Commissioner comments or a motion.

Deputy Director Jaramillo commented that staff will look into the delivery vehicle requirements before the item is forwarded to the City Council for their consideration.

Moved by Commissioner Powell, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 20-03 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE 19-03 FOR AN ORDINANCE AMENDING CHAPTER 18.22 ("COMMERCIAL CANNABIS ACTIVITY") TO ALLOW FOR COMMERCIAL NON-STOREFRONT RETAILER CANNABIS FACILITIES AND MODIFICATIONS TO EXISTING DEVELOPMENT STANDARDS AS PER EXHIBIT "A" LIMITING THE NUMBER OF NON-STOREFRONT CANNABIS RETAILER LICENSES TO TWO.

The roll call vote was as follows:

AYES:	COMMISSIONERS:	POWELL, FERNANDEZ, BERNIER
NOES:	COMMISSIONERS:	MANLEY
ABSTAIN:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NIGSARIAN

ADJOURNMENT: 7:05 p.m. adjourn to Monday, February 24, 2020

Respectfully submitted,

Carmen Gonzalez Avila
Planning Commission Secretary

