

# Appeal of Flora Terra

Conditional Use Permit to operate a dispensary



1226 4<sup>th</sup> Street

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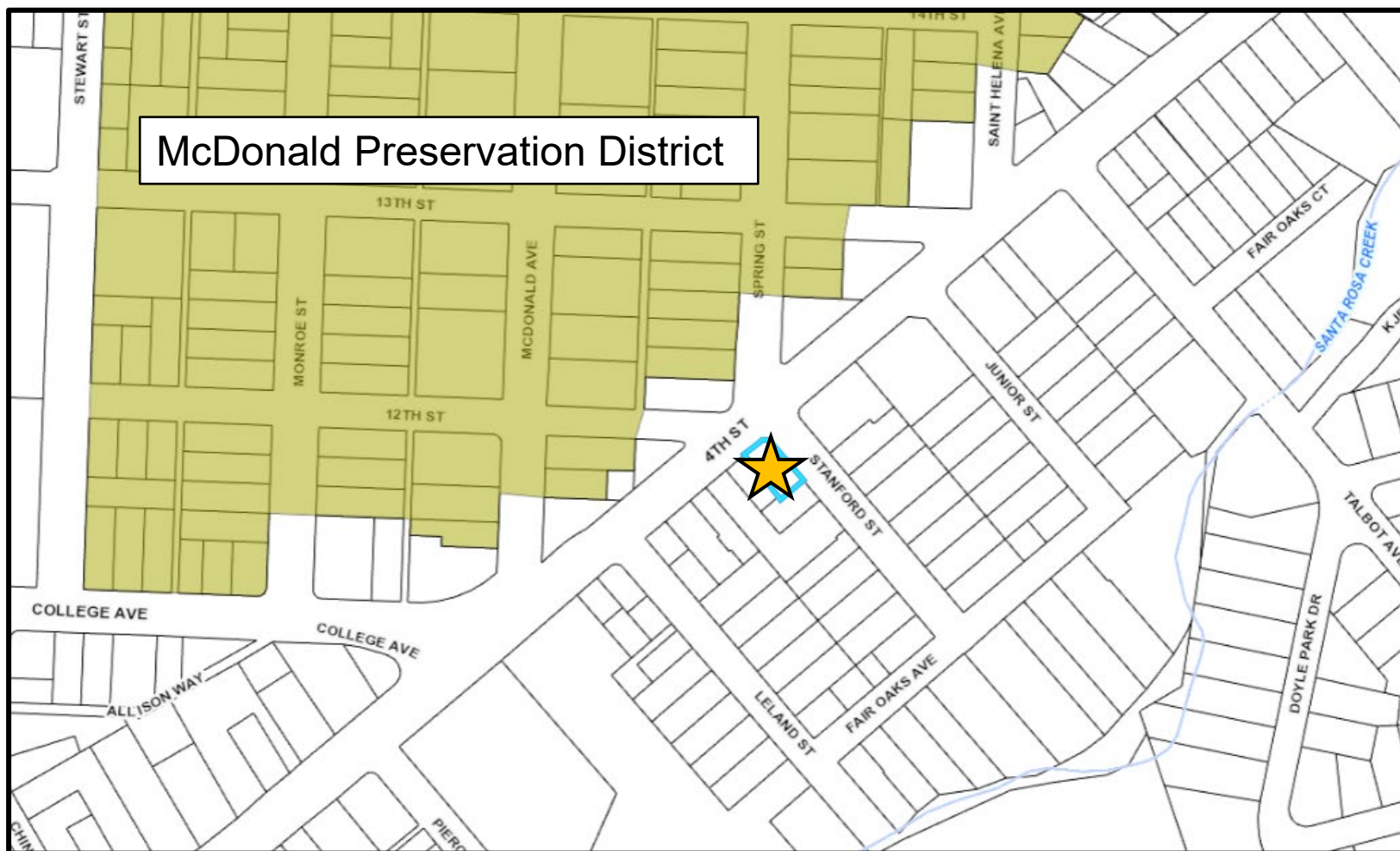
- March 24, 2022 – Planning Commission approved a Conditional Use Permit to operate a Cannabis Retail use from vacant commercial building at 1226 4<sup>th</sup> Street
- April 1, 2022 – Appeal of the Planning Commission's action received

## Grounds for Appeal

The appellant has provided the following grounds for appeal:

*The Project impacts on the McDonald Historical District have not been studied, nor have the valuation of properties of homes (impacts – test valued) been analyzed for the historical district.*

# Proximity to McDonald Preservation District



- Zoning Code Table 2-6 - a Conditional Use Permit (CUP) is required in the General Commercial zoning district.
- Zoning Code Section 20-46.080(D) – Regulates location requirements for Cannabis Retail use:
  - Not within 600 feet of another Cannabis Retail use;
  - Not within 600 feet from any K-12 school; and
  - Does not regulate proximity to preservation districts.

## Required findings:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;

## Required findings, continued:

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution:

- Deny the Appeal of Robert Jacobsen and uphold the Planning Commission's decision to approve a Conditional Use Permit for Flora Terra, a 1,140-square foot Cannabis Retail use, at 1226 4<sup>th</sup> Street.