

- Yes:** 5 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Rheaume
Commissioner Weiss
- No:** 2 - Commissioner Klein
Commissioner Simons

4. [16-0033](#) Adopt an urgency ordinance amending Sunnyvale Municipal Code Chapter 9.86 and Title 19 to expressly prohibit medical marijuana cultivation, commercial activity, distribution, and delivery; exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

Melissa Tronquet, Assistant City Attorney, presented the report. She noted that Sunnyvale Municipal Code (SMC) Chapter 9.8.6 currently prohibits medical marijuana distribution facilities, which is re-iterated in SMC Title 19 zoning code. She stated that Governor Brown approved the Medical Marijuana Regulation and Safety Act in 2015, and includes two provisions that affect local authority; 1) Cities must have land use regulating marijuana and 2) specific ordinances must be in place to allow or not allow delivery of marijuana. She noted that staff recommended to explicitly prohibit the cultivation and delivery of marijuana. She noted that the decision in this proposal applies only to the changes to the zoning table in SMC 19.62. She said that the public will have an opportunity to make comments to the substance of the changes in the February 9 City Council Hearing.

Comm. Olevson recognized that the ordinance is outside their purview, but asked staff why it is an urgency measure. Ms. Tronquet responded that the March 1 deadline is from the state.

Comm. Weiss asked how it applies to an individual who cultivates for personal use.

Vice Chair Harrison asked if it would be illegal for someone with a medical marijuana card to drive in the City. Ms. Tronquet replied that one could pick up marijuana in another city and take it to their home in Sunnyvale for personal use.

Chair Melton asked staff to clarify the changes on the table in Title 19. Ms. Tronquet clarified the changes, such as the distribution, cultivation, commercial activity, delivery, transport, etc. will explicitly be prohibited by the City.

MOTION:

Comm. Klein moved Alternative 1: Recommend that the City Council adopt an

ordinance amending Title 19 (Zoning), Section 19.62.010 and Tables 19.24.030, 19.28.080, 19.18.030, 19.20.030, 19.29.050, and 19.22.030, of the Sunnyvale Municipal Code relating to an express prohibition on medical marijuana cultivation, commercial activity, distribution, delivery and other activities and find that the project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). Vice Chair Harrison seconded.

Comm. Klein said that this a fairly easy decision as far as making a recommendation to the City Council, which allows the City to preserve local rights by putting policies in place before the March 1 deadline from the state. This streamlines the Municipal Code.

Vice Chair Harrison said that it clarifies the intent and is consistent with state law.

Comm. Olevson will support he motion; however, his intent of his support is about the City being able to set its own regulations.

Comm. Simons understands local control desires. He said that if medical marijuana becomes nationally legal, the product would be highly taxed which will bring tax dollars to the City. He noted that he will be abstaining.

Comm. Weiss will be supporting the motion, stating that marijuana uses water and electricity intensively.

Chair Melton noted his support to the motion, giving Sunnyvale local jurisdiction to the subject matter.

Motin carried by the following vote:

Yes: 6 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume
Commissioner Weiss

No: 0

Abstained: 1 - Commissioner Simons

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Comm. Simons presented a proposed study issue regarding special development permits that include housing.

NON-AGENDA ITEMS AND COMMENTS**-Commissioner Comments**

Vice Chair Harrison asked staff if there was a neighborhood village in the Evelyn ITR area. Mr. Miner noted a shopping center on Fair Oaks Rd. and Evelyn Ave., but is unsure if its considered a village. Comm. Harrison discussed the benefits of neighborhood villages.

-Staff Comments

Mr. Miner noted that the January 5 City Council Hearing approved the conversion impact report for Nick's Trailer Park on El Camino Real and Henderson Ave, and that the applicant may start discussion with staff reagarding their proposal.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

Chair Melton adjourned the meeting at 9:49 p.m.