

MINUTES OF THE CITY OF SANTA PAULA
PLANNING COMMISSION

December 18, 2015

6:30 P.M.

- CALL TO ORDER:** Chairman Gail "Ike" Ikerd – 6:30 p.m.
- PLEDGE OF ALLEGIANCE:** Commissioner John Demers
- ROLL CALL:** Planning Technician Tom Tarantino
- Commissioners present:** Chairman Gail "Ike" Ikerd, Commissioner John Demers, Commissioner Michael Sommer
- Absent:** Vice Chairman Fred Robinson, Commissioner Fred Wacker
- Staff Present:** Assistant City Attorney Gregg Kettles, Associate Planner N.D. Doberneck and Planning Technician Tom Tarantino
- FINAL AGENDA:** Agenda final as submitted

PUBLIC COMMENT:

Sheryl Hamlin, resident at 830 Teague Dr., requested Staff provide information about any East Area 1 permits pulled by Limoneira for the current fiscal year. Ms. Hamlin also requested that the City provide links on the website to the audio recordings of Planning Commission meetings.

CONSENT CALENDAR:

A. Minutes of the Planning Commission Meeting on September 22, 2015

ACTION: It was moved by Commissioner Sommer, seconded by Commissioner Demers to approve the minutes as submitted. All were in favor and the motion carried.

PUBLIC HEARING:

Verification of Legal Notice Requirements for Public Hearing: Chairman Ikerd confirmed with the Planning Secretary that the Notice of Public Hearing was properly advertised and posted for all applicable agenda items to be heard at this meeting.

Declaration of Conflicts: None, for all applicable agenda items to be heard at this meeting.

Declaration of Ex Parte Contacts: None, for all applicable agenda items to be heard at this meeting.

Open Public Hearing: Chairman Ikerd opened Public Hearing at 6:39 p.m. and called upon Staff to present the item.

A. Project No. 2015-CI-09: City initiated proposal to add Chapter 16.79 to Title 16 of the Development Code, entitled "Regulation of Medical Marijuana Establishments," to prohibit the cultivation, delivery and mobile dispensing of medical marijuana within City limits.

- **Location:** Citywide
- **Applicant:** City of Santa Paula
- **Environmental:** Staff has determined the project to be Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15061(b)(3).
- Staff Presentation – Overview, Gregg Kettles, Assistant City Attorney

RECOMMENDED ACTION: Adopt Resolution No. 3741 recommending City Council approval of addition of Chapter 16.79 to Title 16 of the Santa Paula Municipal Code ("SPMC") for Project No. 15-CI-09 to prohibit the cultivation, delivery and mobile dispensing of medical marijuana within City limits.

Public Testimony:

Robert (no last name or address provided), stated he is a resident of Santa Paula, and is undergoing radiation therapy for cancer. He is wheelchair-bound, and needs medical marijuana to manage his pain. He stated his medical marijuana is delivered discretely, and he will be physically unable to procure more if delivery and/or consumption of medical marijuana is prohibited within City limits.

Marie Alcantar, resident at 133 W. Santa Paula St., stated she also receives medical marijuana via delivery. Ms. Alcantar stated she became sick with extreme ulcerative colitis four years ago, and her doctor prescribed pharmaceutical painkillers, to which she became addicted. Ms. Alcantar stated she no longer uses the prescription painkillers, and instead uses medical marijuana, which she believes kills the pain from her colitis and allows her to partake in basic life functions like eating, etc. Without medical marijuana, she would not be able to do any of these things. Ms. Alcantar also stated she believes marijuana does not damage the body like pharmaceutical drugs and also "works wonders" for cancer.

Commissioner Discussion and Action:

Chairman Ikerd requested a definition of "mobile dispensing" in regards to medical marijuana. Assistant City Attorney Kettles compared the service to catering or food trucks that come to your home.

Commissioner Demers stated that marijuana is a controlled substance in the eyes of the federal government, so there is potential liability exposure for local governments. Commissioner Demers also stated he has firsthand experience with abuse of medical marijuana by teens he coaches/mentors. Commissioner Demers continued that he believes medical marijuana is poorly regulated and the current laws contain numerous loopholes, and that the cities should wait until the state “gets serious about regulation” before making sweeping decisions.

Commissioner Sommer added that the legislation being discussed at this meeting would not be responsible for stopping marijuana use, because it is already illegal in Santa Paula.

The Planning Secretary requested clarification for those in attendance from the Assistant City Attorney regarding the effect of the Planning Commission resolution being decided at this meeting. Assistant City Attorney Kettles stated that the resolution, if passed tonight, is merely a recommendation to the City Council; ultimately, the City Council will approve or deny a medical marijuana ordinance at a future Council meeting, the date and time of which will appear in the local newspaper.

ACTION: Commissioner Demers moved to adopt Resolution No. 3741 recommending City Council approval of addition of Chapter 16.79 to Title 16 of the Santa Paula Municipal Code (“SPMC”) for Project No. 15-CI-09 to prohibit the cultivation, delivery and mobile dispensing of medical marijuana within City limits. Commissioner Sommer seconded the motion. All were in favor under Roll Call Vote, and the motion carried.

