

Appeal of the Fleuron Inc.,
Medical Cannabis Commercial Cultivation
Conditional Use Permit CUP 16-087
60 Maxwell Court

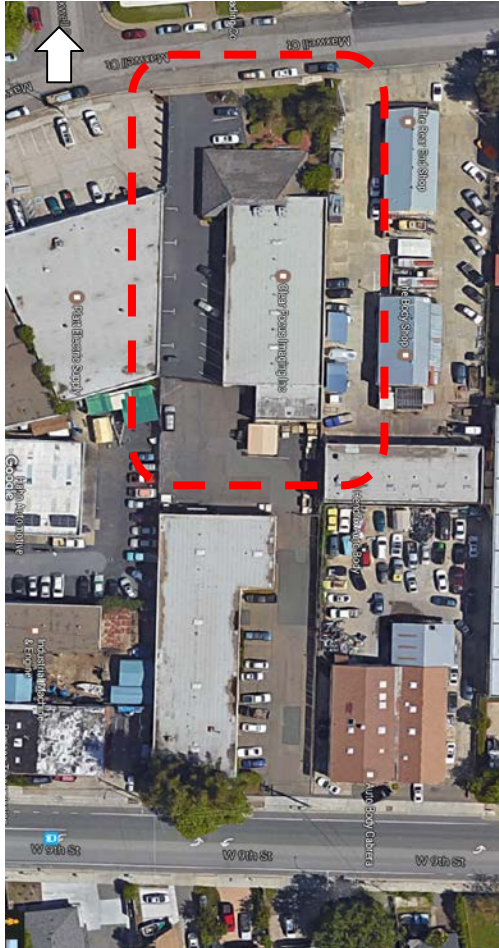
City Council

May 16, 2017

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Project Site



60 Maxwell Court



363 W 9th Street

- Cultivate Medical Cannabis
- Operate 8 a.m. to 5 p.m. Daily
- 10 employees
- Odor and Noise Control
- 24-hour Security
- No public access



On March 20, 2017, Mr. Richard Deringer, Odyssey Development Corp., filed the Appeal.

The Appeal includes 8 Grounds

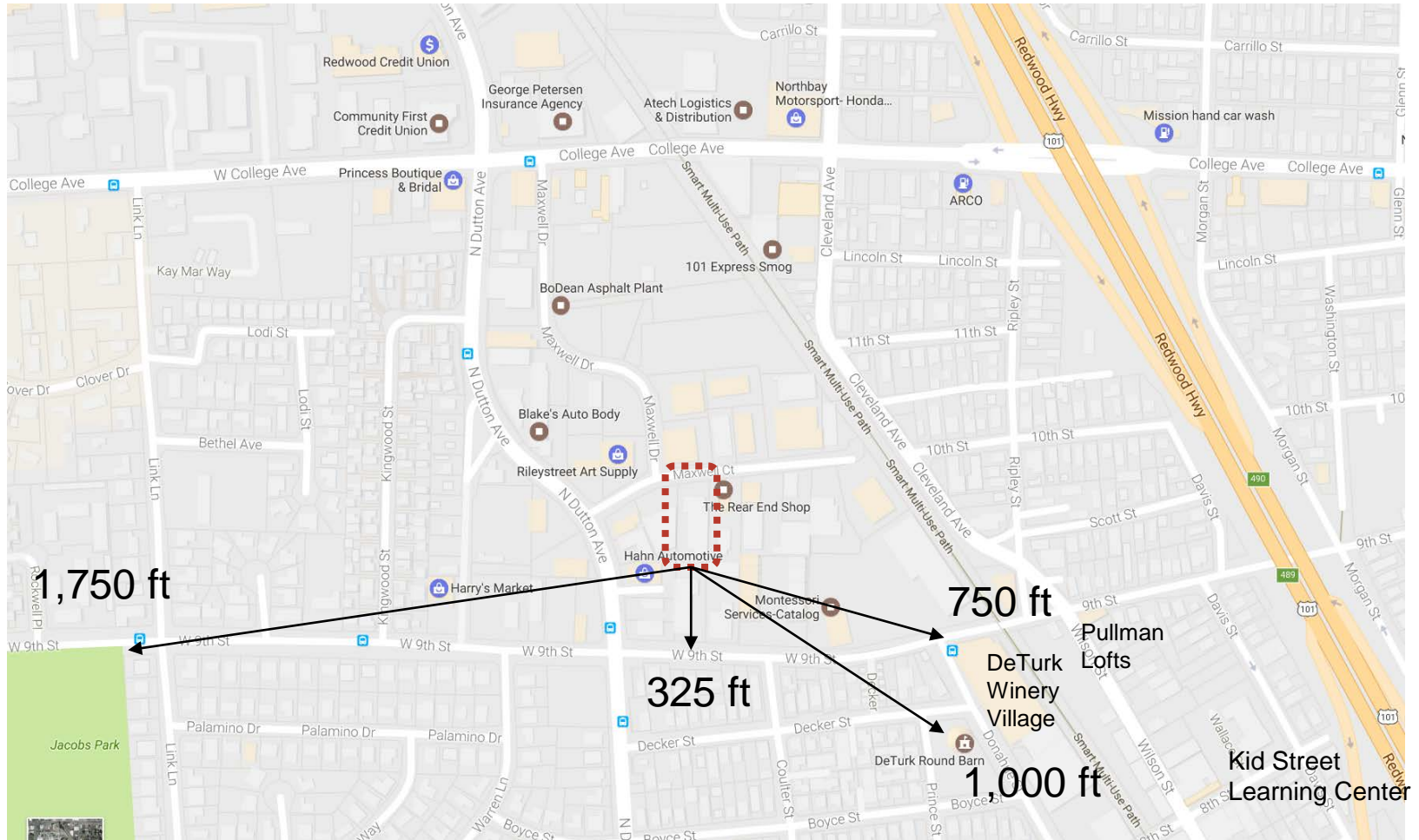
Environmental Review and Deficient Notice

