



Margaret Abe-Koga, Councilmember
Christopher R. Clark, Councilmember
John McAlister, Councilmember

Ken S. Rosenberg, Councilmember
Patricia Showalter, Councilmember
Lisa Matichak, Vice Mayor

Daniel H. Rich, City Manager
Lisa Natusch, City Clerk

Leonard Siegel, Mayor

Jannie L. Quinn, City Attorney

October 02, 2018

Council Chambers - 500 Castro St., Mountain View

SPECIAL MEETING OF THE SHORELINE REGIONAL PARK COMMUNITY

1. CALL TO ORDER

President Siegel called the meeting to order at 6:30 p.m. in the Council Chambers.

2. ROLL CALL

Present: 7 - Boardmember Abe-Koga, Boardmember Clark, Boardmember McAlister, Boardmember Rosenberg, Boardmember Showalter, Vice President Matichak, and President Siegel

Boardmember Abe-Koga arrived at 7:15 p.m.

3. CONSENT CALENDAR

MOTION - M/S - Rosenberg/Showalter - To approve the Consent Calendar.

The motion carried by the following vote:

Yes: 6 - Boardmember Clark, Boardmember McAlister, Boardmember Rosenberg, Boardmember Showalter, Vice President Matichak, and President Siegel

Absent: 1 - Boardmember Abe-Koga

3.1 Approve Meeting Minutes

Approve the Shoreline Regional Park Community Minutes of September 25, 2018.

4. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Kathryn Skeehan expressed concerns regarding the removal of heritage trees on Montecito Avenue and in the neighborhood.

5. PUBLIC HEARING

5.1 Establishment of Cannabis Regulations

Planning Manager/Zoning Administrator Stephanie Williams presented the staff report. Police Chief Max Bosel, Community Manager Dan Rich, Counsel Jannie Quinn and Senior Assistant Counsel Krishan Chopra provided additional information.

Public Hearing opened at 7:14 p.m.

The following members of the public spoke:

Ivy Xu, and submitted a petition

Julie Huang

Guangyu Xu

Cindy Wang

Louise Katz, on behalf of Livable Mountain View

Chen Yang

Daniel Montero, Chair, San Jose Cannabis Equity Working Group

Miriam Kali-Rai

Ben Levitt

Pingkan Fok

Unidentified man

Unidentified woman

Robert Cox

John Scarboro, speaking on his own behalf

Wei Xiong

Yude Chen

Lei Cheng

Amanda Carvalho

Frank Lee

Victor Yu

Ernest Chu

Wenting Jing

David Hoffman

Shari Emling

Ranjitha Vishwa

Xiaomeng Wu

Julia Tam

Ivy Lu

Tony Guan

John Beeley

Weiguo Liang

Dan Cheng

Jessie Herr

Tak Wang

Deb Henigson

Jing Sun

Patrick Kelly

Jiang Li

Charles Zhong
Parinda Mekara
Unidentified woman
Unidentified man
Jeff Linden
Luke Bruner
Arjun Dave
Dora Yuen
Vincent, Owner, Sylvan Learning Center
Guadalupe Rosar
Betty Ortiz Zavela
Samdrita Esparza
Unidentified man
Unidentified man
Charles Wong
Unidentified man
Adriana Tapia Medrano
Unidentified woman
Unidentified man
Unidentified man
Marlena Smith
Shareef El-Sissi, on behalf of the Garden of Eden
Pamela Epstein
Unidentified man
Sean Kali-Rai, Silicon Valley Cannabis Alliance
Kathryn Skeeahan
TooToo Thomson
Kai Liu
Jianteng Yang
Angela Wong

Public Hearing closed at 9:23 p.m.

The Board recessed at 9:23 p.m.

The Board reconvened at 9:41 p.m. with all Boardmembers present.

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

1. Introduce an Ordinance Repealing Ordinance No. 1.18, an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City, Excluding Cannabis Delivery Services from State and Locally Licensed Cannabis Retailers with Physical Premises Located Outside of the City of Mountain View and Provided Deliveries Are Conducted in Accordance with the Licensing Jurisdictions' Rules for Cannabis Delivery for Ten (10) Months and Fifteen (15) Days, and Amending Article V, Division 2, Article VI, Divisions 2 and 3, Article VII, Sec. 36.22.10, Article IX, Division 11, and Article XVII, Division 2, and

adding Division 21 to Article XIV to Establish Cannabis Regulations, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 1 to the Council report); with modifications to page 23, 3(c) to extend the buffer to 600 feet for child-care facilities and add rehabilitation centers and mental health facilities; and 3(i) on page 27 to be two applications rather than five;

2. Adopt a Resolution Approving Precise Plan Amendments to the P-38 (El Camino Real) Precise Plan, Chapter 2; the P-39 (North Bayshore) Precise Plan, Section 3.3.2 to Designate and Regulate Cannabis Businesses as a Land Use, to be read in title only, further reading waived (Attachment 2 to the Council report);
3. Introduce an Ordinance Repealing Chapter 9, Article IV Regarding Medical Marijuana Dispensaries and Replacing It with a New Chapter 9, Article IV Regarding Cannabis Businesses, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 3 to the Council report);
4. Adopt a Resolution Amending the City of Mountain View Master Fee Schedule Related to Cannabis Business Regulations, to be read in title only, further reading waived (Attachment 4 to the Council report); and
5. Authorize the addition of 1.0 FTE Police Officer position and 0.25 FTE Community Service Officer position for administration and enforcement of cannabis business regulations.

