

STOCKTON PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE ESTABLISHMENT OF A CANNABIS REGULATORY PROGRAM

The Planning Commission is authorized by section 16.212.040 of the Stockton Municipal Code (SMC) to review and make recommendations to the Council for amendments to the provisions of Title 16; and

- A. Amending the provisions of Title 16 related to the cannabis regulatory program will comply with Article XI Section 7 of the California Constitution, Section 26200 of the Business and Professions Code, Section 53069.4 of the California Government Code, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94), and Cannabis: state and local equity programs (Senate Bill 1294), and be consistent with the following General Plan goals, policies, and actions:
 - i. Policy LU-4.2. Attract Employment- And Tax-Generating Businesses That Support the Economic Diversity of The City.
 - ii. Action LU-4.2c, Continuously Improve the Efficiency, Timeliness, And Transparency of The City's Permitting Process To Assist Businesses In Expanding Or Locating In Stockton, While Providing Certainty In Fee Calculations And Regulatory Requirements.
 - iii. Policy CH-3.1. Promote Entrepreneurial Development and Small Business Expansion. (ED-2.2)
- B. The proposed amendments will establish a Cannabis Regulatory Program in the City of Stockton, including changes to Chapter 16.20, Section 16.20.020 "Allowable land uses and permit requirements", Chapter 16.64, Section 16.64.040 "Number of parking spaces required", Chapter 16.80 Section 16.80.195 "Cannabis businesses—Permitting", and Chapter 16.240, Section 16.240.020 "Definitions of specialized terms and phrases". The proposed amendments will:
 - i. Allow new types of cannabis businesses: New distributors, non-volatile and volatile manufacturers, non-storefront retailers, microbusinesses, and testing labs permits.
 - ii. Grant existing cultivators distributor and non-volatile manufacturing land use by right; contingent upon obtaining the appropriate Cannabis Business Permit.
 - iii. Create of an equity program.
- C. The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City, because the

amendment will bring the City into compliance with state law and Title 16 also allows for local land use regulation of the cannabis industry in that projects will require condition use permits to regulate the use and operations of cannabis businesses.

- D. The proposed SMC amendment is exempt from the California Environmental Quality Act (CEQA) under the “general rule” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in section 15061(b)(3). Approval of the required amendment will bring the City into compliance with state law and constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA; and
- E. The proposed amendment is internally consistent with other applicable provisions of the Development Code because the proposed amendment is concurrent with other proposed amendments of the Stockton Municipal Code dealing with cannabis businesses, now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The Planning Commission recommends that the City Council adopt amendments to Title 16, Chapter 16.20, Section 16.20.020, Chapter 16.64, Section 16.64.040, Chapter 16.80 Section 16.80.195, and Chapter 16.240, Section 16.240.020 related to a cannabis regulatory program, as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED, and ADOPTED February 14, 2019.

_____, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL McDOWELL, SECRETARY
City of Stockton Planning Commission