

APPEAL FORM

Date Received: 11/20/2018

Fee: \$5,859

City Clerk's Office/Rec'd by: Sandi Bliss

RECEIVED

Name of Appellant: CN Santa Rosa - Tyler Champlin

NOV 26 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

CITY OF SANTA ROSA CITY CLERK'S OFFICE

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) City Council's Cannabis Policy Subcommittee

Decision date: 11/14/2018

Decision: (approval, denial, other) Subcommittee decision approving Applicant's application for a conditional use permit (CUP 18-010) at 330 + 358 Yolanda Ave.

Name of Applicant/Owner/Developer: Appellant is Tyler Champlin on behalf of CN Santa Rosa Appellant

Type of application: (Rezoning, Tentative Map, etc.) Conditional use permit to establish a cannabis retail operation

Street address of subject property: 330 + 358 Yolanda Ave, Santa Rosa

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. Please see attached Exhibit "1."

2. Please see attached Exhibit "1."

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

Overrule decision of Cannabis Policy Subcommittee

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

Applicant's Signature: [Signature] Date: 11.24.18

Applicant's Name (type or print): Tyler Champlin Crystal Matter (attorney) Address: 1212 Scheidegger Cir Folsom CA 95630

Daytime Phone Number: (424) 619-9660 Home Phone Number:

Exhibit "1"

On November 14, 2018, the City Council's Cannabis Policy Subcommittee erroneously and improperly decided to reject staff recommendation for a conditional use permit to be issued to CN Santa Rosa (CUP 18-053) and instead approved Applicant C (CUP18-070) at 330 & 358 Yolanda Ave, Santa Rosa.

Decision Being Appealed: Appellant CN Santa Rosa hereby appeals to the City Council the decision of the Cannabis Policy Subcommittee on November 14, 2018 approving Applicant C's application for a Conditional Use Permit at 330 & 358 Yolanda Ave (CUP18-070).

Appellant: Tyler Champlin on behalf of CN Santa Rosa (CUP18-053)

Contact Information: Appellant CN Santa Rosa is represented by Crystal Matter of Stonebarger Law, APC, 75 Iron Point Circle, Suite 145, Folsom, CA 95630, 916-235-7140

Grounds for Appeal: Appellant CN Santa Rosa seeks reversal of the Cannabis Policy Subcommittee's decision to approve CUP18-070, the Conditional Use Permit filed by Applicant C.

The Cannabis Policy Subcommittee erred in its decision to approve Applicant C's permit on grounds that:

- (1) Applicant C failed to submit a complete application insofar as the application did not contain the building and site improvement plans raised during the November 14, 2018 hearing.
- (2) Applicant C failed to comply with the requirements for completing an incomplete application.
- (3) In its application, Applicant C misrepresented the site and building improvements and/or materially changed its application after the submission deadline, in contravention of the applicable rules and ordinances governing application approval.
- (4) Applicant C submitted late information that was considered by the Subcommittee, in violation of applicable rules and ordinances governing application approval.
- (5) The Cannabis Policy Subcommittee permitted and approved a material change to Applicant C's existing application in contravention of the established rules and ordinances governing application approval.
- (6) The Cannabis Policy Subcommittee permitted and approved a material change to Applicant C's existing application without a hearing on that change in contravention of the established rules and ordinances governing application approval.
- (7) The Cannabis Policy Subcommittee failed to apply the application requirements to Applicant C, which mandates that "providing false or misleading information during the application and/or permitting process **will** result in rejection of the application and/or nullification or revocation of any issued permit." (Cannabis Use Application Process and General Requirements, updated March 15, 2018)(Emphasis added.)
- (8) Applicant C was provided an unfair advantage in the application approval process due to Applicant C's attorney's affiliation with City of Santa Rosa Officials.

As a separate but related item, the Appeal filing fee of \$5,859 is unconscionable. Appellant CN Santa Rosa requests review of this filing fee.

There may be additional grounds supporting this appeal that may be revealed through discovery. Generally, however, in approving (or recommending the approval of) the conditional use permit for Applicant C, the Cannabis Policy Subcommittee failed to require and apply the processes and ordinances regulating approval of conditional use permits to Applicant C. The Cannabis Policy Subcommittee's failure to enforce the processes and ordinances it adopted for conditional use permit applications detrimentally affected and unfairly prejudiced CN Santa Rosa and other conditional use permit applicants who complied with the submittal requirements.

Public Records Requests pertinent to this appeal are being submitted with the filing of this appeal. Accordingly, CN Santa Rosa intends to incorporate by reference any and all DOCUMENTS requested in the Public Records Request.

Additionally, CN Santa Rosa reserves its right to provide supplemental information, documentation and argument in support of this appeal prior to and at any duly noticed hearing on this matter.



February 12, 2019

VIA EMAIL

Kristinae Toomians, Senior Planner (ktoomians@srcity.org)

Re: Appeal to City Council
File No. CUP18-070

Dear Ms. Toomians,

We represent CN Santa Rosa, applicant for CUP18-053, also known as Applicant A. CN Santa Rosa seeks a Conditional Use Permit to establish and operate a retail dispensary at 2612 Santa Rosa Avenue. We submit this supplemental appeal documentation in response to the Cannabis Policy Subcommittee decision on November 14, 2018, and in conjunction with our timely filed appeal on November 26, 2018, and in anticipation of the City Council hearing on March 12, 2019.

Decision

On November 14, 2018, the Cannabis Policy Subcommittee rejected City Staff recommendation to allow the highest scoring applicant, CN Santa Rosa, to proceed on to the Conditional Use Permit entitlement process. The Cannabis Policy Subcommittee decision violates the City's rules governing cannabis application procedure and should therefore be reversed.

Relevant Facts

The Cannabis Retail Use Application Process is a 6-Step process adopted by the City as follows: (1) Pre-Application, (2) Retail Application Intake Period, (3) Eligibility and Completeness Review, (4) Review for Potential Overconcentration, (5) Ranking and Selection Process, and (6) Conditional Use Permit Process. Exhibit 1.

The application intake period (Step 2) closed on April 20, 2018. "The purpose of a defined period is to ensure **order, security and fairness** to what is expected to be an initial rush of retail applications potentially competing for land use rights within the same concentration area." Exhibit 1. Emphasis added. By defining the application period, applicants must submit the most complete and comprehensive application possible, by the deadline.

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Applicants whose application is initially deemed incomplete are afforded one additional opportunity to correct any insufficiency in their application. *Id.*, Step 3. For CUP18-070, the deadline to correct any insufficiency in the application closed on June 21, 2018¹.

Consistent with Step 4, City Staff reviewed all of the cannabis retail applications deemed complete and determined which are in an area of potential overconcentration. After determining there were multiple applicants within 600 feet of each other, five applicants (CN Santa Rosa, Louies Gouies, Green Trove Wellness², 374 Yolanda Ave, and Santa Rosa NKM) proceeded to Step 5 — the ranking and selection process. *See* Exhibit 1, p.4.

Step 5 of the ranking and selection process details:

point-based evaluation criteria and selection procedures to avoid an overconcentration of Cannabis Retail uses should competing applications be submitted within a 600-foot radius of each other. The purpose of this step is to have the City's Cannabis Subcommittee, comprised of **three appointed City Council members, review, score and rank all applicants in this category and to select, at a public meeting, which applications move forward in the process based on their ranking.** Prior to finalizing the scores, the Subcommittee may request additional information from an applicant.

Exhibit 1. Emphasis added.

Project submittals will be scored on the quality and extent of the response to these categories. Applications that provide detailed narrative, plans, and/or exhibits that succinctly but thoroughly and clearly address how the proposed Cannabis Retail use will address the merit criteria will be scored the highest. Responses that are vague, merely restate compliance with the criteria, or that refer to rules and/or exhibits that are not included or incorporated into the application packet will be scored the lowest.

Exhibit 1, p.5. Emphasis in original.

In no uncertain terms, the rules state “applications that are the highest in score will be allowed to move forward to Step 6.” *Ibid.* Emphasis added.

¹ On 5/31/18, CUP18-070 was sent a Letter of Incompleteness regarding their application. The Letter provided CUP18-070 21 days (6/21/18) to correct any insufficiency.

² The name changed to Friends and Farmers during the application process. Herein Green Trove Wellness and Friends and Farmers are referred to as CUP18-070.

The Cannabis Policy Subcommittee delegated the review, scoring and ranking to City Staff. City Staff spent extensive time reviewing, scoring and ranking applications based on the quality and extent of each applicant’s timely submitted application materials with respect to the following categories:

1. Local and State Compliance
2. Site Management
3. Neighborhood Compatibility
4. Neighborhood Enhancement

Undoubtedly in the interest of fairness and consistency, the same three members of City Staff reviewed and scored the applications submitted by each applicant. Though expressly permitted by the adopted rules, neither the Subcommittee nor the Staff requested additional information from any applicant during the review, scoring and ranking process.

Consistent with the process established and adopted for Step 5, City Staff scored and ranked the top three applicants as follows:

	<u>CN Santa Rosa</u>	<u>CUP18-070</u>	<u>Louies Gouies</u>
1. Local and State Compliance (20 pts)	18.7	18.7	18.7
2. Site Management (20 pts)	17.3	18	19
3. Neighborhood Compatibility (30 pts)	24.3	23.7	22.3
4. Neighborhood Enhancement	24.7	21.3	21
Total	85	81.7	81

See Exhibit 3.

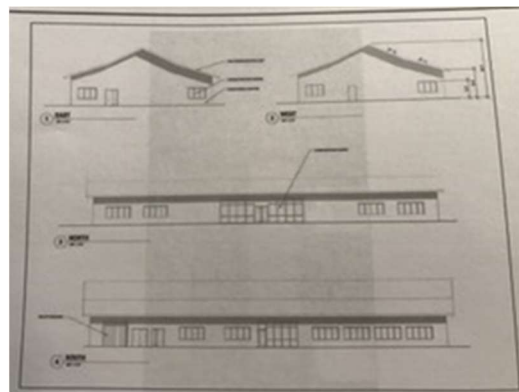
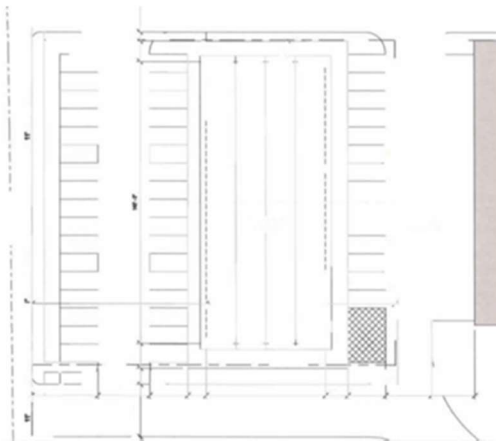
Also consistent with Step 5, on September 19, 2018, City Staff published the results of the ranking and selection process, and recommended that the applicant who scored the highest on the Merit Based Evaluation, CN Santa Rosa, move on to Step 6.

Thereafter, on October 23, 2018 and November 13, 2018, CUP18-070 emailed the Cannabis Policy Subcommittee letters, which included among other things, pages of new plans and detail responding to the insufficiencies identified on its Merit Based Scorecard. The quality and extent of detail contained in these letters *should have* appeared in CUP18-070’s application submitted on April 20, 2018, or even its response to the letter of incompleteness on June 21, 2018. On November 14, 2018, CUP18-070 also presented a PowerPoint presentation to the Cannabis Policy Subcommittee containing more material revisions to its application. A few examples of the material revisions are as follows:

Community Benefits: CUP18-070’s Merit Based Scorecard states that the application “lacks discussion of community benefits.” Indeed, City Staff noted that the community benefit proposed in CUP18-070’s application was essentially the building itself. Therefore, the application as submitted and evaluated, was missing the quality and extent of detail necessary to receive a higher score. CUP18-070’s October and November submittals – after the scores and ranking list were released – contained new plans and details as well as potential partnerships with organizations such as First 5 Sonoma, The Palms Inn and Teamsters Local 665. New plan and details cannot be considered *after* the application period is closed and certainly cannot be considered *after* the applications are reviewed, scored, and ranked.

Local and State Compliance and Neighborhood Compatibility: The Merit Based Scorecard for CUP18-070 also stated that applicant’s plan “describes general compliance with General Plan policies, but lacks detail about implementation” and “narrative lacks a lot of detail.” The merit based evaluation process scored applicants on the quality and extent of their applications as submitted. Applicants were warned from the beginning of the process that vague responses that do not provide detailed narrative plans will receive a lower score. Exhibit 1, p. 5.

In its application and related materials, CUP18-070 consistently represented that its plan was to demolish an existing building on a .3 acre site and erect a new building that would be 8400 square feet, 3000 of which would be used for a retail dispensary. CUP18-070 made passing reference to the site being “part of a larger [nondescript] redevelopment plan.” It provided general reference to the construction of the building and the site plans were simple and depicted as follows³:



³ The site plans included with CUP18-070’s application are also attached hereto as Exhibit 5.

City Staff determined that CUP18-070's application lacked detail in multiple respects. Exhibit 3.

After having received the Merit Based Scorecards and the benefit of six months since the submission deadline, CUP18-070 provided amended and supplemental documentation to the Subcommittee that materially alters its application. Specifically, CUP18-070 provides new and additional detail concerning the exterior plan and unveils - for the first time - its 6 acre redevelopment plan.

The application did not reference construction design with an "open beamed garden center, modern barn approach not unlike the SHED in Healdsburg," it did not contain or reference solar panels on the building, and the plans and renderings submitted with the application are a far cry from this rendering presented on November 14, 2018:



Additionally, application documents do not represent that this dispensary is part of a 6-acre redevelopment plan that includes a garden center, demonstration garden, café, juice bar, culinary center and a community education and resource center.

It appears the Cannabis Policy Subcommittee not only considered these material modifications presented by the applicant six months *after* the application process was closed and *after* the applications had already been scored, ranked and the results released to applicants, these modifications were deemed the "tipping point" in rejecting CN Santa Rosa's application and selecting CUP18-070 to move forward to Step 6. We believe this was an error.

CN Santa Rosa Respectfully Requests the City Council Reverse the Decision of the Cannabis Policy Subcommittee

At worst, CUP18-070's application misled the Cannabis Policy Subcommittee because it omitted material information critical to the Merit Based Evaluation performed in Step 5 of the application process. Among other things, the application did not discuss the 6-acre redevelopment plan proposal, it did not accurately depict, detail or summarize the plans for the exterior of the retail facility, and did not provide detail regarding proposed community benefits. If the details and plans identified in the October and November submittals were applicant's plans all along, then it misled the Subcommittee during the

application process by omitting those details. Pursuant to the rules established and adopted by the City of Santa Rosa, providing misleading information during an application process results in disqualification:

APPLICANTS PROVIDING FALSE OR MISLEADING INFORMATION DURING THE APPLICATION AND/OR PERMITTING PROCESS WILL RESULT IN REJECTION OF THE APPLICATION AND/OR NULLIFICATION OR REVOCATION OF ANY ISSUED PERMIT

Exhibit 2, p. 6

At best, consideration of amended and supplemental application documents submitted by CUP18-070 six months *after* the initial deadline and *after* the applications had already been scored, ranked and the results released, is prejudicial to CN Santa Rosa because it applies a different set of rules to CUP18-070 than were applied to CN Santa Rosa and other applicants. Further, consideration of these materials undermines the entire process and flies in the face of the City's stated values of order, security and fairness.

No matter how these omissions are viewed, the result must be the same, CUP18-070's approval should be reversed.

Conclusion

The Cannabis Policy Subcommittee erred by rejecting City Staff recommendation to approve CN Santa Rosa to move on to Step 6 of the process and instead approving CUP18-070. CN Santa Rosa respectfully requests City Council reverse the decision by the Cannabis Policy Subcommittee and approve CN Santa Rosa to proceed with Step 6.

Thank you for the opportunity to appeal the decision of the Cannabis Policy Subcommittee and for your consideration of the points raised herein and those that may be raised at the time of the hearing. We are happy to provide additional information or documentation to assist in your determination.

Thank you for your continued dedication to the community.

Respectfully submitted,



Crystal L. Matter

CN Santa Rosa Appeal of CUP18-070

February 12, 2019

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Attachments Enclosed:

Exhibit 1: Cannabis Retail Use Application

Exhibit 2: Cannabis Use Application Process and General Requirements

Exhibit 3: Merit Based Review Scoresheets

Exhibit 4: Application Narrative for CUP18-070

Exhibit 5: Application Plans for CUP18-070

Exhibit 1

Step 1: Pre-Application (on-going)

The purpose of this phase is to allow applicants time to file for a pre-application neighborhood meeting (if required), a pre-application development review staff consultation meeting (optional), and/or concept design review (if required). See Cannabis Program FAQs #20, 21, and 22 for more information.

Note: If a pre-application neighborhood meeting is required, the application and fee for the neighborhood meeting must be filed at least a day prior to the submittal of a Conditional Use Permit (CUP) application.

Step 2: Retail Application Intake Period (April 9, 2018 thru April 20, 2018)

The purpose of the Retail Application Intake phase is to allow for a specific two-week period for submittal of Conditional Use Permit applications for a new cannabis retail operation. The intake period will begin on **Monday, April 9, 2018, and will run through Friday, April 20, 2018**. The purpose of a defined period is to ensure order, security and fairness to what is expected to be an initial rush of retail applications potentially competing for land use rights within the same concentration area.

Note: Following this initial application intake period, new applications will be not be accepted until further notice to allow City staff sufficient time to process the initial set of applicants. It is anticipated that once the processing of the initial rush is well under way, the City can move into accepting applications on a first come, first served basis; date to be determined.

Conditional Use Permit application required. All prospective cannabis retail use applicants must file a Conditional Use Permit application within the application intake period to be considered. Cannabis retail includes any use that includes a standalone retail facility, a retail component of a cannabis microbusiness, a retail delivery operation with required storefront, or a retail operation located on a multi-tenant or multi-use site. Delivery operations without a public storefront are not allowed in the City.

Note: Existing Cannabis Retail operations seeking additions, modifications and/or amendments to their current land use permit and site may request such changes by filing a Conditional Use Permit application. Applications to amend an existing cannabis retail land use permit are not subject to the application intake period. Applications by an existing operator for new locations, however, shall follow the Cannabis Retail Use Application Process outlined herein.

Applications may not be mailed in; they must be filed in person at the Planning and Economic Development Department, City Hall Room 3, 100 Santa Rosa Avenue during normal business days and hours. New Applications are accepted: Mon: 8am - 3:30pm; Tue: 8am-3:30pm; Wed: 10:30am-3:30pm; Thu: 8am-3:30pm; and Fri: 8am-11am.

If you have any questions about this process, please contact Counter Planner email: Planning@srcity.org or Counter Planner phone: 707-543-4698. Application forms and fees can be accessed at <https://srcity.org/319/Forms-Applications>. Frequently used links can be accessed at <https://srcity.org/2247/Frequently-Used-Links> and the Cannabis Program site can be accessed at <https://srcity.org/404/Cannabis-Program>.

Applicants should review the City's new checklist for "Cannabis Use Application – Process and General Requirements" and "Cannabis Use Application – Retail Use Requirements". These

documents and other application support tools accessed at <https://srcity.org/404/Cannabis-Program>.

Be sure to include the following items in your application packet:

- Completed application form(s)
- All required materials listed in the application form(s)
- Completeness Review Time Extension form
- Response to the merit point based criteria for Cannabis Retail Uses
- Application fees

Fees required. Application processing fees are collected at the time an application is submitted. Please make checks payable to the “City of Santa Rosa”. Applicants paying in cash in excess of \$3,000 will be provided a printout upon application submittal that indicates the total amount due and instructions on how to schedule an appointment with the City’s Finance Department to make the payment (no same day appts). Applications will be deemed incomplete until full payment is confirmed by the City’s Finance Department. See full Fee Schedule for more information: <https://srcity.org/DocumentCenter/View/16129>

- New cannabis retail will require Conditional Use Permit (CUP) and Public Hearing (Planning Commission).
 - Standard CUP fee (\$11,381) if re-tenanting and existing building with only minor exterior changes OR Enhanced CUP fee (\$16,213) if project involves site development and/or new commercial building construction)
 - Planning Commission public hearing fee (\$2,177)
- Existing cannabis retail seeking amendments to their existing use permit will require Conditional Use Permit (CUP) and Public Hearing (Planning Commission).
 - Amendment to Approved Cannabis Retail CUP fee (\$5,691)
 - Planning Commission public hearing fee (\$2,177)
- Other planning entitlement fees may apply depending on the scope of the project (e.g. Design Review, Landmark Alteration, Environmental Assessment, Rezoning).

Step 3: Eligibility & Completeness Review (30 to 60 days)

The purpose of this phase is to determine that the proposed location is allowed (i.e., meets pre-application and minimum locational and setback requirements), and that a complete application with all the required information has been submitted. The City will make every effort to complete this initial determination within 30 calendar days; however, additional time may be needed should the compressed application intake period warrant it. As a result, all Cannabis Retail applicants are required to complete Completeness Review Time Extension acknowledging this unique situation.

If City staff determines that an application contains sufficient information for review, staff will inform the applicant in writing and the application will be deemed “complete”. Once an application is deemed “complete” the application will move on to Step 4 in the process Expedited resubmittal process. If City staff determine that an application is “incomplete”, staff will inform the applicant in writing and provide a list of missing or incomplete materials. A retail cannabis applicant will have 14 calendar days to respond. Once the response is submitted, the City will have 14 days to review the response and will make a completeness determination based on the following items received:

- All missing or incomplete materials requested by the City; and
- A written statement from the applicant responding to each of the items requested.

If City staff determines that the application, as resubmitted, is “complete” then the application will move on to Step 4 in the process. If City staff determines that the application is still “incomplete” at this point, then the application will be deemed “voided” and any unspent processing fees will be refunded.

Step 4: Review for Potential Overconcentration (7 days)

Pursuant to Section 20-46.080 of the City’s Comprehensive Cannabis Ordinance, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa. The purpose of this step in the process is to evaluate all of the cannabis retail applications deemed complete in Step 3 and determine which are located within a potential area of overconcentration.

If City staff determines that the application is a “single”, meaning there is no potential of being within 600 feet of any other Cannabis Retail use that is either in process or established within the City of Santa Rosa, then the application will be allowed to proceed to Step 6 (skipping Step 5).

If City staff determines that the application is among “multiple”, meaning the subject site is within 600 feet of a Cannabis Retail use that is either in process or established within the City of Santa Rosa, then the application proceeds to Step 5.

Note: Existing Cannabis Retail operators. Existing permitted cannabis retail operators are eligible to file a Conditional Use Permit application for consideration of a new location within 600 feet of their current site. If the application moves forward pursuant to the process as outlined in the Cannabis Retail Use Application Process, and is approved, then the permit for the new site will be conditioned such that the current retail operation within 600 feet must cease upon the opening of the new operation.

Step 5: Ranking & Selection Process (45 to 60 days)

Pursuant to Section 20-46.080 of the City’s Comprehensive Cannabis Ordinance and as amended by urgency ordinance adopted February 6, 2018, the Department has established point based evaluation criteria and selection procedures to avoid an overconcentration of Cannabis Retail uses should competing applications be submitted within a 600-foot radius of each other. The purpose of this step is to have the City’s Cannabis Subcommittee, comprised of three appointed City Council members, review, score and rank all applicants in this category and to select, at a public meeting, which applications move forward in the process based on their ranking. Prior to finalizing the scores, the Subcommittee may request additional information from an applicant.

The Subcommittee will score applications pursuant to the following criteria and adopt a Cannabis Retail Application Ranking List with all applicants that are competing within overconcentration areas ranked from highest to lowest score. The criteria established provides the opportunity to comprehensively address the six required findings of a Conditional Use Permit (see step 6) as well as demonstrate the quality and extent of compliance with all state, regional and local Cannabis Retail requirements applicable to the specific project as proposed. Please note that being placed on the Ranking List does not constitute approval of the Use Permit and does not waive or remove the requirements of applying for and receiving occupancy

and construction permits. It also does not guarantee that the plans submitted for evaluation meet the standards or requirements of the City or other permitting agencies.

All applicants will receive written confirmation of their scores and ranking, and if they have been selected to move forward or not. The applications that are highest in score will be allowed to move forward to Step 6. For those applications not selected to move forward, the City will deem the application “void” and any unspent processing fees will be refunded.

Action by the Cannabis Subcommittee may be appealed to the City Council; Appeal forms and fees must be submitted in the City Manager’s Office within 10 calendar days of Subcommittee action.

Point Based Evaluation Criteria. The purpose of the items listed below is to provide for specific point based criteria that can be used by the City as a “tie breaker” among multiple competing applications. Responses to the criteria must be submitted with the filing of a Conditional Use Permit application for a Cannabis Retail use. This information will be used by City staff and the Cannabis Subcommittee as the criteria upon which to review, evaluate and rank the proposals as outlined in Step 5.

Project submittals will be scored on the quality and extent of the response to these categories. Applications that provide a detailed narrative, plans, and/or exhibits that succinctly but thoroughly and clearly address how the proposed Cannabis Retail use will address the merit criteria will be scored the highest. Responses that are vague, merely restate compliance with the criteria, or that refer to rules and/or exhibits that are not included or incorporated into the application packet will be scored the lowest.

Be sure to address the project or site-specific aspects of your proposal such as if the use will involve the sale of cannabis edibles, on-site consumption, deliveries, special events, the presence and relationship to other cannabis licenses on the site, public or private site improvements, and/or interior or exterior building modifications etc.

Point Based Criteria	Related Conditional Use Permit Findings	Maximum Points
Local and state compliance	<i>a, b, f</i>	20
Neighborhood compatibility	<i>b, c, d, e</i>	30
Neighborhood enhancement	<i>c, d</i>	30
Site management	<i>e</i>	20
Total points possible =		100

1. Local and State Compliance. 20 Points maximum.
 - a. State regulations
 - b. County/regional permit requirements
 - c. Santa Rosa General Plan policies
 - d. Santa Rosa City Code locational and operational requirements

2. Neighborhood Compatibility. 30 points maximum.
 - a. How the use will fit into the stability and quality of the surrounding neighborhood (e.g. parking, security, lighting, setbacks to other land uses)
 - b. How odors would remain within the building and not be detectable from adjacent properties or businesses
 - c. Providing for an enhanced retail experience with a fluid and attractive site plan with quality materials
 - d. Clear and attractive entrance, pedestrian orientation, bike parking, access to transit

3. Neighborhood Enhancement. 30 points maximum.
 - a. Quality and extent of improvements to the site, building and surrounding neighborhood
 - b. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking
 - c. Environmental benefits e.g. “green” business practices related to energy or water conservation
 - d. Community benefits e.g. employment opportunities, community programs and contributions

4. Site Management. 20 points maximum.
 - a. Experience in operating a cannabis retail business
 - b. Qualifications and background of principals
 - c. Business Plan including day to day operations and how cannabis will be tracked, traced and monitored to prevent diversion
 - d. Management plan that prevents and responds to potential nuisance impacts on adjacent properties, public areas and the surrounding neighborhood, e.g. loitering, trash, local contact
 - e. Performance timeline from land use approval to plan check and construction to dispensary opening

Step 6: Complete the Conditional Use Permit Process (60-90 days)*

The purpose of this step is to complete the Conditional Use Permit process. In this step, staff prepares public notice, refers and reviews the application for issues, prepare any applicable conditions of approval, evaluate the application pursuant to the California Environmental Quality Act (CEQA) and prepare the item for a public hearing and action by the Planning Commission.

**targeted timeframe could be potentially longer if needed to comply with the California Environmental Quality Act (CEQA).*

The Planning Commission may approve, approve with conditions, or deny an application for Conditional Use Permit. To approve the application the Commission must first make the following six 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;*
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).*

An action by the Planning Commission may be appealed to the City Council; Appeal forms and fees must be submitted in the City Manager's Office within 10 calendar days of Commission action.

Performance standards. The purpose of setting performance standards for the processing and implementation of a cannabis retail use permit is to be able to maintain a fair but progressive opportunity for establishing new cannabis retail uses in the City. The following performance standards will apply to Cannabis Retail use applications:

- Application processing. Applicants of cannabis retail must diligently pursue the processing of their application to action. Applications that are not acted on within 12 months of being deemed complete shall be deemed "voided". Notification of this determination will be in writing and any unspent processing fees will be refunded.
- Permit implementation. A Cannabis Retail permit or approval not exercised within 24 months following the date on which the permit or approval was granted shall automatically expire and shall be void and not eligible for a time extension. The permit or approval shall not be deemed "exercised" until the permittee has substantially commenced the approved use on the site in compliance with the conditions of approval or a Building Permit has been issued involving the permit or approval and construction under the permit has commenced and is diligently pursued toward completion on the subject property.

Exhibit 2



CANNABIS USE APPLICATION PROCESS and GENERAL REQUIREMENTS

- CULTIVATION (TYPES 1A, 1B, 1C, 2A, 2B, 2C, 4)**
- MANUFACTURING LEVEL 1 (TYPE 6, N, P, when required)**
- MANUFACTURING LEVEL 2 (TYPE 7)**
- TESTING (TYPE 8)**
- DISTRIBUTION (TYPE 11, 13, when required)**
- RETAIL (DISPENSARY) AND DELIVERY (TYPE 10)**
- MICROBUSINESS w/ RETAIL (TYPE 12)**

Updated March 15, 2018

PURPOSE: The Comprehensive Regulations for Cannabis were adopted (Ordinance No. ORD-2017-025) by the Santa Rosa City Council on December 19, 2017, creating regulations related to medicinal and adult use cannabis cultivation and related uses. Ordinance No. ORD-2017-025 created Chapter 20-46 of the City Code, which provides locations and operating standards for personal cannabis cultivation and for medicinal and adult use cannabis businesses to ensure neighborhood compatibility, minimize potential environmental impacts, and to provide safe access to medicine and provide opportunities for economic development. (Code § 20-46.010.)

Minor Conditional Use Permit Review Authority – ZONING ADMINISTRATOR

Major Conditional Use Permit Review Authority – PLANNING COMMISSION

Application Submittal

A complete application including application fee(s) is submitted in person to the City of Santa Rosa Planning and Economic Development Department. After the application is received and a project is created, a project planner is assigned to the project.

Cannabis Retail Uses only: Complete Steps 1-6

Application Referral

Referrals are sent to various City Divisions, City Departments and outside agencies for review, comment(s), and condition(s) of approval.

Application is deemed complete and a Completeness Letter is issued to the applicant OR the project is deemed incomplete and an Incomplete/Issues Letter is issued to the applicant.

NOTE: Projects with incomplete applications or issues will not continue forward through planning review until deemed complete and any issues are resolved.

Planning Review

Project planner reviews this information in detail, performs a site visit, and makes a determination regarding the level of environmental review required by the California Environmental Quality Act (CEQA) and prepares any documentation required by CEQA.

Project planner prepares a staff report and/or recommendation for the review authority.

The project planner consults with the applicant to set a date for a public meeting before the Zoning Administrator or public hearing before the Planning Commission as determined by the level of Use Permit required.

NOTE: An interested party may request that a Zoning Administrator Public Meeting be elevated to a Zoning Administrator Public Hearing. If such a request is made, the applicant must pay a Zoning Administrator Public Hearing fee before the project will be scheduled and noticed.

Public Meeting or Public Hearing Notification

The public is notified of the scheduled public meeting or public hearing at least 10 days before the public meeting or public hearing is held.

Zoning Administrator – A Notice of Pending Action (Zoning Administrator) is sent to owners of the property within 300 feet of the parcel on which the project is proposed.

Planning Commission – A Notice of the Public Hearing is sent to owners of the property within 300 feet of the parcel on which the project is proposed; (2) a Notice of the Public Hearing onsite sign is installed on the subject property; and (3) a Notice of Public Hearing is advertised in the Press Democrat.

Public Meeting or Public Hearing

Zoning Administrator – Public Meetings occur twice a month on the 1st and 3rd Thursday at 10:30 a.m. (unless otherwise noted) in Room 7; City Hall, 100 Santa Rosa Avenue, Santa Rosa, CA. Agendas are available prior to the meetings, and minutes are available following approval.

Planning Commission – Planning Commission Public Hearings occur twice a month on the 2nd and 4th Thursday at 4 p.m. (unless otherwise noted) in Council Chambers; City Hall, 100 Santa Rosa Ave, Santa Rosa, CA. Agendas are available prior to the meetings, and minutes are available following approval. Meetings may be viewed live online.

Required Findings for ALL Conditional Use Permit Applications

The review authority may approve a Conditional Use Permit or Minor Conditional Use Permit only after first finding all of the following:

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;
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).

Appeal of Determination

All interested persons are given an opportunity to comment on the proposed Use Permit at the public meeting or public hearing. Following a decision by the Zoning Administrator or Planning Commission, a 10-day appeal period is observed during which time any interested party may file an appeal of the review authority's determination.

Permit Issuance

An approved permit is issued following the decision of the Zoning Administrator or Planning Commission; however, the issued approved permit is subject to the 10-day appeal period.

REQUIRED APPLICATION MATERIALS: These requirements apply to all non-retail/dispensary commercial cannabis businesses, unless otherwise indicated in italics. A complete application must include each of the following:

1. **Conditional Use Permit Application** signed by property owner.
2. **Indemnification Agreement** signed by the applicant.
3. **Copyright Materials Release** (if applicable) signed by applicant and licensed design professionals.
4. **Disclosure Form** identifying the name of each individual, partnership, corporation, LLC, or trust who has an interest in the proposed land use action including the names of all applicants, developers, property owners, and each person or entity that holds an option on the property
5. **Storm Water Determination Worksheet**

6. **Environmental Assessment** (if required by Planner)
7. **Project Description Narrative:** This shall be a written statement that includes descriptions of how the operation meets each of the General Operating Requirements set forth in Section 20-46.050 of the Santa Rosa Code, and provides the following specific information:
- a. **Commercial Cannabis Use:** Specify the Cannabis use—Medicinal, Adult Use, or both—for which application is being made.
 - b. **Compliance:** Describe how the project complies with applicable state licensing requirements and conditions including, but not limited to, operational standards such as background checks, prior felony convictions, restrictions on multiple licenses and license types and locational criteria. [Section 20-46.050 (A)]
 - c. **Separation of License Types:** *Where multiple license types are proposed at the same physical address*, demonstrate that clear separation between license types will be maintained at all times. [Section 20-46.0509 (D)]
 - d. **Building and Fire Codes:** Describe how the project complies with building and fire codes and include a declaration that the cannabis operator will obtain all necessary building permits, fire permits, and CUPA permits, and provide a Fire Department lock box for keys to gates and doors. [Section 20-46.050 (E)]
 - e. **Security Plan:** Provide a security plan, which must include the following minimum requirements pursuant to Section 20-46.050(G). Because security plans are not publicly available, the security plan should be a separate document:
 - i. Provisions for and locations of security cameras.
 - ii. Verification that a professionally monitored alarm system will be installed.
 - iii. Demonstration of safe and secure product storage including outdoor waste receptacles.
 - iv. Demonstration of facility and process for safe and secure transportation and delivery.
 - v. Verification that commercial grade door and window locks will be installed.
 - vi. Demonstration of emergency access in compliance with state and local standards.
 - f. **Odor Mitigation Plan:** Provide an odor mitigation plan, which plan must be certified by a licensed professional engineer to ensure that all mitigation controls are sufficient to effectively mitigate odors from all odor sources. [Section 20-46.050(H)]
 - g. **Outdoor Lighting:** Description of best management practices and technologies used to reduce glare, light pollution and light trespass onto adjacent properties. Demonstrate compliance with the City’s Outdoor Lighting Ordinance (Section 20-30.080, Outdoor Lighting).
 - h. **Noise:** Description of how the project will comply with the City’s Noise Ordinance (City Code, Chapter 17-16).
 - i. **Accessory Use(s):** Specify and describe any activities that may be considered an Accessory Use (Office, non-Cannabis Warehouse/Storage, etc.)

8. **Vicinity and Neighborhood Context Maps:** These maps will describe your proposed project's location within the City of Santa Rosa (Vicinity Map at approximately 1:76,000 feet scale) and the land uses and development surrounding the proposed site (Neighborhood Map at approximately 1:4,800 feet scale).
9. **Site Plan, Elevations, and Floor Plans**
 - a. Site Plan – dimensioned plan of project site that includes parcel lines, ingress/egress locations, all existing structures, all parking (with vehicle travel indicated if necessary), and any additional features such as trees, landscape areas, etc. Also include any outdoor waste receptacles and facilities to ensure the safe delivery and transportation of Cannabis product.
 - b. Elevations – visual representations of existing and proposed structures, including fences, from all sides. Photos may be utilized; however, dimensions must be provided.
 - c. Floor Plans – dimensioned diagram of building(s) including all rooms, windows, and points of entry/exit.
10. **Parking Analysis:** Provide a count of all parking spaces that are described on the Site Plan. Discuss how you will meet the parking requirement for your proposed use (see Zoning Code Section 20-36.040, Table 3-4). If re-tenanting an existing space, provide a description of the location's previous use.
11. **Hours of Operation:** Description of the proposed hours of operation including days of operation. Provide any information about days/hours for commercial deliveries.

Commercial cultivation. The following requirements apply in addition to the general operating requirements set forth in Section 20-46-50, but apply only to *commercial cannabis cultivation businesses* (including microbusinesses with a cultivation component), pursuant to Section 20-46.060:

- a. Verification that the cannabis business does not include any outdoor cultivation.
- b. Description of the gross square footage of the structure or portion of the structure occupied by the cannabis business (not the canopy area).
- c. Description of how the business complies with all applicable federal, state and local laws and regulations governing the use of pesticides, including California Fire Code Chapter 26 governing fumigation and insecticidal fogging.

Commercial cannabis manufacturing. The following requirements apply in addition to the general operating requirements set forth in Section 20-46-50, but apply only to *cannabis manufacturing businesses* (including microbusinesses with a manufacturing component), pursuant to Section 20-46-070:

- a. Description of extraction processes, demonstrating that the business will utilize only extraction processes that are (i) solvent free or that employ only non-flammable, nontoxic solvents and/or (ii) use solvents exclusively within a closed loop system that meets the requirements of the FDCA.

- b. For closed loop systems: demonstrate that the business has been inspected and approved by the City's Building Official and Fire Code Official.
- c. Demonstrate that all extraction equipment to be used by the business has been listed or otherwise certified by an approved third-party testing agency or licensed professional engineer and approved for the intended use by the City's Building Official and Fire Code Official.
- d. For edible product manufacturing: Demonstrate (and provide valid certification numbers) that all owners, employees, volunteers and any other individuals that participate in the production of edible cannabis products are state certified food handlers; demonstrate that the business has obtained a Sonoma County Health Permit.

Commercial cannabis retail/dispensary. See Additional Required Materials for Retail/Dispensary Uses.

Special events. The following requirements apply in addition to the general operating requirements set forth in Code section 20-46.050, but apply only to *cannabis special events businesses*, pursuant to Code section 20-46.090:

- a. Dual licensing. Demonstrate that the business has, or will, obtain all necessary local permits, state temporary event licenses and agency permits.
- b. Conditional use. Describe the location of the event and provide information regarding whether the business is or intends to secure a temporary use permit (Code section 20-52.040) and/or special events permit (Chapter 11-40).

APPLICANTS PROVIDING FALSE OR MISLEADING INFORMATION DURING THE APPLICATION AND/OR PERMITTING PROCESS WILL RESULT IN REJECTION OF THE APPLICATION AND/OR NULLIFICATION OR REVOCATION OF ANY ISSUED PERMIT.