Following discussion with staff, Vice President Matichak added to the motion a modification to the ordinance (Attachment 1) on page 22, Sec. 36.30.55(b) to change the maximum number of cannabis businesses allowed from three to two; and to extend the buffer to 600 feet for all medical facilities.

The motion failed by the following vote:

Yes: 2 - Boardmember Abe-Koga, Vice President Matichak

No: 5 - Boardmember Clark, Boardmember McAlister, Boardmember Rosenberg, Boardmember Showalter, President Siegel

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

1. Introduce an Ordinance Repealing Ordinance No. 1.18, an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City, Excluding Cannabis Delivery Services from State and Locally Licensed Cannabis Retailers with Physical Premises Located Outside of the City of Mountain View and Provided Deliveries Are Conducted in Accordance with the Licensing Jurisdictions' Rules for Cannabis Delivery for Ten (10) Months and Fifteen (15) Days, and Amending Article V, Division 2, Article VI, Divisions 2 and 3, Article VII, Sec. 36.22.10, Article IX, Division 11, and Article XVII, Division 2, and adding Division 21 to Article XIV to Establish Cannabis Regulations, to be read in title only,

further reading waived, and set a second reading for October 23, 2018 (Attachment 1 to the Council report); with a modification to Sec. 36.30.55(b) to "A maximum of four (4) cannabis businesses consisting of two storefront retail and two non-storefront retail businesses shall be allowed within the city at any given time;" a modification to Sec. 36.30.85(a)(3)(i) to "the first four applications;" and with a sentence added at the end of Sec. 36.30.60(c), "If a cannabis business is separated from schools, child-care centers and child-care facilities by State Highway 101, 237, 85 or Central Expressway, then the permitted distance shall be at least 250 feet from the schools, child-care centers and child care facilities."

2. Adopt a Resolution Approving Precise Plan Amendments to the P-19 (Downtown) Precise Plan, Chapter III; the P-38 (El Camino Real) Precise Plan, Chapter 2; the P-39 (North Bayshore) Precise Plan, Section 3.3.2; and the P-40 (San Antonio) Precise Plan, Chapter 4, Section A to Designate and Regulate Cannabis Businesses as a Land Use, to be read in title only, further reading waived (Attachment 2 to the Council report);

3. Introduce an Ordinance Repealing Chapter 9, Article IV Regarding Medical Marijuana Dispensaries and Replacing It with a New Chapter 9, Article IV Regarding Cannabis Businesses, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 3 to the Council report);

4. Adopt a Resolution Amending the City of Mountain View Master Fee Schedule Related to Cannabis Business Regulations, to be read in title only, further reading waived (Attachment 4 to the Council report) with changes as clarified by staff to modify the Cannabis Business Registration Initial Fee from \$107,000 to \$86,000 and the Cannabis Business Registration Renewal Fee to \$85,000.

5. Authorize the addition of 1.0 FTE Police Officer position and 0.5 FTE Community Service Officer position for administration and enforcement of cannabis business regulations.

FRIENDLY AMENDMENT: Boardmember Rosenberg offered a friendly amendment to modify the motion to three storefront and one non-storefront.

Boardmember Clark declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Vice President Matichak offered a friendly amendment to remove the Downtown Precise Plan from the motion.

Boardmember Clark declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Vice President Matichak offered a friendly amendment to remove Area H, the Historic District.

Boardmember Clark declined to accept the friendly amendment.

Community Manager Rich summarized that the motion includes two storefront and two non-storefront retail business in all locations listed in the staff report other than Grant-Phyllis; the process that staff recommended; the buffer would stay the same except for when there is a physical barrier of State Highway 101, 85, 237 or Central Expressway, the buffer could go as low

as 250 feet and a maximum of 600 feet.

The motion carried by the following vote:

Yes: 5 - Boardmember Clark, Boardmember McAlister, Boardmember Rosenberg, Boardmember Showalter, President Siegel

No: 2 - Boardmember Abe-Koga, Vice President Matichak

MOTION - M/S - Clark/Rosenberg - To continue with the remainder of the meeting.

The motion carried by the following show of hands vote:

Yes: 5 - Boardmember Clark, Boardmember Rosenberg, Boardmember Showalter, Vice President Matichak, President Siegel

No: 2 - Boardmember Abe-Koga, Boardmember McAlister

6. ADJOURNMENT - At 11:30 p.m., President Siegel adjourned the meeting.

ATTEST:

APPROVED:

LISA NATUSCH
SECRETARY

LEONARD M. SIEGEL
PRESIDENT