



Lisa Matichak, Mayor
Margaret Abe-Koga, Vice Mayor
Christopher R. Clark, Councilmember
Alison Hicks, Councilmember
Ellen Kamei, Councilmember
John McAlister, Councilmember
Lucas Ramirez, Councilmember

Daniel H. Rich, City Manager
Jannie L. Quinn, City Attorney
Lisa Natusch, City Clerk

May 23, 2019

Council Chambers, 500 Castro St., Mountain View, CA 94041

**JOINT SPECIAL MEETING OF CITY COUNCIL AND SHORELINE REGIONAL PARK
COMMUNITY**

5:30 P.M.-SPECIAL MEETING

1. CALL TO ORDER

Mayor Matichak called the meeting to order at 5:32 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Matichak led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei,
Councilmember McAlister, Councilmember Ramirez, Vice Mayor
Abe-Koga, Mayor Matichak

Councilmember Clark arrived at 5:38 p.m.

4. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Jane Horton spoke in support of safe parking for vehicle dwellers.

5. PUBLIC HEARING

**5.1 Adopt Resolutions of Necessity and Authorize the Initiation of Eminent Domain
Proceedings**

Real Property Program Administrator Dennis Drennan presented the staff report. Public
Works Director Mike Fuller provided additional information.

Public Comment opened at 5:45 p.m.

The following members of the public spoke:

Joel Dean, and displayed photos and a video

Unidentified man, Chevron Corporation, submitted written materials

Alex Brown

Public Comment closed at 5:49 p.m.

MOTION - M/S - McAlister/Kamei - To:

1. Adopt Resolution No. 18332 to Determine the Necessity to Acquire a Portion of Property Located at 790 Shoreline Boulevard (APN 150-31-002) by Eminent Domain for the Construction of the Shoreline Boulevard Reversible Bus Lane Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure Section 1245.220), read in title only, further reading waived.
2. Adopt Resolution No. 18333 to Determine the Necessity to Acquire a Portion of Property Located at 807 Shoreline Boulevard (APN 153-16-001) by Eminent Domain for the Construction of the Shoreline Boulevard Reversible Bus Lane Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure Section 1245.220), read in title only, further reading waived.
3. Adopt Resolution No. 18334 to Determine the Necessity to Acquire a Portion of Property Located at 808 Shoreline Boulevard (APN 153-14-002) by Eminent Domain for the Construction of the Shoreline Boulevard Reversible Bus Lane Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure Section 1245.220), read in title only, further reading waived.
4. Adopt Resolution No. 18335 to Determine the Necessity to Acquire a Portion of Property Located at 883 Shoreline Boulevard Common Area (APN 153-16-021 through 153-16-044) by Eminent Domain for the Construction of the Shoreline Boulevard Reversible Bus Lane Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure Section 1245.220), read in title only, further reading waived.
5. Adopt Resolution No. 18336 to Determine the Necessity to Acquire a Portion of Property Located at 917/943 Shoreline Boulevard (APN 153-16-045) by Eminent Domain for the Construction of the Shoreline Boulevard Reversible Bus Lane Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure Section 1245.220), read in title only, further reading waived.
6. Authorize the City Attorney to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the portions of the properties described herein by eminent domain, if necessary, and petition the court for immediate Order of Possession.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

6. UNFINISHED BUSINESS

6.1 Consider Adoption of Amendments to the Cannabis Regulations

Senior Planner Clarissa Burke presented the staff report. Police Sergeant Wahed Magee, City Attorney Jannie Quinn, City Manager Dan Rich and Senior Assistant City Attorney Krishan Chopra provided additional information.

Public Comment opened at 6:14 p.m.

The following members of the public spoke:

Hafsa Mirza, on behalf of two others present

Pingkan Fok

Francisco Ochoa

Hilario Saldivar

Alex Nunez

Unidentified woman

Unidentified woman

Tony

Karim Hyder

Jane Horton

Jane Hu, on behalf of eight others present

David Dai

Yu Gam

Dona Lee

Qingyu Zhang

Yinghua Zhao

Unidentified woman

Amy Zhu

Li Li Yu

Yijun Zhou

Eddy

Huey-Ming Hsu

Fi Weng

Qichun Ye

Carol Lin

Anthea Chung

Shupang Wang

Tracy Yuan

Henry Manayan, on behalf of Nourish Mountain View and Castro Care Center

Justin Matser

Kathy Zeng
Jessica Tang
Grace Gao
Rachel Tan
Lenny Siegel, former Mayor and Councilmember
Doris Wang
Xiaomeng Wu
Vincent, Sylvan Learning Center, on behalf of five others present
Yaohua Li
Ray Zhang
Qian Ding
Unidentified man
Meghan Fraley
Qing Wang
Tom Lin
Jianteng Yang
Brett Chen
Huayi Li
Wei Xiong
Julie Huang
Dan Cheng
Cindy Cyu
Diana
Jennifer Stohfus, on behalf of six others present
Bo Wu
Hongxia Chen
Zhang Jing
Erin Zhang
Jack
David Wang
Chunhui Li
Richard Liu
Sean Kali-Rai

Council recessed at 8:04 p.m.

Council reconvened at 8:13 p.m. with all Councilmembers present.

Following the recess, speaker Sean Kali-Rai responded to additional Council questions.
Council then proceeded with the remaining speakers:

Matthew Mahaffey
Julia Tam
Unidentified woman
Fanyi Zhao, on behalf of five others present, and submitted written materials

Chen Wang, on behalf of five others present
Tracie Huay
David Gao
Feng Wang
Leah Wang
Chen Yang
Lei Chang, on behalf of six others present
TooToo Thomson

Public Comment closed at 8:47 p.m.

Councilmember Ramirez stated he has a leasehold interest in an apartment in the Santa Antonio Precise Plan Area, recused himself, and left the room.

MOTION - M/S - Kamei/Abe-Koga - To:

Adopt Resolution No. 18337 Amending the P-40 (San Antonio) Precise Plan to Prohibit Cannabis Businesses within the San Antonio Precise Plan Boundaries, read in title only, further reading waived.

The motion carried by the following vote:

Yes: 6 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Vice Mayor Abe-Koga, Mayor Matichak

Recused: 1 - Councilmember Ramirez

At 8:59 p.m., Councilmember Ramirez returned to the room and took his seat at the dais.

Vice Mayor Abe-Koga stated she owns real property in the downtown area, recused herself, and left the room.

Councilmember Hicks stated she owns real property in the downtown area, recused herself, and left the room.

MOTION - M/S - Clark/McAlister - To:

Introduce an Ordinance Amending Article IX, Division 21, to Limit Storefront Retail Businesses to a Maximum of One in the P-19 (Downtown) Precise Plan Boundaries (Chapter 36 of the City Code), read in title only, further reading waived, and set a second reading for June 11, 2019.

SUBSTITUTE MOTION: M/S - Matichak/Kamei - To limit the cannabis businesses in the city to delivery only.

At 9:20 p.m., Vice Mayor Abe-Koga and Councilmember Hicks returned to the room and

took their seats at the dais.

FRIENDLY AMENDMENTS: Councilmember Ramirez offered friendly amendments to allow all Phase 1 applicants to find new sites, to retain the current buffers, and to retain the number of cannabis businesses at four.

Following discussion, Mayor Matichak accepted the friendly amendments with a modification to set the number of cannabis businesses at three and to allow all Phase 1 applicants to reapply.

Councilmember Kamei accepted the friendly amendments.

AMENDMENT: Councilmember Clark moved to amend the motion to reduce the total number of cannabis businesses in the city to three: two nonstorefront and one storefront, with the school buffer for the storefront business increased to 1,000 feet and the day care center buffer increased to 600 feet.

The motion to amend died due to lack of a second.

The substitute motion as amended by friendly amendment and following Council discussion:

M/S - Matichak/Kamei - To:

Limit the cannabis businesses in the city to delivery only; limit the maximum number of cannabis businesses in the city to three; retain the current buffers for schools and day care centers; a 600 foot buffer between businesses; allow the four eligible applicants to reapply, and give priority to the other eligible applicants.

The substitute motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

Council recessed at 10:12 p.m. to allow staff to draft ordinance language following the Council action.

Council reconvened at 10:20 p.m. with all Councilmembers present.

MOTION - M/S - Matichak/Kamei - To:

1. Introduce an Ordinance Amending Cannabis Regulations in Article IX, Division 21 of Chapter 36, to Prohibit Storefront Retail Cannabis Businesses within the City, Maintain Existing Sensitive Use Buffers, Establish a Minimum Distance of 600 feet between Cannabis Businesses, and Establish a Maximum Number of Nonstorefront Cannabis Businesses to Three (3) in the City, to be read in title only, further reading waived, and set a second reading for June 11, 2019.

2. Direct staff to give priority to the eligible nonstorefront retail business, followed by applications that have been deemed eligible.

3. Direct staff to return with any other amendments deemed necessary to consistently implement these amendments.

City Attorney Quinn referred to Attachment 2 to the staff report and stated the ordinance language changes are as follows: at the bottom of page 1, under a., "The Zoning Text Amendments are consistent with the General Plan because prohibiting storefront retail cannabis businesses in the city furthers the the policy of minimizing conflicts between different land uses (Policy LUD 3.4);" in b., "The Zoning Text Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the adoption of these amendments are consistent with Proposition 64 and State law regarding cannabis;" in Section 36.30.55.b., "Maximum Number. A maximum of three (3) cannabis businesses consisting of three (3) nonstorefront retail cannabis businesses shall be allowed within the city at any given time;" in Section 36.30.60a., "Allowable Activity," strike out "1. Cannabis business, storefront retail" and replace it with "1. Cannabis business, nonstorefront retail," which changes the numbering of a.3 to a.2; no change to the buffers; strike out the proposed e.2 and change it to, "A nonstorefront retail cannabis business shall not be permitted within six hundred (600) feet of any other nonstorefront retail cannabis business. The distance shall be measured in a straight line from the closest property line of one parcel or property containing a nonstorefront retail cannabis business to the closest property line of the other parcel or property containing a nonstorefront retail cannabis business;" repeal Section 36.30.70; in Section 36.30.85a.3(a), "After the lottery has taken place, the first three (3) applications on the qualified cannabis business list shall be authorized to submit planning applications," and the addition of a new letter b, "If the three nonstorefront retail cannabis businesses authorized to submit planning applications conflict with the concentration of business criteria, the business ranked higher on the qualified business list shall be authorized to submit. The second business ranked on the qualified cannabis business list shall not be authorized to submit until the intial application is denied or withdrawn. The first business on the qualified cannabis business list not in conflict with the initial authorized business shall be authorized to submit an application." City Attorney Quinn stated the remainder of the "Planning Application" section will be renumbered alphabetically.

Senior Assistant City Attorney Krishan Chopra stated necessary amendments to precise plans will come back to Council for approval with the second reading of the ordinance.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

7. CLOSED SESSION REPORT

None.

8. ADJOURNMENT

At 10:38 p.m., Mayor Matichak adjourned the meeting to the next Council Meeting to be held on Tuesday, June 4, 2019, at 5:00 p.m. in the Council Chambers, 500 Castro Street.