

## **MINUTES**

### **CITY OF DELANO PLANNING COMMISSION – SPECIAL MEETING October 28, 2015**

#### **CALL TO ORDER**

Chairman Monrian called the meeting to order at 6:00 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **FLAG SALUTE**

Commissioner Todd led the flag salute.

#### **ROLL CALL**

Commissioners present: Anthony Gonzales, Julio Guerra, Diana Headrick, Gary Langston, Terrence Monrian, Dwight Todd

Commissioners absent: Sandeep Grewal

#### **OFFICIALS PRESENT**

Interim Community Development Director Keene, City Clerk Kraft, Senior Planner Card

#### **CONSENT AGENDA**

- 1) Authorization to waive the reading of any ordinance or resolution in its entirety and consenting to the reading of such ordinances or resolutions by title only
- 2) Minutes of regular Planning Commission meeting of August 12, 2015; September 9, 2015; October 14, 2015

Commissioner Gonzales asked that the minutes of October 14, 2015 be corrected to stated that his absence was excused as he had sent an email to Mr. Card stating he would be unable to attend.

Moved by Commissioner Headrick, seconded by Commissioner Todd, and unanimously carried to approve the Consent Agenda with correction as noted.

#### **PUBLIC HEARINGS**

- 3) Public Hearing #2015-09 (originally noticed for October 14, 2015): Consideration of Conditional Use Permit (CUP No. 2015-04) to allow alcohol sales (beer and wine only) for off-site consumption (ABC License Type 20). This conditional use permit requires a determination of public convenience and necessity in accordance with §23958.4 of the California Business and Professions Code.

Commissioner Gonzales stated that his parents own Peoples Market at 345 Glenwood Street which is listed as a holder of an ABC License in the same census tract as the property listed on the application for Conditional Use Permit No. 2015-04. Due to an appearance of a conflict of interest, Mr. Gonzales left the room during the discussion and vote on this item.

Mr. Card presented the staff report.

Chairman Monrian asked for public comments. There were no public comments.

Chairman Monrian closed the public hearing.

Moved by Commissioner Langston, seconded by Commissioner Headrick and carried by the following vote to adopt Planning Commission Resolution No. 2015-10 approving Conditional Use Permit to allow alcohol sales (beer and wine only) for off-site consumption (ABC License Type 20) and findings of public convenience and necessity in accordance with Government Code Section 23958.4 of the California Business and Professions Code (CUP 2015-04; APN 521-020-14, aka 713 Woollomes Avenue). AYES: Guerra, Headrick, Langston, Monrian, Todd NOES: none ABSENT: Grewal ABSTAIN: Gonzales

Commissioner Gonzales returned to the meeting.

- 4) Public Hearing #2015-10: Review of the proposed negative declaration and make a recommendation to the City Council regarding City General Plan and Zoning Ordinance consistency for the adoption of Zoning Ordinance Text Amendments pertaining to medical marijuana dispensaries, collectives, cooperatives, and cultivation and harvesting of marijuana in the City of Delano.

Mr. Card presented the staff report. He noted that an amended resolution and ordinance have been provided to the commissioners. The resolution title has been changed and wording has been added to the recommendation to council. A typo was corrected in the proposed ordinance. He stated that the definitions in the ordinance come from State law.

Chairman Monrian asked for public comments.

Pearl Rivera stated that a shop has been in operation at 1622 Belmont. There is a day care in the area, and children walk to and from schools on that street. She stated shops are not good anywhere in town.

Carmen Pascual stated she was been an educator for 32 years and works to give children a better way of life. She saw a person leave a dispensary and go to the high school. Mrs. Pascual stated we need to help the police officers get our city back. and have control.

Pastor David Vivas stated he concurs with Mrs. Pascual's comments and that dispensaries are nothing but trouble. He noted there are more negative than positive side effects. He asked that the commission make the recommendation that dispensaries be discouraged.

Chairman Monrian closed the public hearing.

Commissioner Langston noted that approval of this item prevents the sale and distribution of marijuana.

Commissioner Gonzales asked how long the emergency ordinances adopted in 2006 were in effect. Mr. Keene explained that by statute, they are in effect for only 45 days and can be extended for a maximum of two years. Mr. Gonzales noted that, in the ordinance, the definition of medical marijuana dispensary, cooperative or collective is not clear. Mr. Keene stated the wording is the same used by Kern County. Staff can work with the city attorney to re-word it.

Commissioner Guerra asked if this ordinance would take care of the situation at the house mentioned by Ms. Rivera and other shops. Mr. Keene explained that it would. He stated that people need to let the city know where problems are and police and code enforcement will follow-up.

Chairman Monrian stated that the DEA describes Schedule 1 as medication that has no clinical use and has a high risk for abuse. He added that it would seem negligent not to put controls on this.

Moved by Commissioner Headrick, seconded by Commissioner Guerra and unanimously carried by all those present to adopt Planning Commission Resolution No. 2015-11 as amended, recommending to the City Council adoption of the negative declaration and approval of an amendment to Title 20; certain zoning ordinance zoning text amendments to Chapter 20 of the City of Delano Municipal Code (Application No. Zone 2015-001).

Mr. Keene announced that the next Planning Commission meeting will be held on Thursday, November 12, due to Veterans' Holiday on November 11.

### **ADJOURNMENT**

Moved by Commissioner Headrick, seconded by Commissioner Todd, and unanimously carried to adjourn the meeting at 6:40 p.m.

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Phyllis A. Kraft, City Clerk