B. Project No. 2015-CUP-04: A request for a Conditional Use Permit to allow a Type 41 alcohol license (on-site sale of beer and wine) at an existing 756-sf restaurant.

- **Location:** 915 E. Harvard Blvd. (APN: 103-0-241-625)
- **Applicant:** Rajpal Singh Behniwal
- **General Plan Designation:** Commercial
- **Zoning Designation:** C-G (General Commercial)
- **Environmental:** Staff has determined the project to be Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15301 (Class 1, Existing Facilities).
- Staff Presentation – Report, N.D. Doberneck, Associate Planner

RECOMMENDED ACTION: Adopt Resolution No. 3739 approving a request for a Conditional Use Permit for Project No. 15-CUP-04 subject to the Conditions of Approval in said Resolution.

Public Testimony: None

Commissioner Discussion and Action: None

ACTION: Commissioner Sommer moved to adopt Resolution No. 3739 approving a request for a Conditional Use Permit for Project No. 15-CUP-04 subject to the Conditions of Approval in said Resolution. Commissioner Demers seconded the motion. All were in favor and the motion carried.

C. **Project No. 2015-CUP-05:** A request for a Conditional Use Permit to allow a commercial Community Care Facility for six or fewer persons, at an existing healthcare service building.

- **Location:** 404 E. Main St. (APN: 103-0-211-465)
- **Applicant:** Teddy Cataby
- **General Plan Designation:** Commercial
- **Zoning Designation:** C-G (General Commercial)
- **Environmental:** Staff has determined the project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15301 (Class 1, Existing Facilities).

- Staff Presentation – Report, N.D. Doberneck, Associate Planner

RECOMMENDED ACTION: Adopt Resolution No. 3740 approving a request for a Conditional Use Permit for Project No. 15-CUP-05 subject to the Conditions of Approval in said Resolution.

Public Testimony:

Sheryl Hamlin, resident at 830 Teague Dr., requested the Conditional Use Permit restrict this facility to senior living only, and prohibit its use as a drug and alcohol rehabilitation facility, which requires extensive additional permitting. Ms. Hamlin also requested the Conditional Use Permit require the facility to provide care at “affordable” rates, and stated she believes the City should require a business license for the facility, so that the geographical concentration of such uses can be tracked.

Commissioner Discussion and Action:

Chairman Ikerd stated these facilities are a way to create a comfortable home environment for the elderly.

Assistant City Attorney Kettles stated that the State of California wants these types of facilities, due to the shortage of senior housing.

ACTION: Commissioner Sommer moved to adopt Resolution No. 3740 approving a request for a Conditional Use Permit for Project No. 15-CUP-05 subject to the Conditions of Approval in said Resolution, and requested the City Attorney and/or Staff further investigate the possible requirement of a City business license for this facility. Chairman Ikerd seconded the motion. All were in favor and the motion carried.

Close Public Hearing: Chairman Ikerd closed Public Hearing at 7:12 p.m.

CONTINUED BUSINESS: None

NEW BUSINESS: None

CITY COMMUNICATIONS:

A. Planning Department

- The Planning Secretary read the following statement into the record:

“The City of Santa Paula, serving as lead agency, has prepared and is circulating for public review a proposed Initial Study/Mitigated Negative Declaration (IS/MND) for the Williams Homes River Rock Development. The public review and comment for the MND is a 30-day review period from November 12, 2015 to December 11, 2015. Unfortunately, due to unforeseen circumstances, the noticing requirements were not met. Therefore, Staff will collect the comments received during the public comment period ending December 11, 2015, and work with the environmental consultant to incorporate, as appropriate, relevant comments into the MND, and recirculate the MND at a later date, in compliance with CEQA noticing requirements.”
- The Planning Secretary also announced Deputy Planning Director Stratis Perros is no longer with the City of Santa Paula. Mr. Perros accepted a position with the City of Simi Valley at the beginning of December. Projects previously under Mr. Perros’ direction will be reassigned to Staff, and subsequent reorganization of the Planning Dept. is ongoing.

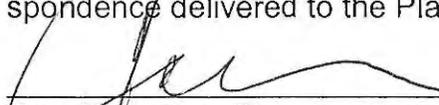
B. Planning Commission

- Chairman Ikerd extended the best wishes of the Planning Commission to Vice Chairman Robinson and Commissioner Wacker for speedy recoveries from their recent medical procedures.

REQUEST FOR FUTURE AGENDA ITEMS: None

ADJOURNMENT: Chairman Ikerd adjourned the meeting at 7:20 p.m.

NOTICE: Actions by the Planning Commission on the above items cannot be appealed to the City Council after 4:30 p.m. Monday, December 28, 2015. Be advised that if you bring a legal challenge to a Planning Commission decision, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the Planning Commission at or before the meeting.



Tom Tarantino, Planning Technician (Secretary)