



Damon Alexander, Chair
Larry Quiel, Vice Chair
Randi Ball
Fred Burks
Frank J. Flores
Margaret Hill
Cassie Levy
Sandra Owen-Olivas
Randy Wilson

CITY OF SAN BERNARDINO
COMMUNITY DEVELOPMENT DEPARTMENT
290 North D Street, San Bernardino, California 92401
Phone: 909.384.7272 • Fax: 909.384.5155

AGENDA

CITIZENS ADVISORY COMMITTEE REGARDING MARIJUANA REGULATIONS

MONDAY, DECEMBER 4, 2017, 5:00 P.M.

201 NORTH E STREET, 3RD FLOOR COUNCIL CHAMBERS

ENTRANCE ACCESSIBLE VIA THE 5TH LEVEL OF PARKING STRUCTURE

The City of San Bernardino recognizes its obligations to provide equal access to public services to those individuals with disabilities. Please contact Facilities Services (909-384-5244) 48 hours prior to the meeting with any requests for reasonable accommodation, to include sign interpreters.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS:

Public comments for the items on the agenda. Anyone who wishes to speak will be required to fill out a speaker card. There is a 3 minute limit per person for all comments.

ITEMS FOR REVIEW, DISCUSSION, AND TAKE POSSIBLE ACTION:

1. Minutes of November 27, 2017. Staff recommends approval of these minutes.
2. Regulation of Commercial Marijuana Activities not covered by Measure O
 - a. HdL Memo – Items to Consider

PUBLIC COMMENTS - ITEMS NOT ON AGENDA

ADJOURNMENT - The Citizens Advisory Committee will be adjourned to the next regular meeting on December 11, 2017, at 5:00 P.M. in Council Chambers, 201 North E Street, Third Floor, San Bernardino, California.



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ACTION AGENDA
CITIZENS ADVISORY COMMITTEE REGARDING
MARIJUANA REGULATIONS
MONDAY, NOVEMBER 27, 2017, 5:00 P.M.
201 NORTH E STREET, 3RD FLOOR COUNCIL CHAMBERS
ENTRANCE ACCESSIBLE VIA THE 5TH LEVEL OF PARKING STRUCTURE

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CALL TO ORDER

ROLL CALL

Present Committee Members: Alexander, Burks, Flores, Hill, Levy, Olivas, Quiel & Wilson
Excused Committee Members: None
Absent Committee Members: Ball
Staff Present: Mark Persico, Community Development Director;
Steven Graham, Deputy City Attorney; Stephanie Sanchez, Citizen's Advisory Committee Secretary.

PUBLIC COMMENTS:

Public comments for the items on the agenda. Anyone who wishes to speak will be required to fill out a speaker card. There is a 3 minute limit per person for all comments.

Robert Porter, 2439 Fremontia Dr. – Spoke in favor of the work from the Committee

ITEMS FOR REVIEW, DISCUSSION, AND TAKE POSSIBLE ACTION:

1. Minutes of November 13 and November 20, 2017. Staff recommends approval of these minutes.

Committee Member Olivas made a motion to approve the minutes of November 13 and November 20.

Committee Member Quiel seconded the motion

The motion carried by the following vote:

Ayes: Alexander, Burks, Flores, Hill, Olivas, Wilson, Levy, & Quiel

Nays: None

Abstain: None

Excused: None

Absent: Ball

Committee Member Ball arrived late at 5:18pm.

2. Issues Regarding Marijuana Consumption/Smoking in Public Areas

- a. Public Consumption Discussion Ordinance

Committee Member Wilson made a brief presentation on the subcommittee's findings.

Committee Member Hill added comments from the subcommittee's meeting.

It was suggested by the Committee that the HdL draft Ordinance be accepted with the additions by the subcommittee.

Committee Members had questions regarding the additions.

Matthew Eaton and David McPherson, HdL Consultants answered questions regarding the additions from the subcommittee

Capt. Maass reviewed the additions and was asked for comments and he addressed some concerns.

David McPherson, HdL Consultant, addressed questions concerning additional verbiage.

Committee Members had additional questions regarding the additions and there was a general discussion.

Committee Member Ball made a motion to use the draft text provided by HdL with these modifications:

1. Section B.050 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”
2. Section B.070 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”
3. Section B.060 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”

Committee Member Olivas seconded the motion

The motion carried by the following vote:

Ayes: Ball, Flores, Olivas, Levy, & Quiel

Nays: Wilson and Hill

Abstain: Burks and Alexander

Excused: None

Absent: None

3. Issues Regarding Taxes and Fees on Marijuana

a.HdL Taxation Presentation

David McPherson, HdL Consultant, gave a brief presentation.

Committee Member Ball made a presentation on the subcommittee’s findings.

Committee Members and Staff had questions regarding the additions and there was a general discussion.

David MacPhearson answered questions from the Committee and Staff.

Chair Alexander called for additional Public Comment

Karmel Roe, 325 W 6th St. – Spoke in favor of the tax and suggested dedicated Code Enforcement staff to help regulate.

Gem Montes, IE NORML – Spoke about dedicated venues for cannabis events to help regulate the taxes and fees and also suggested an End User Tax.

Mark Estemeyer, 3693 E Highland Ave. – Spoke on being a business owner in the City and how these regulations would impact his operation.

Eli Cortez, 20676 Center St. – Spoke about his company and the services he could provide in regards to Cannabis and suggested a company

Committee Members had questions that staff addressed.

Committee Member Ball presented the Committee with several options and motions to consider.

Committee Members and Staff had a general discussion regarding the options.

Committee Member Olivas made a motion to adopt:

1. A gross receipts tax of 3%;
2. A cultivation facilities fee for permit processing and annual review based upon actual City costs;
3. A fee of \$1/sqft of canopy space per cultivation facility and \$1/sqft of leased space for Labs, Manufacturing, Distribution, Processing and Micro Businesses;
4. A Special Event fee for cost recovery based upon actual City costs

Committee Member Ball seconded the motion

The motion carried by the following vote:

Ayes: Ball, Flores, Olivas, Levy, & Quiel

Nays: Wilson

Abstain: Alexander

Excused: None

Absent: None

4. Personal Cultivation in Residential Zones

a. Los Angeles County Title 22

Committee Members and Staff had a discussion regarding the memo and text for Personal Cultivation in Residential Zones.

Committee Members have concerns that certain text was not included from the previous meeting. Staff advised they would revisit and include all text into the ordinance.

The text should include the items as follows:

1. Fence or wall shall not exceed 6ft in height
2. If existing perimeter fencing complies with all fencing requirements, additional fencing is not required
3. Cultivation is prohibited within 600ft of parks, libraries, schools, day care centers and youth centers

No Action was taken on this item.

PUBLIC COMMENTS - ITEMS NOT ON AGENDA

ADJOURNMENT - Committee Member Olivas made a motion to adjourn at 8:00pm which unanimously carried, to the next regular meeting on December 4, 2017, at 5:00 P.M. in Council Chambers, 201 North E Street, Third Floor, San Bernardino, California.

City of San Bernardino
Citizen's Advisory
Committee Regarding
Marijuana Regulations
November 27, 2017

