

RESOLUTION 019P-009

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND THE PLANNING AND ZONING CODE AMENDING THE 24-HOUR SECURITY REQUIREMENT FOR COMMERCIAL CANNABIS FACILITIES

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, section 9-5.128(d)(18)(j) requires all commercial cultivation, manufacturing, testing, and distribution facilities to have twenty-four-hour (24) security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief; and

WHEREAS, the City desires to amend section 9-5.128(d)(18)(j) of the planning and zoning code to amend the requirement for 24-hour security patrols to patrols during business hours in an effort to reduce costs associated with operating a cannabis facility in the City of Coalinga; and

WHEREAS, the Police Chief has identified that there is no need for the additional security after business hours as the Police Department has full access to the security camera feeds in and around the cannabis facilities and if an alarm is received by dispatch they will have the ability to pull up the camera's and see what is happening and respond accordingly; and;

WHEREAS, the State of California does not require 24-hour security patrol at licensed cannabis facilities within its regulations and statutes; and

WHEREAS, a Notice of Public Hearing was provided to the Coalinga Press, posted at City Hall, Police Department bulletin board, Fire Department Bulletin Board, Coalinga District Library, and Chamber of Commerce on August 29, 2019; and;

WHEREAS, the Planning Commission held the noticed Public Hearing on September 10, 2019 to take testimony with regard to the proposed Zoning Text Amendment; and

WHEREAS, the Planning Commission completed its review of the proposed Zoning Text Amendment and details in the Staff Report and has considered the testimony received during the public hearing process; and;

WHEREAS, the Planning Commission has made the following findings based on the Zoning Text Amendment proposal:

- The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

- The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
- If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
- The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval to the City Council adoption of a draft ordinance (Exhibit "A") to amend the planning and zoning code related to amending the 24-hour security patrol requirements for cannabis facilities.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regular meeting held on the 10th day of September 2019.

AYES: Helmar, Garza, Pruitt, Jacobs, Sailer

NOES: None

ABSTAIN: None

ABSENT: None



Planning Commission Chairman/Vice Chairman

ATTEST:



City Clerk/Deputy City Clerk

Exhibit "A"

Draft Ordinance

ORDINANCE NO. 834

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA
AMENDING COALINGA MUNICIPAL CODE SECTION 9-5-128(D)(18)(J) RELATED TO
COMMERCIAL CANNABIS FACILITY SECURITY REQUIREMENTS**

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, Section 9-5.128(d)(18)(j) requires all commercial cultivation, manufacturing, testing, and distribution facilities to have twenty-four-hour (24) security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief; and

WHEREAS, the City desires to amend section 9-5.128(d)(18)(j) of the planning and zoning code to amend the requirement for 24-hour security patrols to only require patrols during business hours in an effort to reduce costs associated with operating a cannabis facility in the City of Coalinga; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby amends Section 9-5.128(d)(18)(j) to Article 1 of Chapter 5 in Title 9 of the Coalinga Municipal Code to read as follows:

J. ~~Twenty-four-hour~~ Security patrols during business hours by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.

SECTION 3. Severability Clause:
Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:
This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

SECTION 5. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Coalinga on this ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ron Lander, Mayor

ATTEST:

Shannon Jensen, City Clerk