Exhibit 3

CANNABIS RETAIL MERIT BASED REVIEW – CONCENTRATION AREA – Santa Rosa & Yolanda Ave

MERIT BASED REVIEW CRITERIA	COMMENTS	SCORE
1. Local and State Compliance (20 points max) <ol style="list-style-type: none"> i. State regulations ii. County/regional permit requirements iii. Santa Rosa General Plan policies iv. Santa Rosa City Code locational and operational requirements 	<ul style="list-style-type: none"> • Thorough description of compliance with State regulations • Demonstrates compliance with County permit requirements. • Provides evidence of compliance of General Plan policies. • Demonstrates compliance with Santa Rosa locational and operational requirements. 	18.7
2. Site Management (20 points max) <ol style="list-style-type: none"> i. Experience in operating a cannabis retail business in the North Bay area ii. Qualifications and backgrounds of principals iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion iv. Management plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods v. Performance timeline from land use approval to plan check and construction to opening 	<ul style="list-style-type: none"> • No experience in operating a cannabis retail business in the North Bay. Experience in Oregon. Partners have experience in Santa Rosa. • Demonstrates exceptional qualifications and experiences of principals. • Operations plan well outlined. • Application addresses responsiveness to potential nuisance impacts but does not consider measures to prevent nuisance impacts, other than security cameras. • Detailed Performance timeline provided. 	17.3
3. Neighborhood Compatibility (30 points max) <ol style="list-style-type: none"> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses iii. Description of how an enhanced retail experience will be achieved with a well-designed site plan and use of quality materials in interior and exterior finishes iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. 	<ul style="list-style-type: none"> • Significant improvements proposed to exterior/interior of building. • Proposed use is compatible with other surrounding uses and would help to maintain existing stability and quality of surrounding neighborhood. • Odor mitigation plan provides thorough discussion. • Enhanced retail experience provided through site plan design and use of quality materials on exterior finished. • Pedestrian orientation, bike parking, and access to transit are addressed. 	24.3
4. Neighborhood Enhancement (30 points max) <ol style="list-style-type: none"> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking iii. Environmental benefits - green business practices related to energy and/or water conservation iv. Community benefits e.g. employment opportunities, community programs and contributions. 	<ul style="list-style-type: none"> • Site and building improvements are of superior quality and will provide visual enhancement of the neighborhood. • Application demonstrates appropriate integration of project through attractive façade, quality of materials and colors, and exterior treatments. Existing parking circulation a bit awkward, but it works. • Application proposes standard energy, water, and waste reduction strategies. • Local hiring. Contributions to and participation in community activities is described but lacks detail. 	24.7
TOTAL SCORE (Out of 100)	85	

CANNABIS RETAIL MERIT BASED REVIEW – CONCENTRATION AREA – Santa Rosa & Yolanda Ave

MERIT BASED REVIEW CRITERIA	COMMENTS	SCORE
1. Local and State Compliance (20 points max) <ol style="list-style-type: none"> i. State regulations ii. County/regional permit requirements iii. Santa Rosa General Plan policies iv. Santa Rosa City Code locational and operational requirements 	<ul style="list-style-type: none"> • Demonstrates compliance with State regulations. • Demonstrates compliance with County permit requirements as required. • Provides evidence of compliance with and implementation of General Plan policies. • Demonstrates compliance with Santa Rosa locational and operational requirements. 	18.7
2. Site Management (20 points max) <ol style="list-style-type: none"> i. Experience in operating a cannabis retail business in the North Bay area ii. Qualifications and backgrounds of principals iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion iv. Management plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods v. Performance timeline from land use approval to plan check and construction to opening 	<ul style="list-style-type: none"> • Experience as a delivery service operator in Santa Rosa. • Experience as a cultivator and delivery service operator. • Application offers very detailed policies and procedures to guide day-to-day operations, and adequately describes how cannabis will be monitored to prevent diversion. • Application addresses all potential nuisance impacts. • Provides adequate narrative overview of timeline for taking project from land use approval to plan check, construction, and opening. 	19
3. Neighborhood Compatibility (30 points max) <ol style="list-style-type: none"> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses iii. Description of how an enhanced retail experience will be achieved with a well-designed site plan and use of quality materials in interior and exterior finishes iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. 	<ul style="list-style-type: none"> • Redevelopment may spur additional reinvestment. Redevelopment of proposed use site would help enhance existing stability and quality of surrounding neighborhood. Site plan challenging. Does not address access issues and potential right of way dedication. • Detailed odor mitigation. • New parking lot proposed in the front and back, with new lighting, upgraded landscaping, ADA upgrades, paint, new windows. • Detailed descriptions of customer interaction protocols. • Pedestrian orientation, bike parking, and access to transit are addressed. 	22.3
4. Neighborhood Enhancement (30 points max) <ol style="list-style-type: none"> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking iii. Environmental benefits - green business practices related to energy and/or water conservation iv. Community benefits e.g. employment opportunities, community programs and contributions. 	<ul style="list-style-type: none"> • No proposed elevations or renderings. Detailed description of exterior alterations. New landscaping, parking areas, lighting, paint, and ADA upgrades proposed. • Access to rear parking lot assumes/relies on an easement from the neighbor. No mention of how this easement will be secured. Site plan does not contemplate the potential widening/right-of-way dedication of Yolanda Ave. • Discounts offered to customers using transit/bike transportation. Stipends offered to employees for using transit/bike transportation. Proposal to reuse materials in construction. • Physical presence a benefit to community that will deter crime. Local hiring opportunities. 	21
TOTAL SCORE (Out of 100)	81	

CANNABIS RETAIL MERIT BASED REVIEW – CONCENTRATION AREA – Santa Rosa & Yolanda Ave

MERIT BASED REVIEW CRITERIA	COMMENTS	SCORE
<p>1. Local and State Compliance (20 points max)</p> <ul style="list-style-type: none"> i. State regulations ii. County/regional permit requirements iii. Santa Rosa General Plan policies iv. Santa Rosa City Code locational and operational requirements 	<ul style="list-style-type: none"> • Demonstrates compliance with State regulations. • Demonstrates compliance with County permit requirements. • Describes general compliance with General Plan policies, but lacks details about implementation. • Demonstrates compliance with overconcentration and proximity to schools. 	18.7
<p>2. Site Management (20 points max)</p> <ul style="list-style-type: none"> i. Experience in operating a cannabis retail business in the North Bay area ii. Qualifications and backgrounds of principals iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion iv. Management plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods v. Performance timeline from land use approval to plan check and construction to opening 	<ul style="list-style-type: none"> • Local developers, partnering with Herba Buena—a vertically integrated cannabis business. Experience in the local wine industry. • Demonstrates exceptional qualifications and experiences of principals. • Application offers general overview of day-to-day operation and minimally describes how cannabis will be monitored to prevent diversion. • Proposes a neighborhood liaison, who will respond to nuisance complaints. • Application provides detailed timeline. Includes statement that applicants will self-finance demolitions, construction, and start-up costs. 	18
<p>3. Neighborhood Compatibility (30 points max)</p> <ul style="list-style-type: none"> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses iii. Description of how an enhanced retail experience will be achieved with a well-designed site plan and use of quality materials in interior and exterior finishes iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. 	<ul style="list-style-type: none"> • Brand new building. Through new development, change of use, and increase in intensity of use, proposed development and use will enhance stability and quality of surrounding neighborhood. Improvements proposed to severely neglected site. • Odor control plan provides little detail. • Site plan appears to be well designed, quality exterior finished. Site plan does not anticipate right-of-way dedication on Yolanda Ave, which could significantly alter proposed parking. • Narrative lacks a lot of detail. • Bike parking, access to transit, and pedestrian orientation are addressed. 	23.7
<p>4. Neighborhood Enhancement (30 points max)</p> <ul style="list-style-type: none"> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking iii. Environmental benefits - green business practices related to energy and/or water conservation iv. Community benefits e.g. employment opportunities, community programs and contributions. 	<ul style="list-style-type: none"> • Significant investment in a new building and site improvements. May catalyze improvements at other nearby commercial developments. • Application demonstrates appropriate integration of project with proposed new building. Setback from future sidewalk and front-loaded parking does not enhance pedestrian experience or strengthen Yolanda Ave. streetscape. Safe circulation and location of driveways, and ease of parking is demonstrated. • New energy efficient building. • New building is a community benefit. Lacks discussion of community benefits. 	21.3
TOTAL SCORE (Out of 100)	81.7	

CANNABIS RETAIL MERIT BASED REVIEW – CONCENTRATION AREA – Santa Rosa & Yolanda Ave

MERIT BASED REVIEW CRITERIA	COMMENTS	SCORE
1. Local and State Compliance (20 points max) <ol style="list-style-type: none"> i. State regulations ii. County/regional permit requirements iii. Santa Rosa General Plan policies iv. Santa Rosa City Code locational and operational requirements 	<ul style="list-style-type: none"> • Demonstrates compliance with State regulations. • Demonstrates compliance with County permit requirements. • No evidence of compliance with General Plan policies. • Demonstrates compliance with Santa Rosa operational requirements. 	10.7
2. Site Management (20 points max) <ol style="list-style-type: none"> i. Experience in operating a cannabis retail business in the North Bay area ii. Qualifications and backgrounds of principals iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion iv. Management plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods v. Performance timeline from land use approval to plan check and construction to opening 	<ul style="list-style-type: none"> • Demonstrates significant staff experience in operation a North Bay cannabis retail business (Fort Bragg). Demonstrates exceptional qualifications and experiences of principals • Experience in cultivation and manufacturing. • Very detailed security plan protocols. • Some nuisance impacts addressed, but not all. • Detailed performance timeline. 	14
3. Neighborhood Compatibility (30 points max) <ol style="list-style-type: none"> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses iii. Description of how an enhanced retail experience will be achieved with a well-designed site plan and use of quality materials in interior and exterior finishes iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. 	<ul style="list-style-type: none"> • Neighborhood letters in support, setback distance of building to nearest residential building. Security SOPs will help business fit into the neighborhood. • Building is newly constructed. • Odor control plan provided. • Delivery service offered. Limited description of interior changes. • Bus transit described, but no mention of bike parking/transportation. 	20.3
4. Neighborhood Enhancement (30 points max) <ol style="list-style-type: none"> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking iii. Environmental benefits - green business practices related to energy and/or water conservation iv. Community benefits e.g. employment opportunities, community programs and contributions. 	<ul style="list-style-type: none"> • Building newly constructed, as of summer 2018. ADA upgrades proposed. • Vague mention of lighting upgrades. • No details on environmental benefits. • Local hiring and extensive training opportunities. 	14.5
TOTAL SCORE (Out of 100)	59.5	

CANNABIS RETAIL MERIT BASED REVIEW – CONCENTRATION AREA – Santa Rosa & Yolanda Ave

MERIT BASED REVIEW CRITERIA	COMMENTS	SCORE
<p>1. Local and State Compliance (20 points max)</p> <ul style="list-style-type: none"> i. State regulations ii. County/regional permit requirements iii. Santa Rosa General Plan policies iv. Santa Rosa City Code locational and operational requirements 	<ul style="list-style-type: none"> • Indicates that it will comply with State regulations but does not provide details. • Indicates that it will comply with County regulations but does not provide details. • Does not describe compliance with specific General Plan policies. • Documents locational compliance and meets operational requirements 	6
<p>2. Site Management (20 points max)</p> <ul style="list-style-type: none"> i. Experience in operating a cannabis retail business in the North Bay area ii. Qualifications and backgrounds of principals iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion iv. Management plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods v. Performance timeline from land use approval to plan check and construction to opening 	<ul style="list-style-type: none"> • Application does not clearly demonstrate staff experience in North Bay Cannabis retail industry. • Demonstrates depth of experience in multiple roles in Cannabis operations and other like industries. • Application offers policies and procedures to guide operations and adequately describes how cannabis will be monitored to prevent diversion. • Application addresses all potential nuisance impacts and proposes a Neighborhood Liaison for pro-active community engagement. • Application provides thorough, extensive performance timeline. 	12.7
<p>3. Neighborhood Compatibility (30 points max)</p> <ul style="list-style-type: none"> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses iii. Description of how an enhanced retail experience will be achieved with a well-designed site plan and use of quality materials in interior and exterior finishes iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. 	<ul style="list-style-type: none"> • Business proposed in suite furthest away from residential neighborhood. Hours of operation proposed 9am-5pm. Will update rundown building. • Odor control plan provided. • Monthly subscription delivery service proposed. Vertical integration, microbusiness for the upscale consumer. • Application provides proposed exterior elevations. Application demonstrates a clear entrance, pedestrian orientation and access. Does not mention bike parking or access to transit. 	22.7
<p>4. Neighborhood Enhancement (30 points max)</p> <ul style="list-style-type: none"> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking iii. Environmental benefits - green business practices related to energy and/or water conservation iv. Community benefits e.g. employment opportunities, community programs and contributions. 	<ul style="list-style-type: none"> • Improvements to site and building are detailed and demonstrate effort to enhance both site and contribute to surrounding neighborhood. • application demonstrates safe circulation and location of driveways, and ease of parking is demonstrated. • Application indicates that electric-powered cars will be used for delivery services. • Application proposes local hiring practices and charitable donations are specified in both time and monetary considerations. 	22.8
TOTAL SCORE (Out of 100)	64.2	

Exhibit 4

**Application for Major Conditional Use Permit
Cannabis Retail - Medical and Adult Use
Mike Gasparini & Allan Henderson
358 Yolanda Ave.**

*Supervisor
Project Description
Added Note 04.20.2018
[Signature]*

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City of Santa Rosa

APR 24 2018

Planning & Economic
Development Department

**Application for Major Conditional Use Permit
Cannabis Retail – Medical and Adult Use
Mike Gasparini & Allan Henderson
358 Yolanda Ave.**

Proposed Use: Cannabis Retail –Medical and Adult Use
Owner: Allan Henderson
Applicant: Mike Gasparini & Allan Henderson
Address: 358/ 330 Yolanda Ave.
APN: 044-072-007, -008
Zoning: IL- Light Industrial (rezoned from CG, May 2, 2017)
General Plan: Light Industrial
Proposed building Size: Approximately 8,400 square feet

INTRODUCTION

Allan Henderson and Mike Gasparini, (the “Applicants”), propose to construct and occupy an approximately 8,400 square foot building located at 358 Yolanda Ave., (the “Building”), Sonoma County APNs 044-072-007 and -008 (the “Parcel”), and obtain a Major Conditional Use Permit for the operation of a cannabis retail facility (the “Project”)¹. Allan and Mike are longtime Sonoma County residents and contributors, with deep roots in the community. They are currently developing Santa Rosa’s largest affordable housing project, Paseo Vista, on Dutton Avenue. The Project proposed here will continue Allan and Mike’s legacy of contributing beautifully designed resources for the community that support Santa Rosa’s economic and cultural development.

DEVELOPMENT DETAILS

The Project is part of a larger development plan, which includes the Parcel and the parcel to the east, 368 Yolanda Ave. The Project involves the demolition of an existing retail building, which is currently the home of King’s Auto Sales, and replacement with a new building to house a beautiful, community-oriented cannabis retail site. The existing operator, King’s, has a showroom and surface lot for the sale of used automobiles. The new building will consist of a total of 8,400 square feet, of which roughly 3,000 s.f. will be dedicated to retail uses.

The project will demolish the existing wood framed retail building and build a new 60' X 140' (8,400 gross s.f.) retail shell building. The two lots have recently been merged in to one parcel. The parcel is fully paved with asphalt paving. There is no landscaping on the parcel.

There is a double loaded parking area to the North of the building. This parking lot is setback from the existing development and road edge alignment by fourteen feet to accommodate a new sidewalk, landscape buffer, and future road widening. New landscaping will be installed as part of the project.

¹ Note: Parcel -007 shows an address of 350 Yolanda Ave on the City’s GIS system; the building is physically addressed as 358 Yolanda Ave.

The building will have a painted stucco exterior with a grey metal roof, storefront glazing and punched windows. It will be designed with a color and material palette that is similar to the industrial building at 368 Yolanda Ave that was previously submitted for CUP can concept design review.

The building will be twenty-six feet four inches tall at the ridge with a thirteen-foot plate height. HVAC equipment will be located under the roof in a mechanical area in the attic to eliminate rooftop equipment.

There are currently 42 parking spaces designated for the building with one loading zone. Accessible parking will be located to meet code. Bicycle parking will be shown to meet or exceed the requirement.

CANNABIS RETAIL ORDINANCES

On December 19th, 2017, the City passed Ordinance ORD-2017-025 to regulate, among other things, the issuance of permits for cannabis retail uses in IL, CG and other zones. This ordinance became effective January 19, 2018.

At the state level, Title 16, Section 5400 et seq. of the California Code of Regulations provides for the retailer license.

CONDITIONAL USE PERMIT

The application for conditional use permit is attached.

ADDITIONAL DOCUMENTS

The following are including with this Project Description and the Conditional Use Permit:

- Application form (with attached site plan, floor plans, and neighborhood map)
- Maps showing surrounding land use and surrounding zoning
- Pre-Application Neighborhood Meeting form (with attached plans and maps)
- Storm Water Determination Worksheet
- Environmental Assessment
- Disclosure Form

NEIGHBORHOOD MEETING

The Parcel site is located within 300 feet of residential uses. Thus, a neighborhood meeting is required. A pre-application neighborhood meeting form and associated fees have been submitted concurrently herewith.

OVERCONCENTRATION SELECTION CRITERIA

Pursuant to City Code section 20-46.080(D)(1), cannabis retail uses may not be located within 600 feet of each other. Under an urgency ordinance effective February 6, 2018 (ORD -2018-002), the City will evaluate such applicants according to a points-based merit system addressing (I) local and state compliance, (II) neighborhood compatibility, (III) neighborhood enhancement, and (IV) site management.

This project deserves strong marks in all of these categories. This section summarizes the project's strength in each category. The rest of this Project Description provides greater detail.

I. Local and State Compliance

The Applicant is highly compliance-minded and has retained experienced local counsel to ensure compliance with all state and local laws and regulations.

State Regulations

Applicant's plans for the Building meet all the requirements to operate as a retail licensee. The Building will have secure, limited-access areas per state code. Furthermore, Applicant is in the process of fulfilling all the requirements necessary to obtain an annual state license, including:

- Access to Premises. As required under 16 CCR § 5400 and 5401 Applicant will limit access to the premises to individuals who are at least 21 years of age, and shall establish limited-access areas and permit only authorized individuals to enter the limited access areas.
- Retail Area. As required under 16 CCR § 5402 Applicant will limit access to the retail area by implementing a robust identification verification process for customers, as well as strict internal monitoring of access and personnel.
- Hours of Operation. As required under 16 CCR §§ 5403, Applicant will limit hours of operation to between 6:00am and 10:00pm.

CEQA

The project satisfies the requirements of California Environmental Quality Act ("CEQA"), California Public Resources Code § 21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, § 15000 et seq., because it is categorically exempt under CEQA guideline 15302 as the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity.

The project does not meet the exception thresholds of 15300.2 (the exception to the exemption): the location is not in a particularly sensitive environment; there are no cumulative impacts anticipated by similar reconstruction projects; there are no unusual circumstances relating to the project that would suggest a significant effect on the environment would be caused; and the site is not a scenic highway, hazardous waste site, or the location of historical resources.

Additionally, the project does not require additional environmental review because it is consistent with Santa Rosa's General Plan 2035, for which an EIR was certified in 2009 and amended in 2012. See "Santa Rosa General Plan Policies," below, for a discussion of this project's compliance with the City's General Plan. Thus, the project qualifies for a statutory exemption under CEQA Guideline 15183.

County and Regional Permit Requirements

Upon approval of Applicant's Use Permit, Applicant is prepared to comply with all applicable Sonoma County requirements, including securing a permit from the Department of Health Services for the sale of edible products.

Santa Rosa General Plan Policies Consistency

This project furthers the General Plan's policies for long-term economic development reflecting the aspirations of the community.

The project is in line with the guiding principles of the General Plan. It will be a high quality development, providing a significant improvement over the existing commercial building and use². It will be a new, high quality development in an area of Santa Rosa which has undergone deterioration and requires increased vitality³. It will require no new infrastructure to be developed by the City. It will also provide multiple jobs and help restore the City's economic base following the 2017 fires.

The project will contribute to Santa Rosa's goal of providing a range of commercial services that are easily accessible and attractive, that satisfy the needs of the people who live and work in Santa Rosa and that also attract a regional clientele, and which encourage high-volume retail outlets near Highway 101⁴.

The project will contribute to improving the appearance of Santa Rosa's existing commercial strip corridors.⁵ Located near the corner of Yolanda and Santa Rosa Ave., the building is visually prominent to north and southbound traffic, especially travelers to the downtown core. By eliminating a poorly-maintained commercial site, and replacing it with a visually appealing, modern building, the project will significantly improve the appearance of this commercial corridor.

² Gen. Plan Guiding Principle 1

³ Id., Principle 8

⁴ General Plan Goal LUL-1-1 and -2.

⁵ General Plan Goal UD-D

Finally, by removing 4,000 square feet of impervious surface, and introducing significant landscaping, the project will contribute to the City's goals of reducing greenhouse gas emissions.⁶ The Project will also help the City meet these goals by replacing sales of automobiles with retail sales of a locally-grown product, thus reducing the City's dependence on sales tax revenues from vehicles.

Santa Rosa Locational and Operational Requirements

As further explained in the "Zoning and Setback Issues" section, below, this project falls well within the City's location requirements, which allow retail cannabis uses in the IL zoning district. Additionally, the project site is more than the required setback of 600 feet from the closest schools, which are Taylor Mountain, Kawana, and Meadow View Elementary Schools.

As explained in the following sections, the Applicants will comply with all of the "General Operating Requirements" of City Code Section 20-46.050.

II. Neighborhood Compatibility

As described through the following sections, this Project is an excellent match for the surrounding neighborhood. The applicant's Project will remove a poorly maintained commercial building and replace it with a beautiful, modern building that honors the heritage and character of Sonoma County. The applicant's project, as one part of a larger development plan, will create meaningful jobs and contribute much-needed revenue to Santa Rosa, in an area of town that has been historically underserved by City resources. Allan and Mike's experience as major developers in the community gives them a unique understanding of the City's values, processes, and needs. They will be able to recruit top quality talent to the operations and management of the dispensary.

There is ample parking to support the proposed use, a comprehensive security plan as required under local and state laws will be put into place, and there will be significant physical improvements to the Building and the surroundings, including significant increases in landscaping and pervious space.

There is ample space to install attractive bike parking around the Building, including in the parking lot. The development plan includes significant landscaping as compared to the existing, paved and gravel parking pad.

As described in the "Development Details" section, above, the retail component of this project will utilize quality materials and provide for an aesthetically pleasing retail experience. Renderings of the retail space and the exterior are attached.

⁶ General Plan Goal OSC-M.

III. Neighborhood Enhancement

As described throughout this Project Description, this project will be well-integrated with the neighborhood and will bring various community benefits.

Applicant will upgrade the physical appearance of the site, including landscaping upgrades and an attractive retail space. As shown in the attached renderings, the result will be a marked improvement to the aesthetics of the neighborhood.

The architecture of the new building is a typical Sonoma county two-pitch structure that is taken from the barns found around the County. The exterior will be stucco, with a metal roof and modern detailing using the barn form. It will use similar colors and materials as the proposed industrial building to provide continuity among the two buildings that are the street-side face of the entire industrial complex on several parcels.

The building will be very energy efficient and will exceed Title 24 requirements for HVAC, lighting, and building shell requirements. The exterior painted stucco walls are a durable material that will require minimal maintenance over its long life. The materials that will be used within the building will exceed the requirements for VOC content and off-gassing. The roof will be a cool roof material.

IV. Site Management

PRINCIPALS

Applicant's principals, Mike Gasparini and Allan Henderson, have strong roots in the Santa Rosa and Sonoma County community. As the developers of Santa Rosa's largest affordable housing project, Paseo Vista, Mike and Allan have a unique understanding of the challenges facing Santa Rosa residents- including access to affordable homes and quality jobs. It is with this understanding that Allan and Mike now seek to improve Yolanda Avenue by incorporating this dispensary Project.

MANAGEMENT AND OPERATIONS

The management and operations team will match Allan and Mike's extraordinary experience navigating Santa Rosa's entitlement and development environment with their understanding of Santa Rosa's challenges as they operate the dispensary. Allan and Mike chose to develop along Yolanda Avenue, an industrial area in dire need of revitalization and enhancement. Mindful of their proximity both to major commercial arteries, as well as to a robust neighborhood, the Harvest Park neighborhood, the team has sought out experienced local counsel and architectural design professionals to aid in the development of a truly unique, community-oriented cannabis retail space.

The operations and management of the site will reflect the ethos of the team- balancing respect for the community and robust economic success. Allan and Mike have captured the attention of some of the cannabis industry's most qualified operators. The

ultimate management and operations team will be selected from amongst these competitors, with Allan and Mike remaining as contributing managers.

The dispensary and total development will improve both the aesthetic and security of the surrounding neighborhood. A Neighborhood Liaison will be appointed, whose responsibility it will be to respond to neighborhood concerns over noise, odor, loitering, and management. A Customer Relations manager will oversee customer experience, ensuring a smooth introduction to the management team and ongoing relationships.

PERFORMANCE TIMELINE AND FINANCING

An extraordinary benefit to Mike and Allan's experience as longtime residents and business operators in Sonoma County is their understanding of the entitlement process in Santa Rosa. Mike and Allan have successfully navigated Santa Rosa's permitting and compliance requirements, not least of all through the development of Paseo Vista.

In addition to their unique development understanding, Allan and Mike will also be able to self-finance the demolition, construction, and start up operations costs of the dispensary. To that end, they anticipate the following timeline:

- April 20, 2018- submit CUP application for dispensary
- June/July, 2018- City grants Use Permit
- July/August, 2018- building permits submitted and reviewed
- Fall 2018- dispensary management team selected
- Spring 2019- demolition and construction commences
- Summer 2019- construction finalized, interview and hire dispensary staff
- Fall 2019- Grand Opening!

ZONING AND SETBACK ISSUES

Zoning and Surrounding Uses

The Building is now zoned IL- Light Industry, with light industrial General plan designation. Per the City's zoning code, retail uses permitted in the IL zone, including cannabis retail, are consistent with this zone.

The Parcel is located in a heavily developed industrial and commercial area. . To the north, east, and west are industrial and commercial uses. To the west across Santa Rosa Avenue is a solid stretch of commercial corridors.

Setback from Schools

California Business & Professions Code section 26054 requires cannabis licensees to be at least 600 feet from grade schools, day care centers, or youth centers. Santa Rosa has not set a different required radius. The Parcel easily meets this requirement. The closest schools are Taylor Mountain and Meadow View Elementaries, which are more than 4,000 feet away.

BUILDING CHANGES

Exterior Modifications

As discussed above, the project involves the demolition of the existing building and construction of a new, approximately 8,400 square foot building. The project applied for minor Design Review on August 10, 2017. Application #DR17-057)

Interior Modifications

The floor plans submitted with the permit application describe the internal modifications to the Building, including the layout and square footages for the various planned uses.

A 3,000 sq. ft. retail space will be located on the northern half of the Building. Retail visitors will not be able to access any other spaces within the Building, as required by law. The door from the retail space to the other spaces will be secured.

The remainder of the space will be allocated to entry, reception, storage, conference, break, shipping/receiving, purchasing, manager and assistant manager offices, and restrooms.

PARKING AND LANDSCAPING

The project will be surrounded by a parking lot with abundant parking. Site plans anticipate the introduction of 42 parking spots, including accessible parking per City code, will be available for use by Applicant and its visitors. This is sufficient under Santa Rosa City Code section 20-36.040, Table 3-4, which requires 1 spot for each 250 sq. ft. of retail space. Applicant plans roughly 3,000 sq. ft. of retail (requiring at most 12spaces), Thus, the available parking spots satisfy the City's requirements.

The currently un-landscaped site will be re-developed to include a substantial amount of landscaping and parking islands to shade the structures and the parking lot as much as is possible.

TRAFFIC

The staffing for this operation will consist of approximately ten (10) full-time employees, with up to six (6) employees on-site at a time. Employees will arrive and leave daily for work shifts between the hours of 8:00AM and 10:00PM. The employees will conduct day-to-day operations. Additionally, the Applicant team will contract with a security patrol service to provide overnight security guard patrol.

Customers will visit the site but will only have access to the part of the Building devoted to retail use.

The only additional vehicle traffic will be the arrival and departure of vendors, and deliveries. Deliveries to and shipments from the facility will occur several times per week. These deliveries and shipments will be by van-sized vehicles and will utilize the doors at the back of the Building. (See "Floor Plan, Dispensary Building")

If requested, a traffic study and memo will be commissioned and supplied.

SITE SECURITY

The Building will employ security measures as required by Section 20-46.050(G) and Title 16, Sections 5042 through 5047, of the California Code of Regulations, including:

- on-site security personnel compliant with Chapters 11.4 and 11.5 of Division 3 of the California Business and Professions Code;
- twenty-four hour security cameras covering all areas where cannabis is handled and all limited-access areas;
- a professionally monitored robbery alarm system, including alarms on all doors and windows;
- card- or fob- based system to control and log access through all doors, integrated with the cameras and security system;
- secure storage for all cannabis products and waste;
- procedures for secure and safe transportation of cannabis products and currency as required under state law;
- commercial-grade door and window locks; and
- emergency access measures in compliance with California Fire Code and Santa Rosa Fire Department standards.

PRODUCT INVENTORY

The planned storage areas are sufficient to store the quantities of cannabis to be produced. Inventory controls and loss documentation procedures will be implemented. An IP-based inventory control system will be implemented and will comply with state track and trace program requirements. All cannabis and cannabis products sold through the facility will be inventoried into the system. This system will keep track of all movement of all products on and off the premises. All employees will be trained to report loss or theft immediately to the company and the City of Santa Rosa.

EMPLOYEE SECURITY/HIRING/TRAINING

The applicant will hire experienced experts to train employees on product safety and best management practices. All employees will submit to and pass background check as required by state law. Hiring practices will focus on the Santa Rosa and Sonoma County employee pool. Employees and managers will receive extensive training on safety and best management practices, the requirements of Santa Rosa ordinances, California regulations, and the requirements of Applicant's permits and licenses. Employees will be paid a living wage in order to support the City of Santa Rosa's goal of creating a sustainable jobs base.

RETAIL: STOREFRONT AND DELIVERY

Applicant will operate a retail dispensary using approximately 3,000 sq. ft. of floor space in the 8,400 square foot building. The remainder of the space will be allocated to entry, reception, storage, conference, break, shipping/receiving, purchasing, manager and assistant manager officers, and restrooms. **The dispensary will serve adult-use customers.**

Applicant also plans to conduct retail delivery services to customers located outside the retail facility. Delivery services will employ company-owned vehicles and include delivery to locations within Sonoma County, to the extent each local jurisdiction allows. Applicant will comply with all Santa Rosa and state requirements concerning delivery operations (see Title 16, Sections 5415 through 5421). Delivery procedures will include:

- vehicle will be equipped with a GPS device owned by licensee and used for delivery only, so that Applicant can track its location at all times during delivery;
- vehicle will be equipped with LoJack for recovery in the event of theft;
- vehicle will be equipped with dash-mounted video camera;
- drivers will be at least 21 years of age;
- vehicle will be equipped with an active vehicle alarm system;
- drivers will not carry goods valued in excess of \$3,000 at any time;
- receipts will be prepared for each delivery request and will be signed by the customer.

ODOR MITIGATION AND AIR QUALITY

The applicant will retain a licensed engineer, as required by Section 20-46.050(H), to certify an odor mitigation plan. All outgoing air from the Building will filtered through a carbon filtration system to eliminate odors and impurities. Air entering the building will be filtered through HEPA (High Efficiency Particulate Arrestance) filters. As indicated above, the Neighborhood Liaison will be responsible for proactively detecting odor leakage, and responding to any neighbor complaints.

LIGHTING

Wall pack lighting will be mounted on the building at 10' 6", as can be seen on the building elevations drawings. Bollard lighting will be introduced in the parking areas at each of the landscape islands.

Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties. Exterior and interior lighting will comply with the standards set forth in Santa Rosa Ordinance section 20-46.050(I). All exterior and security lighting will be installed and operated to minimize light pollution and nuisance. The Neighborhood Liaison will be responsible for handling any light-related complaints or neighbor concerns.

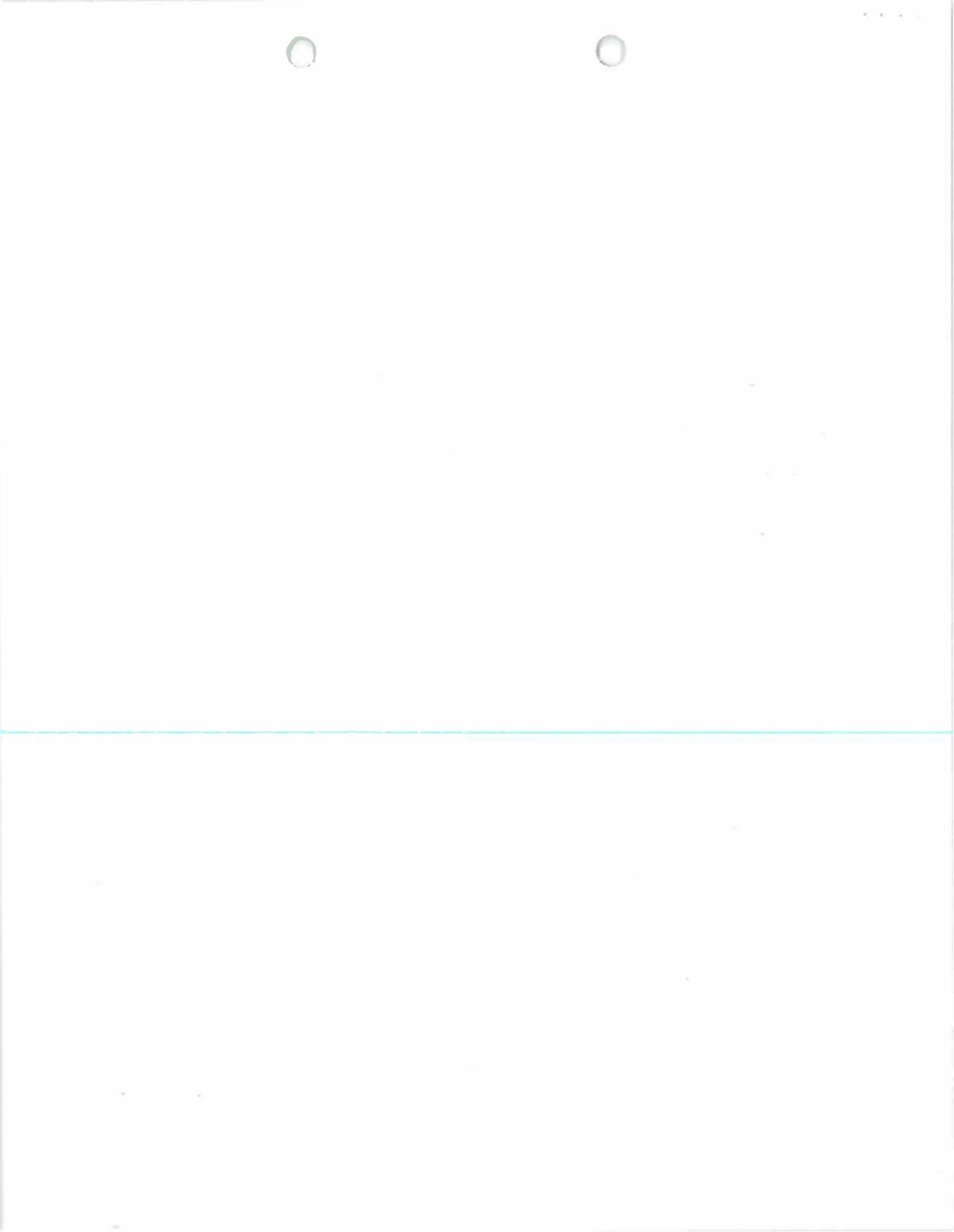
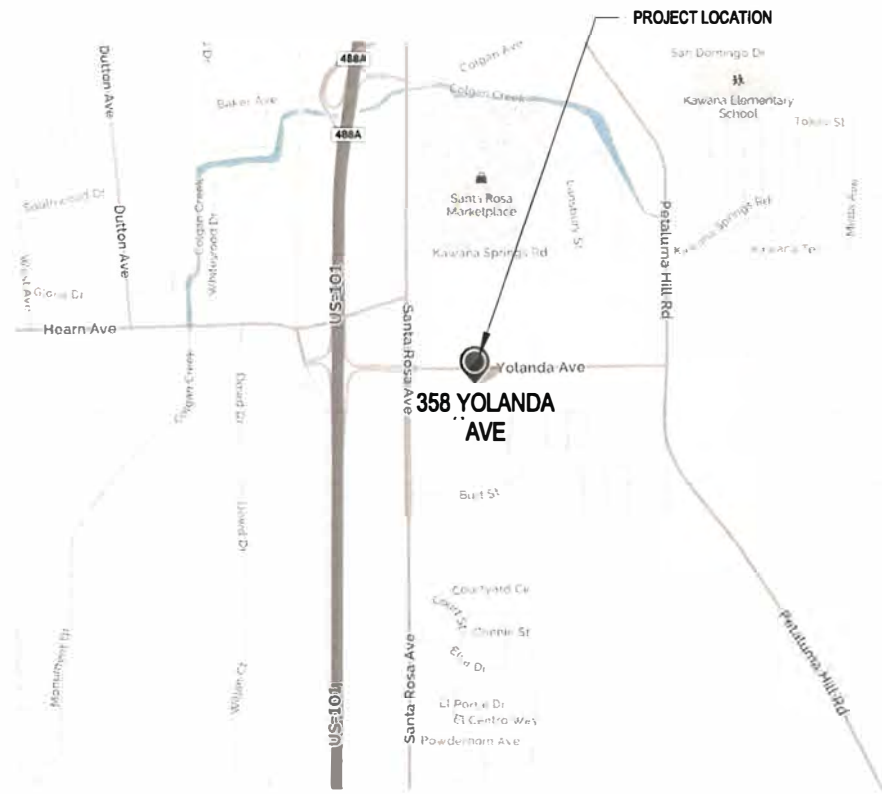
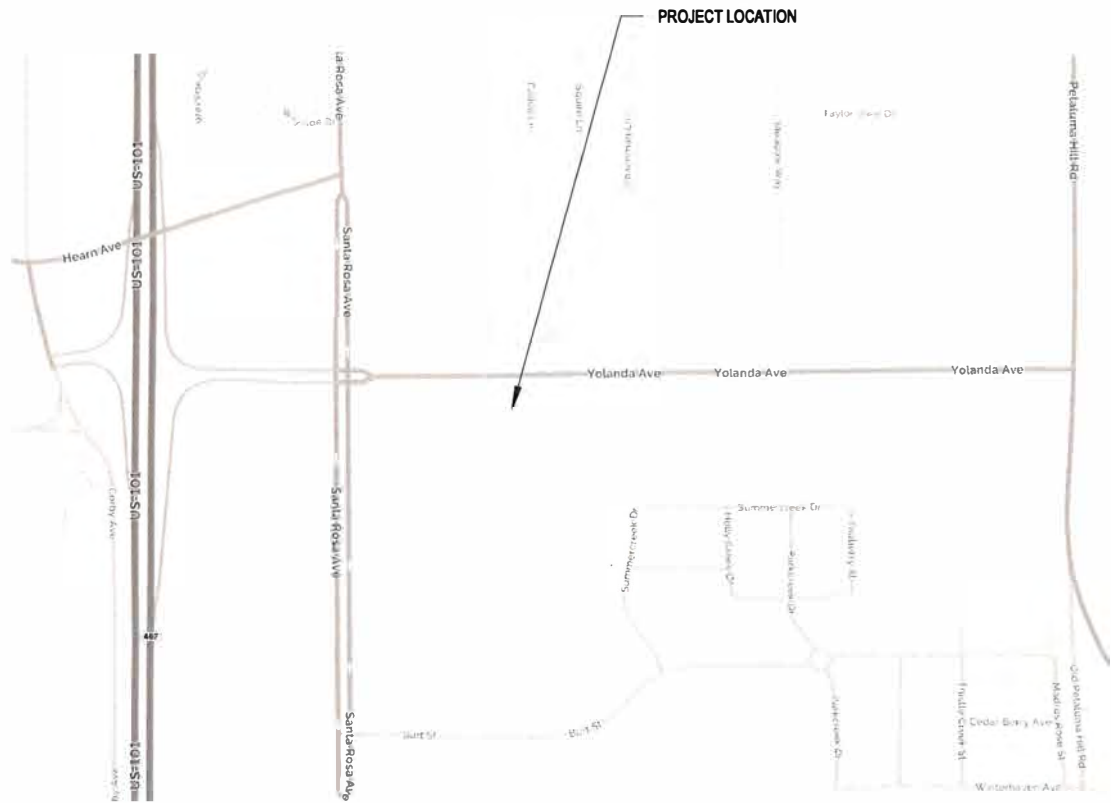


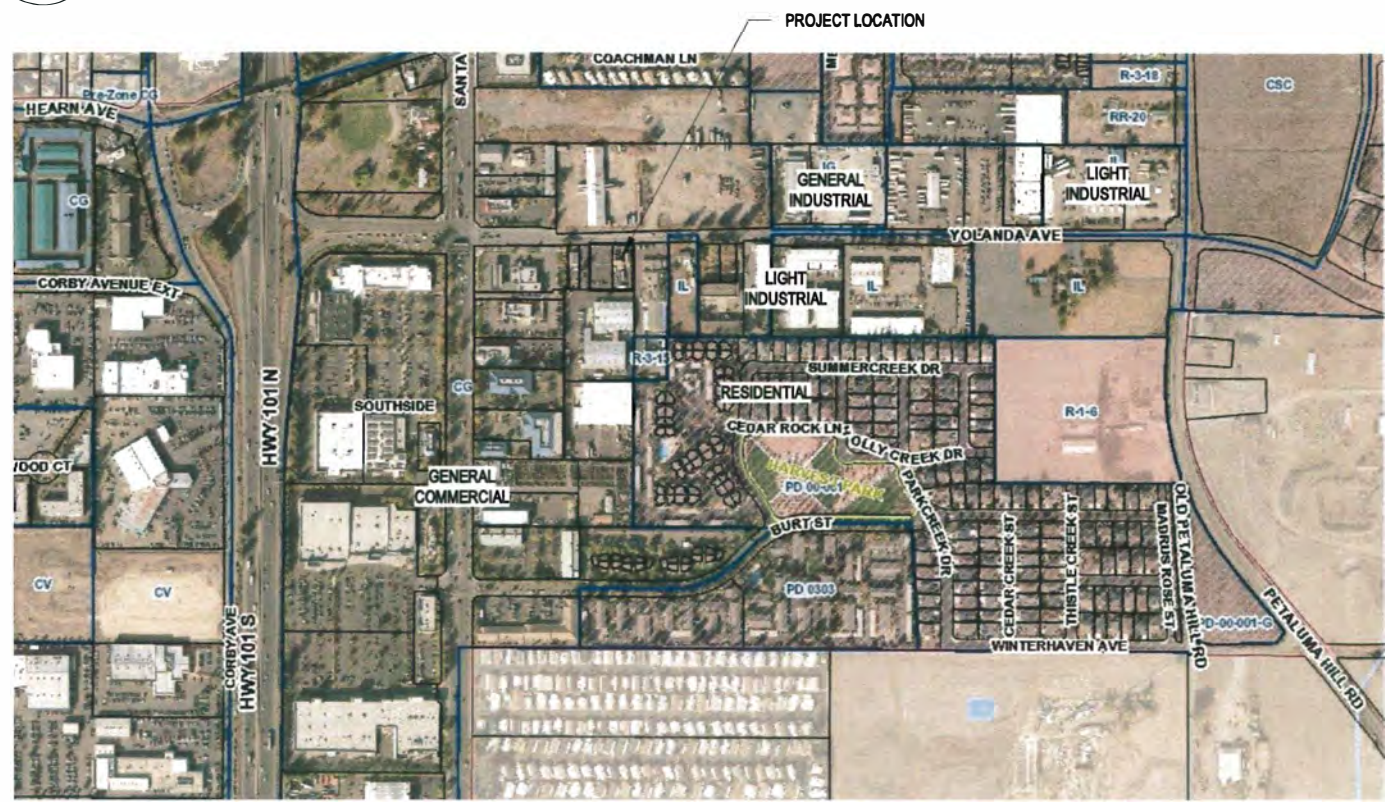
Exhibit 5



HENDERSON ARCHITECT
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 SANTA ROSA CA, 95402
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2 LOCATION MAP
 N.T.S.

