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**PLANNING COMMISSION AGENDA
REGULAR MEETING**

FEBRUARY 13, 2018

6:00 P.M.

201 NORTH E STREET, 3RD FLOOR BOARD ROOM

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.

Any writings or documents provided to a majority of the Planning Commission regarding any item on the agenda will be made available for public inspection at the Planning Division Counter of the Community Development Department located at 201 North E Street, 3rd Floor and at the Feldheym Central Library located at 555 W. 6th Street, during normal business hours.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

ADMINISTRATION OF OATH

CLOSED SESSION (if needed):

Recommended Motion: That the Planning Commission recess to closed session for the following:

- A. Conference with legal counsel – existing litigation – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9
- B. Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9.
- C. Conference with legal counsel – anticipated litigation – initiation of litigation – pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9

CONSENT AGENDA

Consent Items are considered routine in nature and may be enacted in one motion. All public and non-public hearings will be opened at one time. Any item may be discussed separately, upon request of a member of the Planning Commission or member of the public.

1. Minutes of January 8, 2018. Staff recommends approval of these minutes.

PUBLIC HEARING ITEMS

The Planning Commission will first hear a report from staff and then the public hearing will be opened. The applicant will have an opportunity to speak. Next, members of the public will be allowed to speak. Anyone in the audience wishing to speak must be sworn in and also fill out a request to speak form. The forms are located on the table near the door. When your name is called, come forward and speak into the microphone, say and spell your name and give your address for the taped record. After all have spoken, the applicant will be allowed to respond. The public hearing will then be closed and the Planning Commission will begin deliberations and make a decision.

All actions except General Plan Amendments and amendments to the Municipal (Development) Code are final action unless an appeal is filed and fee paid within fifteen (15) days to the Community Development Department. If you challenge the resultant action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

2. **DEVELOPMENT CODE AMENDMENT 18-02A, 18-02B AND 18-03C** – A request to establish regulations related to Commercial Cannabis Land Use and Activities, Personal Cultivation and Public Smoking and Cannabis Events.

Project Location:

Citywide

Environmental Determination:

In accordance with §15060 (Preliminary Review) of the California Environmental Quality Act (CEQA) Guidelines, the Community Development Department has determined that the proposed Development Code Amendment 18-02 is not subject to environmental review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); Section 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change of the environment, directly or indirectly; and Business and Professions Code Section 26055(h) because the Ordinance requires the discretionary review of permits to include any applicable environmental review pursuant to Division

13 (commencing with Section 21000) of the Public Resources Code.

Applicant: City of San Bernardino - Community Development Department

Recommended Motion: The Community Development Department recommends that the Planning Commission adopt Resolution No. 2018-014 (Chapter 5.10 – Commercial Cannabis Activity), Resolution No. 2018 – 015 (Chapter 8.97 – Smoking Cannabis in Public Places) and Resolution No. 2018 – 016 (Chapter 8.99 – Personal Cultivation of Cannabis) forwarding the following recommendation to the Mayor and City Council:

1. That Development Code Amendment 18-02A, 18-02B and 18-02C are not subject to environmental review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); Section 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change of the environment, directly or indirectly; and Business and Professions Code Section 26055(h) because the Ordinance requires the discretionary review of permits to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and
2. Approve Development Code Amendment DCA 18-02A, DCA 18-02B and DCA 18-02C adding San Bernardino Municipal Code Chapters 5.10 (Commercial Cannabis Activity), 8.97 (Smoking Cannabis in Public Places) and 8.99 (Personal Cultivation of Cannabis) respectively, based on the Findings of Fact.

PUBLIC COMMENTS - ITEMS NOT ON AGENDA

PLANNING COMMISSION REPORTS/ANNOUNCEMENTS

DIRECTOR'S REPORT

1. Major Projects List Update

ADJOURNMENT – The Planning Commission will be adjourned to the regular meeting scheduled for **Tuesday, February 20, 2018, at 6:00 p.m.** in the 3rd Floor Board Room of 201 North E Street, San Bernardino, California.