

**PLANNING COMMISSION
TEMPLE CITY, CALIFORNIA**

**REGULAR MEETING
DECEMBER 22, 2015**

1. **CALL TO ORDER** – Chairman O’Leary
2. **ROLL CALL** – Commissioner Cordes, Leung, Marston, Haddad, O’Leary
PRESENT: Commissioner – Cordes, Leung, Marston, Haddad, O’Leary
ABSENT: Commissioner – None
ALSO PRESENT: Community Director Forbes and City Attorney Vega
3. **PLEDGE OF ALLEGIANCE**
4. **PRESENTATIONS**
5. **PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA** – None
6. **CONSENT CALENDAR**

The Planning Commission is requested to review and approve:

- 1) Minutes of the Planning Commission Meeting of December 8, 2015.

Commissioner Cordes moved to approve the Consent Calendar. Seconded by Vice-Chairman Haddad and was approved unanimously by the following votes:

AYES: Commissioner – Cordes, Leung, Marston, Haddad, O’Leary
ABSTAIN: Commissioner – None
NOES: Commissioner – None
ABSENT: Commissioner – None

7. **PUBLIC HEARING**

- A. A proposed ordinance to amend the Temple City Municipal Code to revise location and operational requirements for massage establishments, medical offices, and related uses.

In 2008, Senate Bill (SB) 731 was adopted by the Legislature and signed into law by the Governor. SB 731 preempted many local controls relating to massage therapy including prohibiting cities from regulating massage establishments

differently from other professional businesses. The City Council consequentially adopted Ordinance No. 14-992 in April 2014 to amend the Zoning Code allowing massage establishments to be treated the in the same manner as medical uses requiring a conditional use permit. The proposed Zoning Code amendment would allow medical uses by right citywide and conditionally allow massage in certain areas of the City.

Community Development Director Forbes gave a brief summary of the staff report.

Chairman O'Leary opened the public hearing.

Jerry Jambazian, business owner, shared the research that he conducted regarding massage businesses in the San Gabriel Valley. Asked Community Development Director Forbes how long a Moratorium lasts, and if the existing massage businesses have been inspected by the Sheriff's department.

Community Development Director Forbes stated that a Moratorium lasts 45 days but can be extended for ten months and 15 days. He stated that the Sheriff's department has conducted inspections on the current massage businesses and that no illicit activity was found.

Chairman O'Leary closed the public hearing.

Vice-Chairman Haddad made a motion to recommend that the City Council adopt the amended ordinance regarding operational requirements for massage establishments, medical offices, and related uses. Seconded by Commissioner Marston and carried by the following roll call vote:

AYES:	Commissioner – Cordes, Leung, Marston, Haddad, O'Leary
ABSTAIN:	Commissioner – None
NOES:	Commissioner – None
ABSENT:	Commissioner – None

- B. A proposed amendment to the Zoning Code to prohibit medical marijuana cultivation facilities, commercial cannabis activities, and medical marijuana delivery.

In 2011, the City Council adopted Ordinance No. 11-942, which established Temple City Municipal Code (TCMC) Section 9-1T-7 to prohibit fixed and mobile medical marijuana dispensaries throughout the City. On October 9, 2015 Governor Brown signed three bills; AB 243, AB 266, and SB 643 preserving local control over marijuana facilities and land uses, however two provisions in the new legislation (AB 243 and AB 266) require consideration by cities. AB 243 provides

that if a city does not have a land use ordinance or regulation that regulates or prohibits medical marijuana cultivation, then the Department of Food and Agriculture shall become the sole licensing authority of cultivation and AB 266 states that medical marijuana deliveries can only be made by a state-licensed dispensary in a city that does not explicitly prohibit it by local ordinance. The proposed Zoning Code amendment would prohibit medical marijuana cultivation facilities throughout all zones of the City.

Community Development Director Forbes gave a brief summary of the staff report.

Chairman O'Leary opened the public hearing.

Ryan Tucker, resident, stated the he is an authorized provider of medical marijuana. He provided input regarding medical marijuana caregiving services, business requirements, dispensaries, and crime. He suggested that the City allow a conditional use permit process for medical marijuana cultivation and delivery as opposed to the proposed ordinance.

Jim Cliff, resident, asked if marijuana consumables are included in the proposed ordinance.

City Attorney Vega stated that all forms of marijuana consumables are included in the proposed ordinance.

Chairman O'Leary closed the public hearing.

Commissioner Cordes made a motion to recommend that the City Council adopt an amendment to the Zoning Code to prohibit medical marijuana cultivation facilities, commercial cannabis activities, and medical marijuana delivery. Seconded by Commissioner Marston and carried by the following roll call vote:

AYES:	Commissioner – Cordes, Marston, O'Leary
ABSTAIN:	Commissioner – None
NOES:	Commissioner – Leung, Haddad
ABSENT:	Commissioner – None

8. **UNFINISHED BUSINESS** – None
9. **NEW BUSINESS** – None
10. **COMMUNICATIONS** – None

11. UPDATE FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Forbes announced that the Planning Commission will hear several items in January and wished the public happy holidays.

12. COMMISSION ITEMS SEPARATE FROM THE COMMUNITY DEVELOPMENT DIRECTORS REGULAR AGENDA

- A. COMMISSIONER CORDES – Wished everyone happy holidays.
- B. COMMISSIONER LEUNG – Wished everyone happy holidays.
- C. COMMISSIONER MARSTON – Wished everyone happy holidays.
- D. VICE-CHAIRMAN HADDAD – Advised that the public to turn off their sprinklers due to the drought, and wished everyone happy holidays.
- E. CHAIRMAN O'LEARY – Wished everyone happy holidays.

13. ADDITIONAL PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA –
None

14. ADJOURNMENT

The Planning Commission Regular Meeting was adjourned at 8:50 p.m.

Chairman

Secretary