- **Project is exempt from CEQA**
Section 16301 – Existing Facility
- **Proper Notice was given for the PC Hearing.**
Project description and location
Hearing date and time
- **No Environmental Review Required for Exempt Projects.**

*Adverse impact to historic resource
& eliminate housing development potential*

- **Building and Site are not historic resources**
- **The Site is not within a preservation district**
- **No impact to DeTurk Round Barn or West End Preservation Combining District**
- **Future housing development of Site or in the vicinity is not prevented by the Project**

Appeal Grounds 3 and 4



*Inconsistent with Transit Village Residential land use;
Zoning amendment findings were not adopted.*

- **Current zoning implements GP land use**
- **LIL allows Industrial uses in the interim**
- **Cannabis Cultivation allowed in LIL.**
- **Zoning Amendment not required; Current zoning adopted with proper findings in 2010**

TV-R–SA–LIL Zoning District
Rezone 2010





- TV-R (Transit Village-Residential)** ½ mile of transit station; Mixed use residential & neighborhood retail
- SA (Station Area)** Transit station specific plan areas
- LIL (Limited Light Industrial)** Industrial uses permitted in Maxwell Court until the area is ready to convert to mixed use residential and neighborhood retail.

Inconsistent with GP policy as it will create a nuisance, prevent housing development, displace industrial uses, and degrade the business community

- **Project furthers GP objectives, goals, & policies**
- **No new information to form a different conclusion**

*Violates State housing guidelines
(Government Code Section 65915.7.a.3).*

- **Guideline is a residential Density Bonus qualification criteria – Does not apply**
- **The Project is not “new development”.**
- **Noise and odor controls will avoid conflict with future residential projects.**

-  *a. Allowed by Zoning; Complies with City Code*
-  *b. Consistent with General Plan*
- c. Compatible with existing and future land uses*
-  *d. The site is suitable; no physical constraints*
- e. “...not injurious to the public health, safety & welfare...”*
-  *f. Complies with the California Environmental Quality Act (CEQA).*

✓ *... compatible with the existing and future land uses ...*

- **Accommodated within the existing building.**
- **Vehicle access avoids residential area.**
- **Separated from residential area and sensitive uses.**

West End Neighborhood – South 325 feet
Jacobs Park/Lincoln Elementary School - West 1,750 feet

✓ *...not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, or welfare...*

- **Surrounding use and zoning are the same**
- **Noise, odor, and lighting requirements prevent land use conflict**

Noise	Odor	Safety
GP 65 dB Limit	Sealed Cultivation Rm	24-hour Security
New HVAC	Carbon Odor Filter	Employee Check
Rooftop Installation		Authorized Access
		Secured Shipment

- **Affirm or reverse the CUP approval**
- **Adopt additional CUP conditions of approval**
- **If new evidence is presented, refer the CUP to the Commission for further consideration**

Recommended Action

- Deny the Appeal
- Affirm the Planning Commission's CUP Approval





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