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**DRAFT  
MINUTES OF THE  
PINOLE PLANNING COMMISSION**

**September 22, 2014**

**A. CALL TO ORDER:** 7:05 P.M.

**B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

Commissioners Present: Bender, Kurrent, Toms, and Chair Brooks

Commissioners Absent: Martinez-Rubin, McGoldrick (Both Excused)

Staff Present: Winston Rhodes, Planning Manager

**C. CITIZENS TO BE HEARD:**

There were no citizens to be heard.

**D. CONSENT CALENDAR:**

**1. Planning Commission Meeting Minutes from August 25, 2014**

Commissioner Kurrent requested changes to the third paragraph on Page 2 of the August 25, 2014 minutes to remove the "D" from in front of the word Subcommittee on Line 9, and to complete the last sentence starting on Line 14 to read: *The Draft Housing Element included statistics related to foreclosures in Pinole at the request of the Housing Element Subcommittee.*

**MOTION** to adopt the Consent Calendar, as amended.

**MOTION: Toms**

**SECONDED: Kurrent**

**APPROVED: 3-1-2**

**ABSTAIN: Bender**

**ABSENT/EXCUSED: Martinez-Rubin, McGoldrick**

When asked, Mr. Rhodes clarified that when there was a seven-member body, a quorum would be four members, and there needed to be a majority of a quorum to approve an item. As a result, the minutes had been approved.

**E. PUBLIC HEARINGS:**

**1. Zoning Code Amendment 14-01: Medical Marijuana Dispensaries**

1                   **Request:**    Consideration of a Zoning Code Text Amendment modifying  
2                                    Chapters 17.20 and Chapter 17.98 and repealing Chapter  
3                                    17.67 in order to disallow Medical Marijuana Dispensaries  
4                                    within the City of Pinole.  
5

6                   **Applicant:**   City of Pinole  
7                                    2131 Pear Street  
8                                    Pinole, CA 94564  
9

10                  **Location:**    Citywide  
11

12                  **Project Staff:** Kathleen Faubion, Land Use Counsel  
13

14                  Mr. Rhodes advised that the item had been initiated by the City Council in late  
15                  2013, and in collaboration with the Planning Manager and several Pinole Police  
16                  Chiefs over time, the City Attorney had been directed to move forward with a text  
17                  amendment to ban medical marijuana dispensaries based on recent court case  
18                  activity.  
19

20                  Kathleen Faubion, Land Use Counsel, Meyers Nave, offered a PowerPoint  
21                  presentation of the Zoning Code Amendment for Planning Commission  
22                  consideration and recommendation to the City Council. She explained how  
23                  federal law that recognized no legal use of marijuana conflicted with State law in  
24                  the passage of Proposition 215 in 1996 which allowed the limited use of medical  
25                  marijuana, creating a conflict for local enforcement. After discussions with those  
26                  involved, an outright ban on medical marijuana dispensaries anywhere within the  
27                  City of Pinole had been proposed along with the addition of a definition of  
28                  medical marijuana dispensaries to recognize that there were permitted uses for  
29                  medical marijuana under State law and to circumscribe those permitted uses and  
30                  facilities as close as possible without banning what State law allowed. A  
31                  companion amendment had been proposed to the business license regulations,  
32                  and the text amendments would also repeal the existing provisions.  
33

34                  Ms. Faubion reported that the Planning Commission Subcommittee had reviewed  
35                  the draft ordinance on July 9, 2014 when the regulations to ban medical  
36                  marijuana dispensaries had been discussed along with a potential regulation to  
37                  outdoor marijuana cultivation. The Subcommittee recommended bringing the  
38                  medical marijuana dispensaries issue to the full Commission but did not  
39                  recommend a discussion of the marijuana cultivation issue at this time although it  
40                  would continue to be monitored and could potentially be brought forward again.  
41

42                  Ms. Faubion recommended that the Planning Commission recommend that the  
43                  proposed amendments be found exempt from the California Environmental  
44                  Quality Act (CEQA), and recommend City Council approval of the Zoning Code  
45                  Amendments.  
46

1 PUBLIC HEARING OPENED

2  
3 There was no one to speak to the proposal.

4  
5 PUBLIC HEARING CLOSED

6  
7 Commissioner Kurrent suggested the concerns with medical marijuana were  
8 valid, and supported the proposed amendments to ban medical marijuana  
9 dispensaries in the City, and let time resolve the issues in the future.

10  
11 Commissioner Bender referred to the Police Chief's White Paper related to the  
12 negative secondary impacts of medical marijuana dispensaries, which he  
13 characterized as startling, and sympathized with residents who had to live near  
14 the storefront operations in other cities. He supported the amendments.

15  
16 Commissioner Toms was also in support of the amendment for the reasons  
17 identified in the staff report and by other members of the Commission.

18  
19 Chair Brooks agreed with the recommendations for the safety of the City.

20  
21 **MOTION** to approve Resolution 14-06 recommending that the City Council amend  
22 Title 17 of the Municipal Code to prohibit the establishments and operation of  
23 medical marijuana dispensaries as further set forth in Attachment C to the staff  
24 report dated September 22, 2014.

25  
26 **MOTION: Toms**

**SECONDED: Bender**

**APPROVED: 4-0-2**

**ABSENT/EXCUSED: Martinez-Rubin, McGoldrick**

27  
28  
29 **F. OLD BUSINESS:** None

30  
31 **G. NEW BUSINESS:** None

32  
33 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

34  
35 Mr. Rhodes reported that upcoming items included an application for a new  
36 commercial building for a drive-through pharmacy including the relocation of two  
37 existing cell sites at Appian Way and Canyon which he envisioned would be  
38 considered by the Planning Commission Subcommittee; and an informational  
39 presentation to the City Council about the Gateway West and Gateway East  
40 development on Pinole Valley Road between Interstate 80 and Henry Avenue. He  
41 advised that there was still a vacancy on the Planning Commission that needs to be  
42 filled.

43  
44 **I. COMMUNICATIONS:** None

45  
46 **J. NEXT MEETING:**

1  
2 The next meeting of the Planning Commission will be held on Monday, October  
3 27, 2014 at 7:00 P.M.  
4

5 **K. ADJOURNMENT:** 7:39 P.M.  
6

7 Transcribed by:  
8

9  
10 Anita L. Tucci-Smith  
11 Transcriber