

## Findings

### Land Use Findings

The Department of City Planning recommends that the City Planning Commission find:

1. In accordance with **City Charter Section 556**, the proposed ordinance (Exhibit A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance balances the objective of realizing the economic and other benefits of commercial cannabis activity with protecting public safety and neighborhood quality-of-life.

The proposed ordinance refines and clarifies the range of sensitive sites in order to avoid conflicts between commercial cannabis activity and sensitive sites. This will help to ease unnecessary constraints on the siting of new cannabis retail businesses. Additionally, the proposed ordinance eases constraints that would otherwise prevent some existing cannabis retailers from continuing to operate in their existing locations, while retaining zone and minimum distance provisions that protect public safety and neighborhood quality-of-life and ensure compatibility with surrounding neighborhoods.

Finally, in refining the minimum distancing requirement between on-site cannabis retail sales and public parks, the proposed ordinance helps reduce exposure to health risks such as secondhand smoke, and helps reduce minors' exposure to cannabis and cannabis-derived products, all while enhancing opportunities for businesses to locate in areas where these risks either are not present or are significantly lower.

In doing these things, the ordinance supports the following General Plan goals, objectives, and policies:

#### **Framework Element:**

- **Goal 7B.** A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.
  - **Objective 7.2.** Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.
- **Goal 7D.** A City able to attract and maintain new land uses and businesses.

#### **Housing Element:**

- **Objective 2.1.** Promote safety and health within neighborhoods.
  - **Policy 2.1.2.** Establish development standards and other measures that promote and implement positive health outcomes.

2. In accordance with **City Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. The proposed ordinance addresses key challenges stemming from the 2017 location restrictions for commercial cannabis activity, namely the inclusion of sites with no recreational value in the definition of Public Park, the administrative challenge associated with the cutoff date for complying with minimum distancing requirements, and burdensome restrictions on access to cannabis retailers' premises. The proposed ordinance makes refinements and clarifications to these provisions that remove unnecessary barriers to new cannabis retailers and lessen unanticipated operational burdens on existing cannabis retailers. These refinements will, where appropriate, provide enhanced access to a category of business for which there is considerable public demand, while retaining zone and minimum distance provisions that protect public safety and neighborhood quality-of-life and ensure compatibility with surrounding neighborhoods.

### **Environmental Finding**

The Department of City Planning recommends the following environmental finding:

Based on the whole of the administrative record, the lead agency finds that the project is exempt from CEQA pursuant to California Business and Professions Code Section 26055(h) on the basis that the project will adopt ordinances, rules and/or regulations, that will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City (Exhibit C; ENV-2019-6204-SE).