

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING COMMISSION OF
THE CITY OF LA MIRADA**

September 21, 2017

CALL TO ORDER

The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chairman Lee Olsen in Council Chambers at City Hall, 13700 La Mirada Boulevard, La Mirada, California.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present:

Chairman Lee Olsen
Vice Chairman Scott Anderson
Commissioner Keith Chung
Commissioner Michael Saenz

Absent:

Commissioner Changhai Ahn

Staff:

Gabriel Bautista, City Planner
Arturo Cervantes, Administrative Analyst II
D. Craig Fox, City Attorney
Angel Leon-Martell, Planning Technician

APPROVAL OF MINUTES

1. MINUTES OF THE REGULAR MEETING OF August 17, 2017

Vice Chairman Anderson moved and Commissioner Saenz seconded to approve the minutes of the August 17, 2017 Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Olsen, Vice Chairman Anderson, Commissioner Chung,
Commissioner Saenz

NOES: None

ABSENT: Commissioner Ahn

ABSTAIN: None

PUBLIC HEARING

2. ZONING AND MUNICIPAL CODE AMENDMENTS

City Planner Gabriel Bautista provided an overview of the staff report via a PowerPoint presentation. Mr. Bautista stated that the proposed resolution recommends that the

City Council adopt amendments to Title 21, "Zoning" of the La Mirada Municipal Code prohibiting all medical and nonmedical commercial cannabis activity, outdoor cannabis cultivation and regulating indoor cannabis cultivation consistent with state law.

Mr. Bautista reviewed the Medical Cannabis regulations and Safety Act (MCRSA) and explained that the act established local control over marijuana; designated the State as the regulating entity for medical marijuana; established state licensing requirements; provided state standards for cultivation of Medical Marijuana; provided standards for physicians prescribing Medical Marijuana; and established enforcement and penalties.

Mr. Bautista reviewed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) and explained that this act created a State licensing system for commercial cultivation, testing and distribution of nonmedical marijuana as well as a licensing system for the manufacturing of nonmedical marijuana products. Mr. Bautista further explained that the act made it legal for persons 21 years of age or older to ingest marijuana; possess, process, transport, purchase, obtain or giveaway limited quantities of marijuana; and possess, plant, cultivate or process up to six marijuana plants for personal use.

Mr. Bautista also reviewed the Medicinal and Adult – Use of Cannabis Regulation and Safety Act and explained that the act merges medical and nonmedical cannabis regulations; repeals the MCRSA; inserts part of MCRSA into the AUMA; eliminates the dual licensing system; requires that local governments provide their ordinance and contact person information to the State; and requires that the local contact person respond to State inquiries regarding licensing.

Mr. Bautista proceeded to review the proposed Zoning Ordinance amendments and stated that the amendment will include the repeal of Chapter 21.48 "Medical Marijuana Dispensaries" and the adoption of a new Chapter 21.48 entitled "Commercial Cannabis Uses and Cultivation." Mr. Bautista added that the new chapter would provide definitions for certain terms; prohibit commercial cannabis uses; prohibit outdoor cannabis cultivation; and permit indoor cultivation inside of a private residence or within an enclosed and secured accessory structure located on the ground of a single family residence, provided the number of plants does not exceed six and provided the grower is 21 years of age or older. Mr. Bautista added that the new chapter also included certain exception and penalties for violation of the regulations.

At the conclusion of the review Mr. Bautista recommended that the Planning Commission conduct the public hearing as prescribed by law; affirm the California Environmental Quality Act Exemption; and adopt Resolution No. P-06-17 recommending to the City Council the adoption of an Ordinance amending Title 21 of the La Mirada Municipal Code as it pertain to medical and nonmedical commercial cannabis activity, outdoor cannabis cultivation and indoor cannabis cultivation consistent with state law.

Chairman Olsen opened the public hearing and asked if anyone wished to speak in support of the matter.

No members of the public spoke.

Chairman Olsen asked if anyone wish to speak in opposition to the item.

No members of the public spoke.

Chairman Olsen closed the public hearing and opened the item for discussion.

Vice Chairman Anderson asked if the growing of cannabis within a single family residence would require any licensing.

City Attorney Craig Fox responded and stated that the commercial indoor growing of cannabis would require a license but that the growing of six plants for personal use within a single family residence would not require a license.

Vice Chairman Anderson asked how the growing of only six plants would be regulated.

City Attorney Craig Fox responded and stated that if someone is found to be growing more than six plants they would be in violation of the regulations and subject to applicable penalties.

Chairman Olsen asked if it was just a matter of being caught growing plants in excess of the permitted number, since no permit or license would be required providing the authorities a location to monitor.

City Attorney Craig Fox responded and stated that law enforcement uses thermal cameras to see when a house has unusual heat being produced which can signify the growing of more than six plants via a grow-light operation. He added that there will be a greater awareness of potential illegal growing operations but that since a number of cities will allow commercial growing to occur, in order to benefit from the tax revenues, the number of illegal operations should not be limited.

Chairman Olsen stated that he read that cities to the north will be allowing commercial cannabis operations in order to collect the tax revenues.

Commissioner Chung asked if the regulations would apply to individual residential units or properties including apartment buildings.

City Attorney Craig Fox responded and stated that the regulations would apply to each residential unit as defined within the provisions of state law. He added that each apartment in a building would be considered a residential unit.

Vice Chairman Anderson asked why the growing could not be prohibited entirely.

City Attorney Craig Fox responded and stated that the growing of limited quantities of plants was permitted by Proposition 64 which was approved by the voters and that local regulations are limited by the language within the proposition.

There being no further discussion Chairman Olson requested a motion.

Commissioner Saenz moved and Commissioner Chung seconded to adopt the Categorical Exemption; and adopt Resolution P-06-17 recommending to the City Council the adoption of an Ordinance amending the land use regulations of Title 21 of the La Mirada Municipal Code applicable to medical and nonmedical commercial cannabis activity, outdoor cultivation and indoor cannabis cultivation consistent with state law.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**AYES: Chairman Olsen, Vice Chairman Anderson, Commissioner Chung,
Commissioner Saenz**
NOES: None
ABSENT: Commissioner Ahn
ABSTAIN: None

PUBLIC COMMENT PERIOD

There were no public comments.

COMMISSION ANNOUNCEMENTS

There were no announcements.

STAFF ANNOUNCEMENTS

City Planner Gabriel Bautista introduced the new part-time Planning Technician Angel Leon-Martell. Mr. Bautista also announced that the new "Ross" store is tentatively scheduled to open in October 2017.

Commissioner Chung asked if the restaurant reviewed at the previous meeting was in fact required by Building and Safety to provide an additional exit door.

City Planner Gabriel Bautista responded and stated that the Building and Safety Plan Check Engineer reviewed the plans and determined that an additional was required.

Chairman Olsen asked if there would be any items on the agenda for next month.

Regular Meeting of the Planning Commission
September 21, 2017

Mr. Bautista responded and stated that there were currently no items scheduled for the October 2017 Planning Commission meeting.


ADJOURNMENT

There being no further business to come before the Commission, the Planning Commission adjourned the meeting at 6:48 p.m. to the next regular meeting to be held on Thursday, October 18, 2017.

Submitted:


Gabriel Bautista, City Planner

Attest:


Lee Olsen, Chairman