

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE ADDENDUM TO THE CANNABIS BUSINESS ORDINANCE PROJECT INITIAL STUDY/NEGATIVE DECLARATION, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the City of San José ("City") acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"), prepared an Initial Study and approved the Negative Declaration as part of the Cannabis Business Ordinance Update which analyzed environmental impacts resulting from updates to be made to the Cannabis Business Ordinance; and

WHEREAS, in connection with the adoption of a resolution approving said Cannabis Business Ordinance Update (Planning File No. PP21-002), the City Council adopted Resolution No. 80389 on February 15, 2022, setting forth certain findings pertaining to the Cannabis Business Ordinance Initial Study/Negative Declaration pursuant to the provisions of CEQA; and

WHEREAS, the Cannabis Business Ordinance Update (the "Project") analyzed under the Initial Study/Negative Declaration consists of the following amendments to the City Manager Regulations for Medical and Non-Medical Cannabis, and Title 6 (the Business Licenses and Regulations Code) and Title 20 (the Zoning Code) of the San José Municipal Code and : (1) Amendments to the City Manager Regulations include, but are not limited to: increasing the number of cannabis retail businesses from 16 to 50, five of which are reserved for equity applicants, prohibiting further cultivation site regulation, removing the prohibition on delivery only businesses; (2) Amendments to Title 6 of the San José Municipal Code include, but are not limited to: definitions for "cannabis storefront" and "cannabis delivery only business;" and (3) Amendments to Title 20 of the

San José Municipal Code include, but are not limited to: add distance requirements from Cannabis Businesses to sensitive uses of 600 feet from a school, daycare, or youth center; allow cannabis retail storefront in Combined Industrial and Commercial, Commercial Pedestrian, Commercial Neighborhood, Commercial General , Main Street Commercial, Main Street Ground Floor Commercial, Mixed Use Commercial, Transit Residential, Urban Village, Urban Village Commercial, Urban Residential, and applicable Planned Development Zoning Districts, non-storefront cannabis businesses in Combined Industrial and Commercial, Industrial Park, Light Industrial, and applicable Planned Development Zoning Districts, and change distance requirements to sensitive uses; all of the proposed amendments are located in the City of San José (Citywide), California; and

WHEREAS, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared and approved an Addendum (Planning File No. PP23-001 and Environmental File No. ER23-103) to the previously adopted Negative Declaration (Planning File No. PP21-002 and Environmental File No. ER21-014), all in accordance with CEQA; and

WHEREAS, the Cannabis Business Ordinance Update Project (the “Project”) analyzed under this Addendum is an amendment of the City of San José Zoning Ordinance to amend Sections 20.80.763, 20.80.770, 20.80.775, and 20.80.780 from Part 9.75 of Chapter 20.80 in Title 20 of San José Municipal Code to modify distance requirements from Cannabis retail businesses to schools, daycare centers, youth centers, community and recreation centers, and parks; eliminate the distance requirement between storefronts; add a standard to address the concentration of cannabis retail businesses and remove the police beat restriction; and

WHEREAS, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved Negative Declaration nor will the Project result in an increase in any significant effects; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and;

WHEREAS, the City Council has reviewed and considered the Addendum for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum thereto for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and on the City of San José's Department of Planning, Building and Code Enforcement webpage, and are, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. PP23-001 and Environmental File No. ER23-103). The Addendum is: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk