

6. [17-0716](#) Adopt ordinance amending Chapter 9.86 the Sunnyvale Municipal Code and amending various sections of Title 19 to update the existing prohibition against commercial marijuana activity in the City to expressly include non-medical marijuana, to reasonably regulate indoor personal cultivation of marijuana consistent with state law, and to prohibit outdoor personal cultivation of marijuana. Exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) and 15305.

Deputy Chief Carl Rushmeyer presented the staff report.

Commissioner Howe asked staff if marijuana could be grown inside an Eichler atrium without a roof. Planning Officer Miner advised that this item before the Planning Commission pertains only to the commercial distribution and personal cultivation as outlined in Title 19 of SMC. Deputy Chief Rushmeyer provided details about the requirements and the rationale for the ban. Commissioner Howe confirmed with Deputy Chief Rushmeyer that a locked atrium would meet the growing requirements.

Chair Rheume opened the Public Hearing.

Chair Rheume closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion for Alternative 1 – Find that the activity is exempt from environmental review pursuant to CEQA Guideline sections 15061 (b)(3) and 15305, and recommend that the City Council adopt an ordinance amending various sections of Title 19 to update the existing prohibition against commercial marijuana activity in the City to expressly include non-medical marijuana.

FRIENDLY AMENDMENT: Commissioner Olevson requested a clerical correction on page ten of the staff report from “licenses” to “licensees”. Commissioner Howe accepted the friendly amendment.

Commissioner Howe thanked staff for the report.

Commissioner Olevson commented that approval of this item will conform City law to State law.

The motion carried by the following vote:

Yes: 4 - Chair Harrison
Vice Chair Rheaume
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 3 - Commissioner Howard
Commissioner Simons
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on September 26th, 2017.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Chair Rheaume opened the Public Hearing.

Chair Rheaume closed the Public Hearing.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Planning Officer Miner stated that the Fortinet General Plan Amendment Initiation (GPI) was continued to the City Council meeting of August 22, 2017 due to the length of the August 15th, 2017 City Council meeting. Planning Officer Miner advised that City Council did approve the Fortinet study per the Planning Commission and staff recommendations. Planning Officer Miner reiterated that the Downtown Specific Plan GPI's were also approved with recommendations and that staff will send that information to the Planning Commission.

ADJOURNMENT

Chair Rheaume adjourned the meeting at 8:44 PM.