

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE THIRD ADDENDUM TO THE MEDICAL MARIJUANA ORDINANCE PROJECT NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, 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 for circulation a Negative Declaration for an ordinance containing land use and zoning regulations for Medical Marijuana Collectives (the “Land Use Ordinance”) and for regulations to be promulgated by the City Manager (the “City Manager’s Regulations”) under Planning File No. PP11-039 (the “Initial Study/Negative Declaration”), which analyzed the environmental impacts of the Land Use Ordinance that established land use and zoning regulations and City Manager’s Regulations pertaining to medical marijuana collectives, all in accordance with the requirements of CEQA; and

WHEREAS, on September 1, 2011, the Planning Director of the City of San José prepared an Addendum to the Initial Study/Negative Declaration for a regulatory ordinance for medical marijuana collectives (the “Regulatory Ordinance”) under Planning File No. PP11-076 (the “First Addendum”), all in accordance with the requirements of CEQA; and

WHEREAS, the initial project consisted of both the Land Use Ordinance, City Manager Regulations, and the Regulatory Ordinance (collectively the “Initial Project”); and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of the Land Use Ordinance and City Manager's Regulations would not result in any significant effects on the environment, and the First Addendum was prepared because no adverse environmental impacts or other conditions described under CEQA Guidelines Section 15162 were identified that could result from implementation of the Regulatory Ordinance; and

WHEREAS, the City Council adopted Resolution No. 75984 on September 13, 2011, setting forth certain findings pertaining to the Initial Study/Negative Declaration, all pursuant to the provisions of CEQA, and approved the Regulatory Ordinance (Ordinance No. 28960) and Land Use Ordinance (Ordinance No. 28958); and

WHEREAS, on April 10, 2014, the Planning Director of the City of San José prepared a Second Addendum to the Initial Study/Negative Declaration for amendments to the Regulatory Ordinance and Land Use Ordinance under Planning File No. PP14-030 (the "Second Addendum"), all in accordance with the requirements of CEQA; and

WHEREAS, the Second Addendum was prepared because no adverse environmental impacts or other conditions described under CEQA Guidelines Section 15162 were identified that could result from implementation of the amendments to the Regulatory Ordinance and Land Use Ordinance; and

WHEREAS, the City Council approved Ordinance Nos. 29420 and 29421 on June 10, 2014, setting forth certain findings pertaining to the Second Addendum to the Initial Study/Negative Declaration, all in accordance to the requirements of CEQA; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared a Third Addendum to the Initial Study/Negative Declaration for amendments to the Regulatory Ordinance, Land Use Ordinance and City Manager's Regulations under Planning File No. PP16-076 (the "Third Addendum"), all in accordance with the requirements of CEQA; and

WHEREAS, as further described in the Third Addendum, the implementation of the amendments to the Regulatory Ordinance, Land Use Ordinance, and the City Manager's Regulations would not result in new significant effects on the environment beyond those already identified in the previously approved Initial Study/Negative Declaration and addenda thereto, nor will the amendments result in an increase in the severity of significant effects identified in the Initial Study/Negative Declaration and addenda thereto; and

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

WHEREAS, the City Council has reviewed and considered the Initial Study/Negative Declaration, and addenda thereto, and intends to take actions on the amendments in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Negative Declaration and addenda thereto are on file in the Office of the Director of Planning, 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 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 Initial Study/Negative Declaration, First Addendum, and Second Addendum, and Third Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the amendments, (2) the Third Addendum to the Initial Study/Negative Declaration prepared for the amendments has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Third Addendum to the Initial Study/Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the amendments. The City Council designates the Director of Planning 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 amendments will have a significant effect on the environment and does hereby adopt the Third Addendum prepared for the amendments (Planning File No. PP16-076). The Initial Study/Negative Declaration and addenda thereto are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

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ADOPTED this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk