



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 17-0757, Version: 1

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### REPORT TO CITY COUNCIL

#### **SUBJECT**

Introduce an Ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and 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)

#### **SUMMARY OF COMMISSION ACTION**

The Planning Commission considered the amendments to Title 19 on August 28, 2017.

The Planning Commission voted to find that the activity is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline sections 15061 (b)(3) and 15305, and to 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. The vote was 4 - 0, with Commissioners Weiss, Simons and Howard absent. Though the amendments to Sunnyvale Municipal Code Chapter 9.86 are not in the purview of the Planning Commission, the Report to the Planning Commission contained a discussion on the amendments to Chapter 9.86. See Attachment 1 for full Planning Commission report. Attachment 5 is an excerpt of the Planning Commission Minutes.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

#### **ALTERNATIVES**

1. Find that the activity is exempt from environmental review pursuant to CEQA Guidelines sections 15061 (b)(3) and 15305, and introduce an ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and 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.
2. Do not find that the activity is exempt from environmental review pursuant to CEQA Guidelines sections 15061 (b)(3) and 15305, and do not adopt an ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and 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.

### **STAFF RECOMMENDATION**

Alternative 1: Find that the activity is exempt from environmental review pursuant to California Environmental Quality Act Guidelines sections 15061 (b)(3) and 15305, and introduce an ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and 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.

Prepared by: Carl Rushmeyer, Deputy Chief, Department of Public Safety

Reviewed by: Chief Phan S. Ngo, Director of Public Safety

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Report to Planning Commission No. 17-0176, August 28, 2017
2. Proposed Ordinance
3. League of California Cities Overview of the AUMA
4. Federal Drug Classification Schedule

### **Additional Attachments for Report to Council**

5. Excerpt of Minutes of the Planning Commission Meeting of August 28, 2017