



Staff Reports

File #: 1449-2018, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Mike Parness, City Manager

Prepared By: Rick Tooker, Community Development Director

TITLE:

Medicinal and Adult-Use Cannabis Ordinance Amendment

RECOMMENDED ACTION:

Approve the second reading and final passage, and adopt an ordinance amending Napa Municipal Code Section 17.52.275 to modify the distance separation standards for medicinal cannabis retailers and small cannabis manufacturers from youth oriented property and the visibility requirements of cannabis-related uses from a public street; and determining that the actions authorized by this Ordinance are exempt from CEQA.

DISCUSSION:

This is the Second Reading and final Adoption of an Ordinance amending the Napa Municipal Code Section 17.52.275 to modify the distance separation standards for medicinal cannabis retailers and small cannabis manufacturers from youth oriented property and the visibility requirements of cannabis-related uses from a public street; and determining that the actions authorized by this Ordinance are exempt from CEQA. The introduction and First Reading was held at the Regular City Council meeting on June 5, 2018. If approved, the Ordinance will become effective thirty days following adoption.

FINANCIAL IMPACTS:

The Recommended Action to adopt the Ordinance will have no financial impacts on the City. The processing of Cannabis Establishment Clearances is offset by a fee adopted by Council resolution and Clearances will be provided by the Community Development Director when determining that a commercial cannabis activity is in compliance with all applicable local ordinances and regulations. The costs of the Staff time to review applications for commercial cannabis activities will be borne by applicants and there will be no impact on the Adopted Budget.

CEQA:

At their regular meeting on June 5, 2018, City Council determined that the Recommended Action described in this Agenda Report is not subject to the California Environmental Quality Act ("CEQA," as codified in the California Public Resources Code Division 13), because it has no potential for resulting in physical change in the environment, directly or ultimately (see CEQA Guidelines Section 15378). If in the event that this Ordinance is found to be a project under CEQA, City Council determined that the Recommended Action is subject to the CEQA exemption contained in California Business and Professions Code Section 26055(h) (adoption of an ordinance that establishes other

authorizations to engage in commercial cannabis activity); and it is subject to the CEQA exemption contained in CEQA Guideline Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. Finally, in the event that the Recommended Action is not exempt from CEQA, Council determined that the potential environmental effects of the Recommended Action fall within the scope of, and were adequately examined by, the Environmental Impact Report (EIR) for Envision Napa 2020, the City's General Plan (the "General Plan EIR"), certified on December 1, 1998, pursuant to CEQA Guidelines section 15168. Section 15168(c) states that if the City determines that, pursuant to CEQA Guidelines section 15162, no new effects could occur and no new mitigation measures would be required due to adoption of the ordinance, then the City can approve the ordinance as being within the scope of the impacts examined in the General Plan EIR. Council made such a determination based on substantial evidence in the record, and therefore no subsequent environmental review is required.

DOCUMENTS ATTACHED:

ATCH 1 - Ordinance

NOTIFICATION:

Legal notice of the public hearing was published in the Napa Valley Register at least 10 days prior to the hearing date.