*Regulation of Commercial
Cannabis Activities*

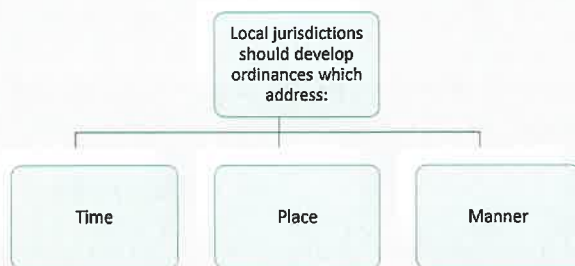


MARIJUANA POLICY DEVELOPMENT

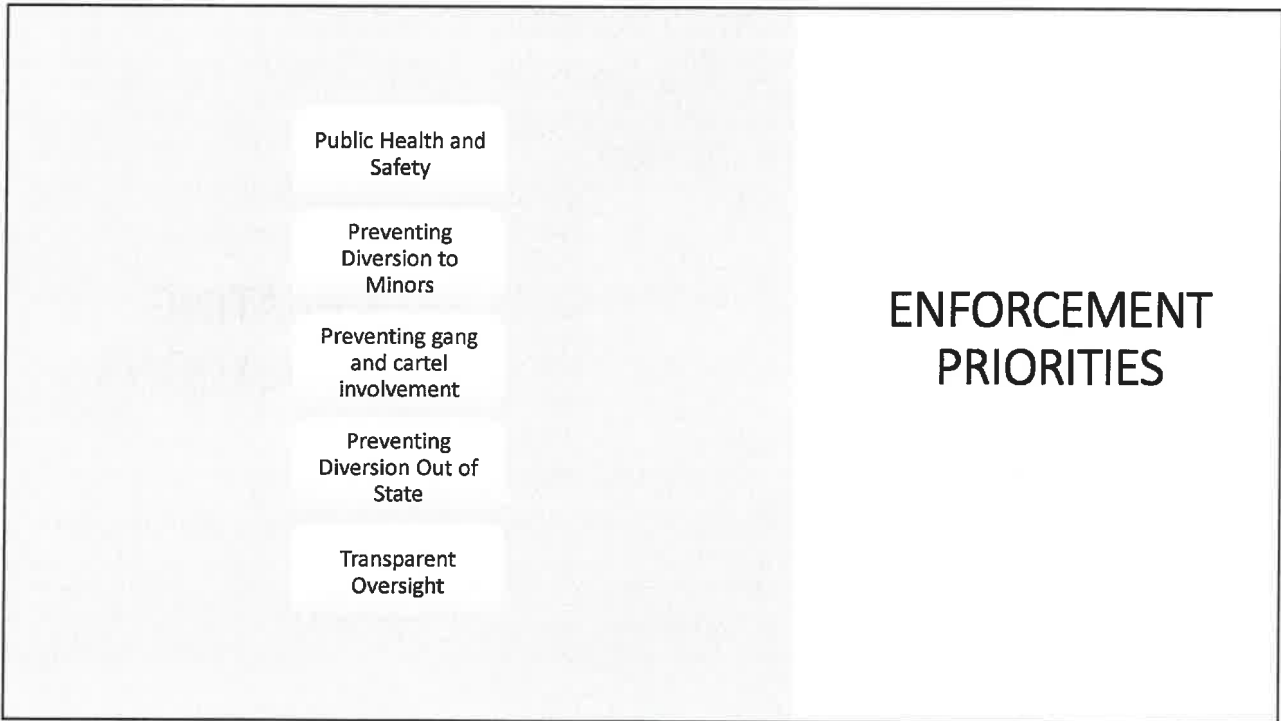
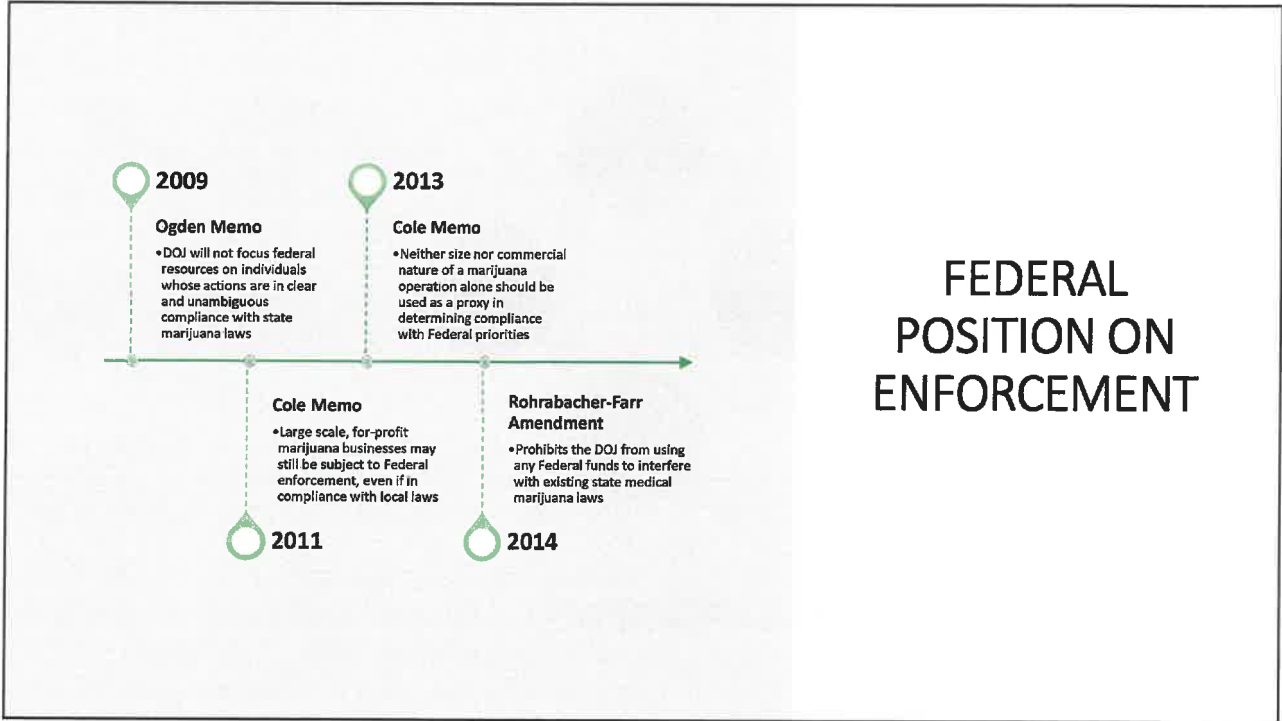
*"Policies designed today will help shape
how your industry looks tomorrow."*

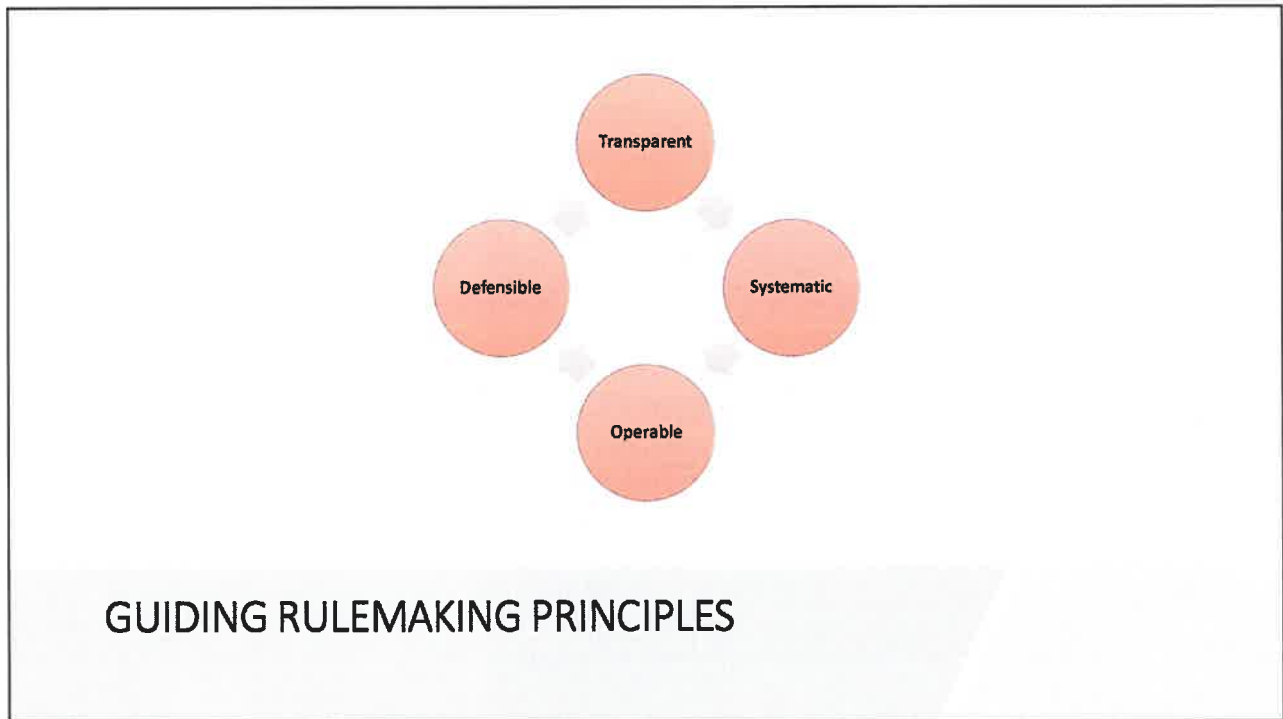
-HdL Companies

REGULATORY DEVELOPMENT



DEVELOPMENT OF REGULATORY ORDINANCE





Areas to Consider

- Hours of operation
- Business location (zoning)
- Signage/advertisement
- Physical security
- Smell, sight, noise
- Reporting requirements
- Employee badge requirements

CREATING REGULATIONS

Areas to Consider

- Unpermitted construction activity
- Vendors and consultants
- Access control requirements
- Record reporting/retention requirements
- Investigation and inspection protocols
- Good neighbor policy

CREATING REGULATIONS

REGULATORY ENFORCEMENT