1 VICINITY MAP
 N.T.S.



3 NEIGHBORHOOD CONTEXT
 N.T.S.

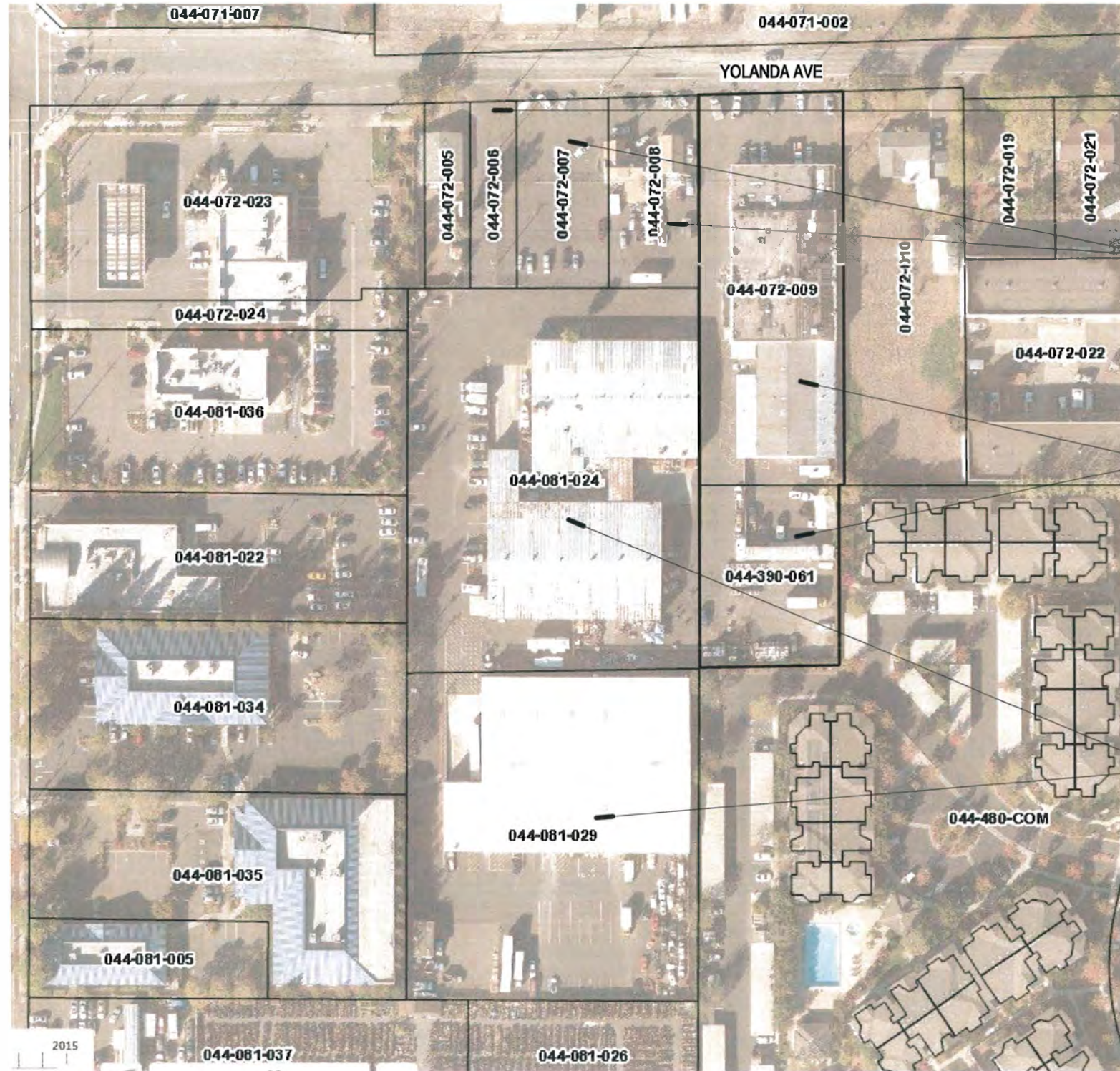
DRAWING LIST	
PLANNING	
AP-1.0	MAPS
AP-1.5	APN DIAGRAM
AP-2.0	SITE PLAN
AP-2.3	SITE ANALYSIS MAP
AP-2.7	LANDSCAPE PLAN CONCEPTUAL
AP-3.0	FLOOR PLAN
AP-4.0	EXTERIOR ELEVATIONS

City of Santa Rosa
 APR 20 2018
 Planning & Economic
 Development Department

DISPENSARY BUILDING
 358 YOLANDA AVE, SANTA ROSA, CA 95404

04.02.2018

AP-1.0
 MAPS



THIS PARCEL TO REMAIN AS ACCESS DRIVE LOCATION

DISPENSARY BUILDING, SUBJECT PARCELS: 044-072-007, 044-072-008.

DEVELOP IS SHOWN ON THESE DOCUMENTS BUT WILL BE UNDER A SEPARATE PERMIT.

FUTURE INDUSTRIAL BUILDIGN UNDER SEPARATE PERMIT
044-072-009, 044-390-061

ADDITIONAL PARCELS UNDER SAME OWNERSHIP.

NEW FIRE LANE STRIPING IS SHOWN ON THE FOLLOWING DOCUMENTS TO PROVIDE A COMPLETE FIRE ACCESS LOOP DRIVE THROUGH THE NEW AND EXISTING BUILDINGS.

1

APN DIAGRAM

12" = 1'-0"



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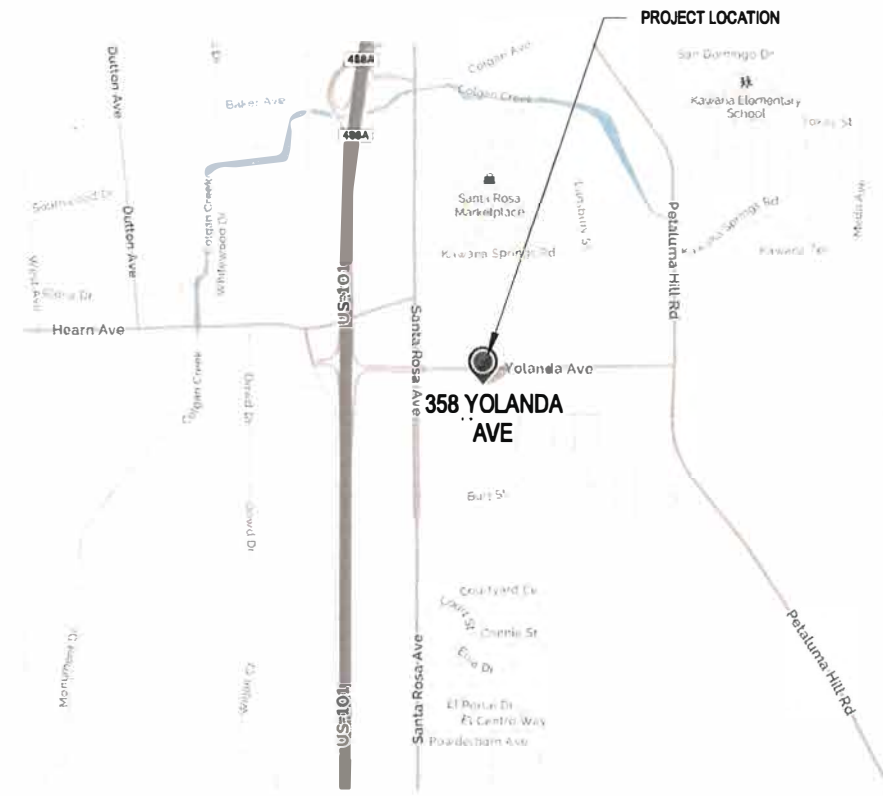
DISPENSARY BUILDING
358 YOLANDA AVE, SANTA ROSA, CA 95404

04.02.2018

AP-1.5
APN
DIAGRAM



2 LOCATION MAP
N.T.S.



1 VICINITY MAP
N.T.S.



3 NEIGHBORHOOD CONTEXT
N.T.S.

DRAWING LIST	
PLANNING	
AP-1.0	MAPS
AP-1.5	APN DIAGRAM
AP-2.0	SITE PLAN
AP-2.3	SITE ANALYSIS MAP
AP-2.7	LANDSCAPE PLAN CONCEPTUAL
AP-3.0	FLOOR PLAN
AP-4.0	EXTERIOR ELEVATIONS

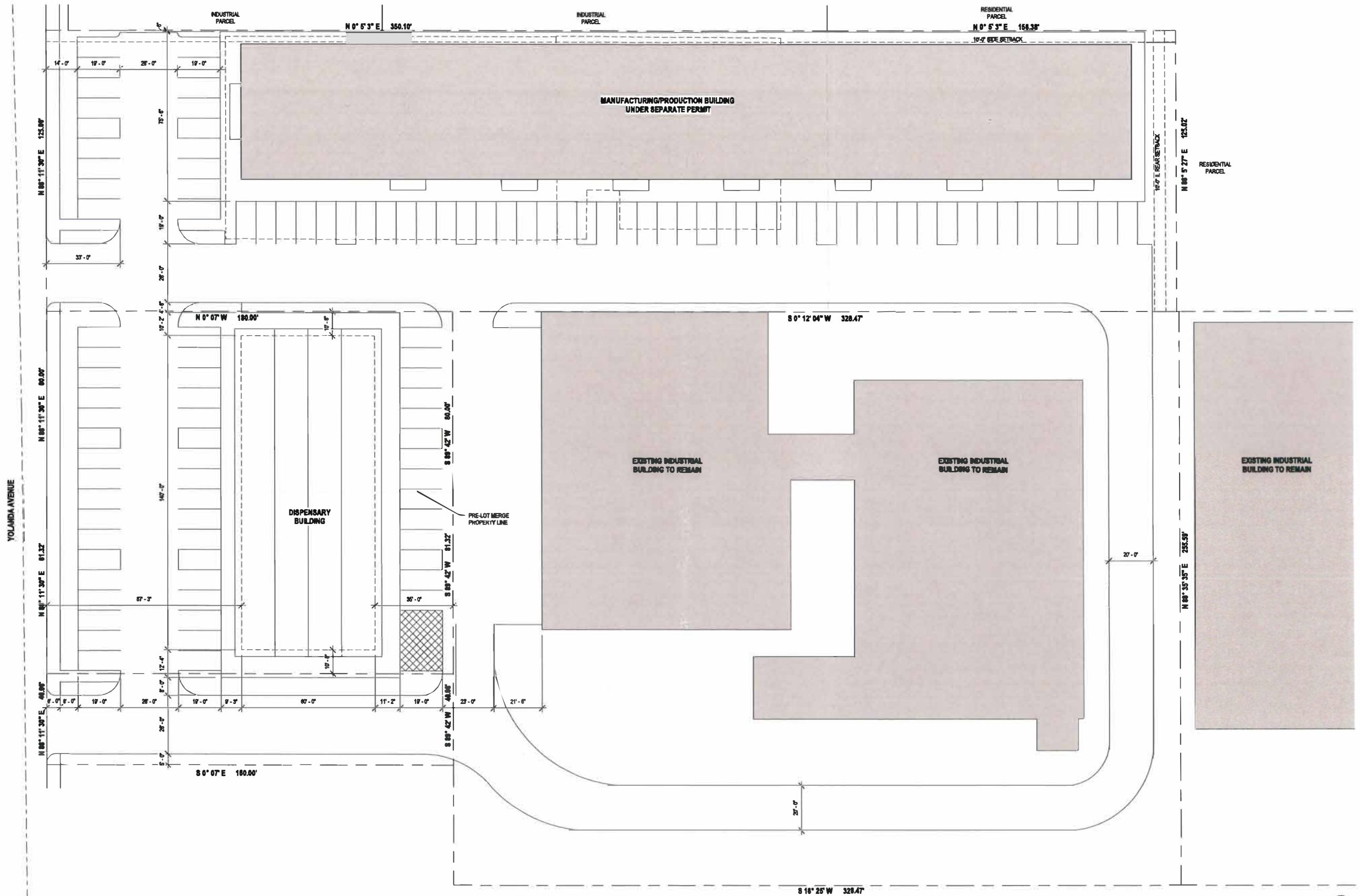
City of Santa Rosa
APR 20 2018
Planning & Economic
Development Department

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DISPENSARY BUILDING
358 YOLANDA AVE, SANTA ROSA, CA 95404

04.02.2018

AP-1.0
MAPS



1 SITE PLAN CONCEPTUAL
1" = 20'-0"



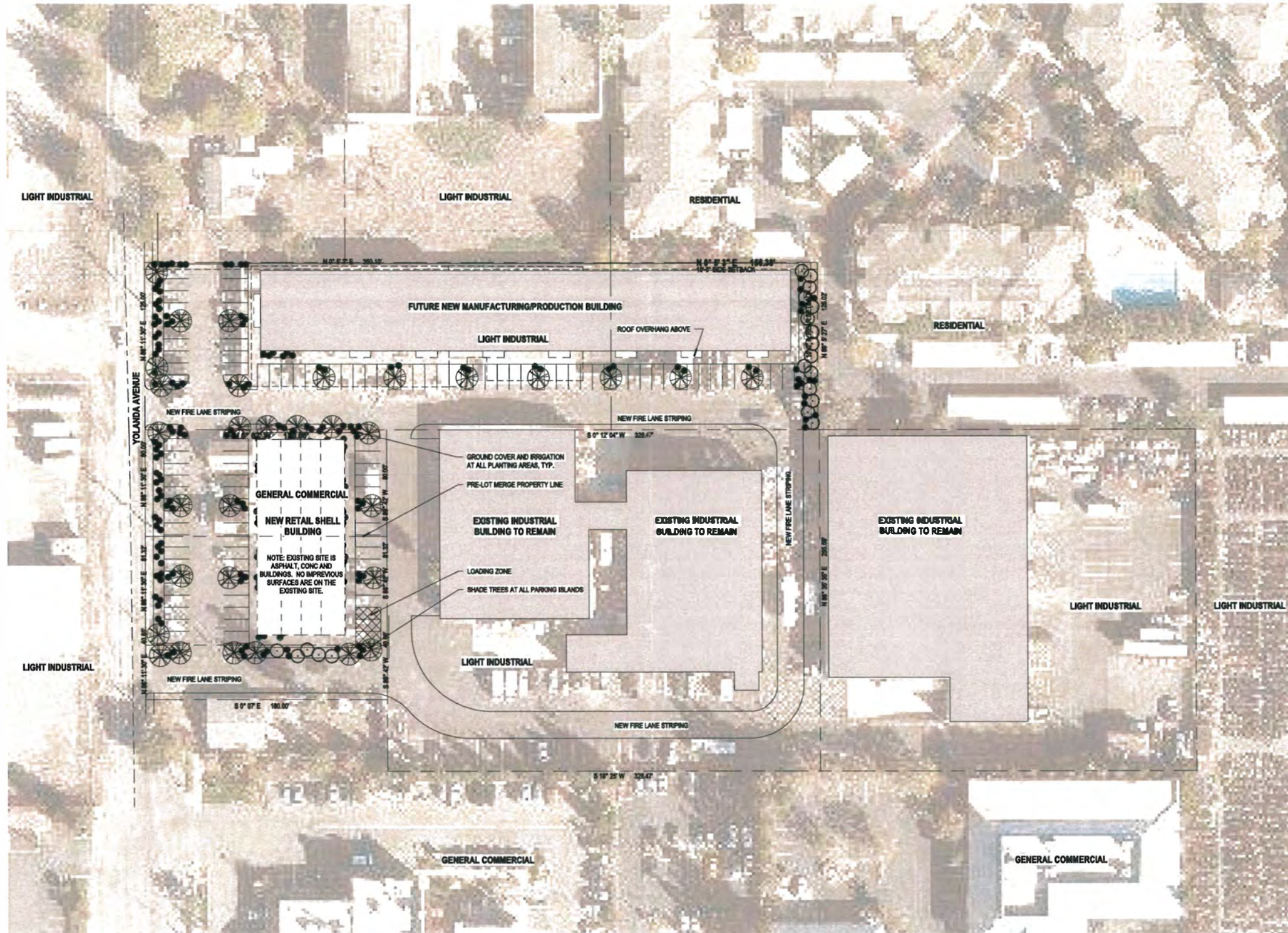
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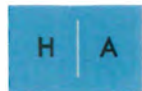
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04.02.2018
SITE PLAN
DISPENSARY BUILDING
358 YOLANDA AVE, SANTA ROSA, CA 95404
AP-2.0



1 SITE ANALYSIS MAP CONCEPTUAL
1" = 40'-0"

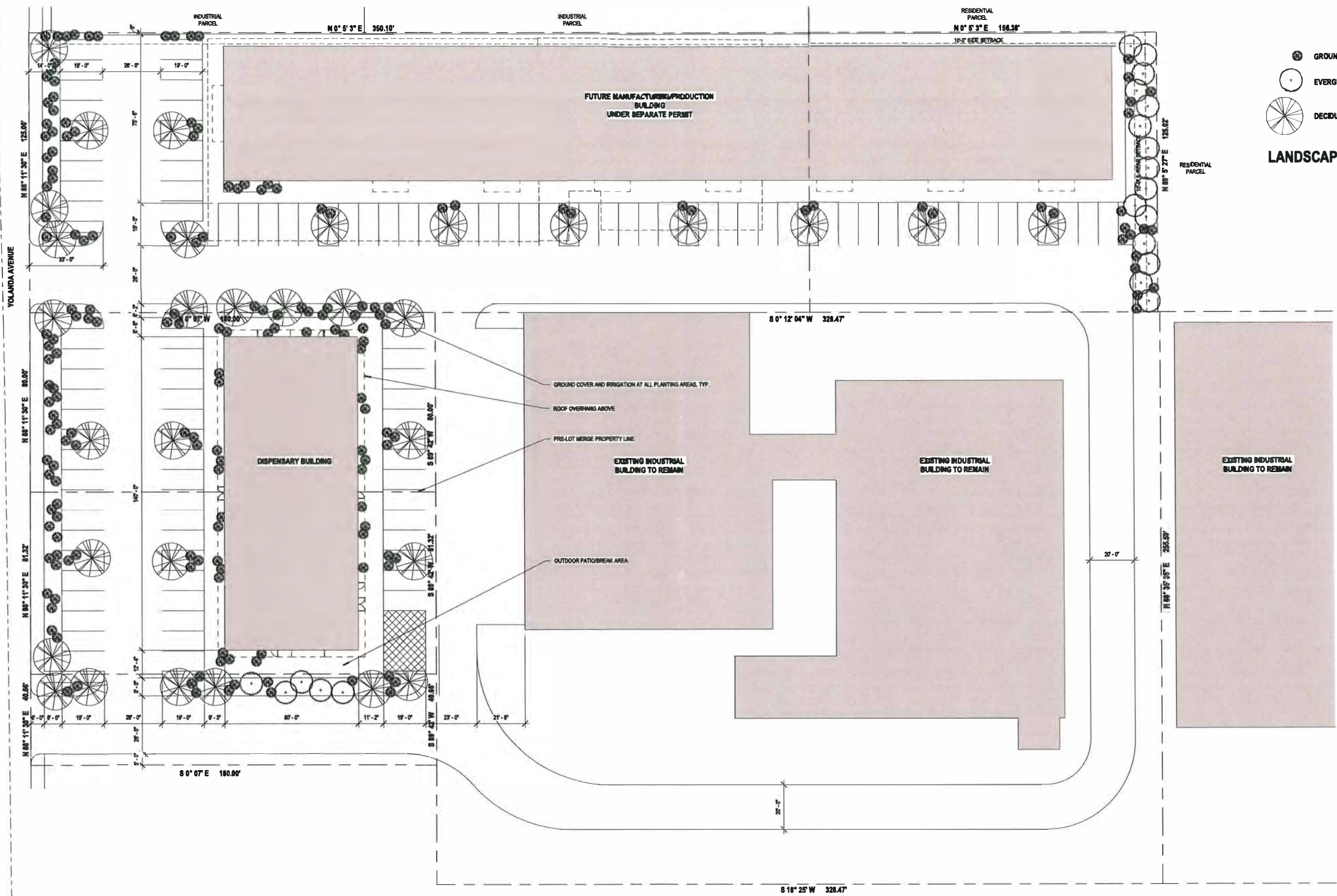


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04.02.2016
SITE ANALYSIS MAP
DISPENSARY BUILDING
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AP-2.3



- LANDSCAPE LEGEND**
-  GROUND COVER/SHRUB
 -  EVERGREEN TREE
 -  DECIDUOUS SHADE TREE

1 LANDSCAPE PLAN CONCEPTUAL
1" = 20'-0"



04.02.2016

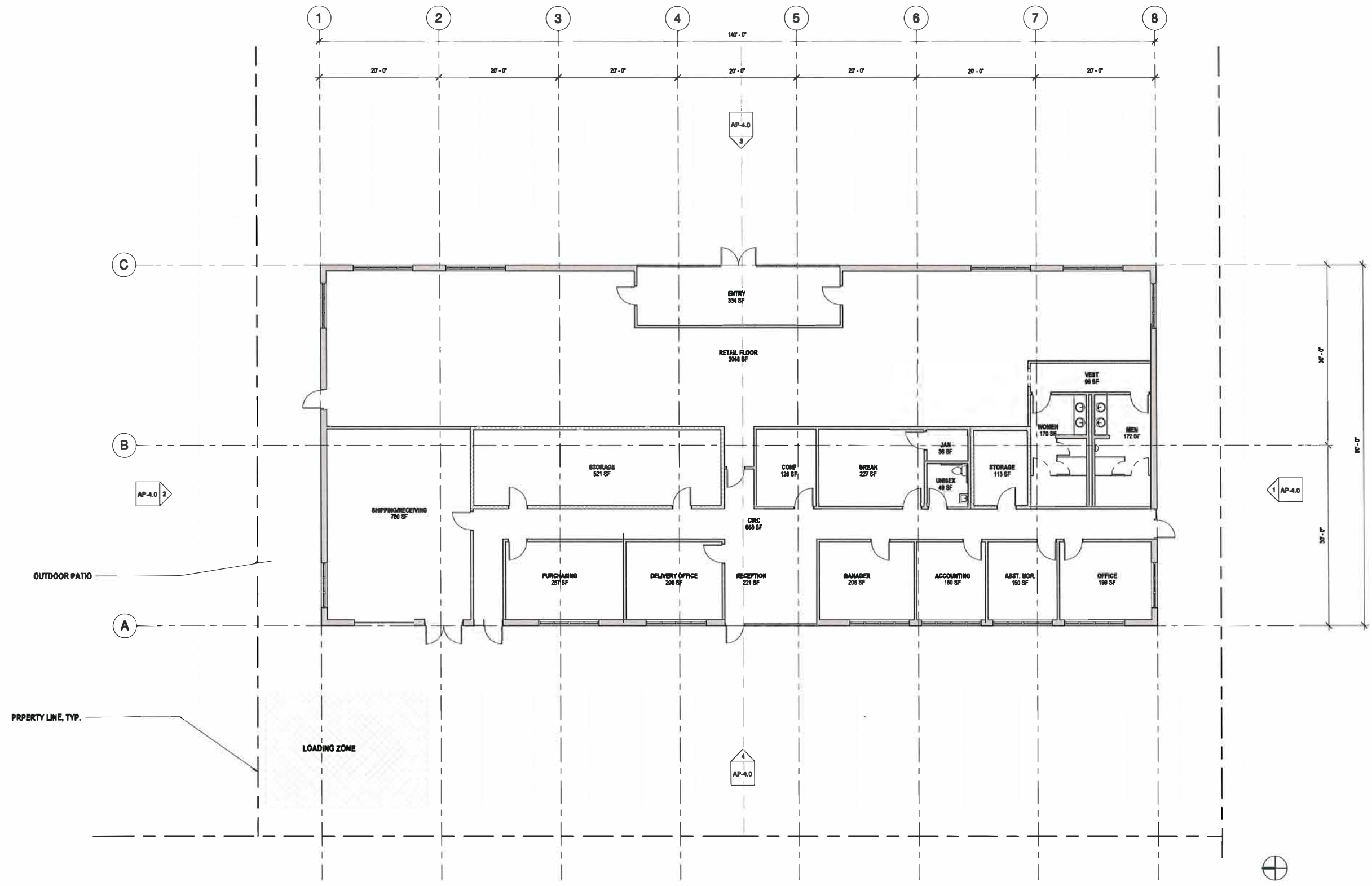
LANDSCAPE PLAN CONCEPTUAL
DISPENSARY BUILDING
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AP-2.7



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1 FLOOR PLAN CONCEPTUAL
 1/8" = 1'-0"



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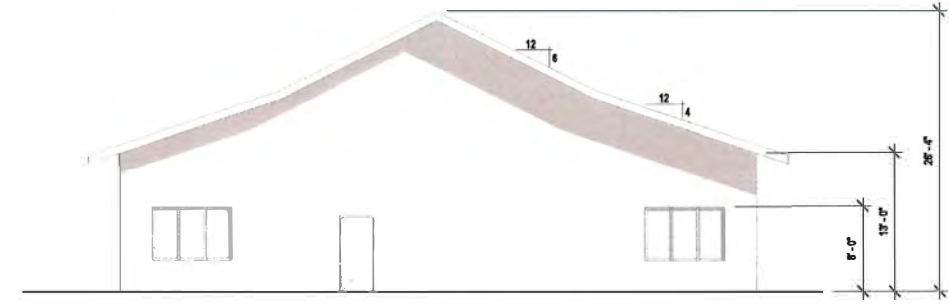
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04.02.2018
FLOOR PLAN
DISPENSARY BUILDING
 358 YOLANDA AVE, SANTA ROSA, CA 95404
 AP-3.0



1 EAST
1/8" = 1'-0"



2 WEST
1/8" = 1'-0"



3 NORTH
1/8" = 1'-0"



4 SOUTH
1/8" = 1'-0"



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04.02.2018
EXTERIOR ELEVATIONS
DISPENSARY BUILDING
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AP-4.0