

## **12. (h) Merit-based Review**

### **1. Local and State Compliance:**

**State Regulations:** Doobie Nights is located beyond six hundred feet (600') of another cannabis retail dispensary permitted by the City of Santa Rosa as of 4.19.2018, and beyond any public or private school K-12. Doobie Nights will operate in strict compliance with the State of California Medicinal and Adult-Use Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.). We are advised by qualified legal counsel and this is an intricate part of our training and Mission Statement of the Dispensary. Strict compliance of the business and the City of Santa Rosa's Chapter 24-46 is paramount. The dispensary at all times during business hours will display the Use Permit License, City Business License, and the State License issued to the dispensary in a prominent place so that it may be readily seen by all persons entering the dispensary.

Doobie Nights will comply with any track-and-trace program established by the State agencies. The dispensary will maintain records tracking all cannabis production and products and will make all records related to commercial cannabis activity available to the City or County upon request. Doobie Nights, Brandon Levine or Damon Crain, do not hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, no alcoholic beverages are allowed or consumed on the premise.

**(ii) County/Regional Permit Requirements:** In addition to the above, the dispensary will maintain records using only the State of California Medical Marijuana Identification Card numbers issued by the County or the County's designee, pursuant to California Health and Safety Code Section 11362.7 et seq., **or** a copy of a written doctor's prescription or recommendation, as a protection for the confidentiality of the cardholders. Doobie Nights will track when members' medical cannabis recommendations and/or identification cards expire and enforce conditions of membership by excluding those whose identification cards or recommendations are invalid or expired. Doobie Nights will allow inspections by appropriate local and state agencies, including but not limited to, the Departments of Health Services, Agriculture/Weights & Measures, and the City of Santa Rosa.

**(iii) Santa Rosa General Plan Policies:** The Santa Rosa General Plan does not specifically address commercial cannabis; however, is allowed by State Law and further permitted through the City's adopted ordinances pertaining to cannabis. However, the CG zoning district in which this proposed site lies, is consistent with the Retail and Business Service land use classification. The Doobie Nights Dispensary will be a benefit to the City of Santa Rosa community by assisting the City in meeting the following General Plan goals and policies:

**LUL-I-1** Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele. *Doobie Nights is easily accessible as the site is located along Santa Rosa Avenue, surrounded by a range of other commercial services and businesses. A bus stop is located out in front of the parcel/building with several*

*cross walks in the vicinity of the parcel as well. A bike rack is located on the north side of the suite, along the building. The dispensary location will be easily accessible to provide for the needs of the people of the community.*

**LUL-K** Protect industrial land supply and ensure compatibility between industrial development and surrounding neighborhoods. *The project site is located on a parcel zoned for the proposed cannabis use. Doobie Nights will be compatible with the other commercial uses and surrounding neighborhoods by keeping the area free and clear of debris and reaching out to the neighboring businesses/community for any concerns.*

**EV-A** Maintain a positive business climate in the community. *Brandon Levine, the applicant, has operated a retail dispensary for seven years in the City of Cotati. The business has operated under the most positive business climate as evidence by the letter from the City Manager-See Exhibit E. The same positive business attitude and climate will be maintained in the dispensary at 3011 Santa Rosa Avenue, Suite A.*

**EV-A-5** Maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles. *Doobie Nights will market and seek to employ persons within the community, making jobs available to a diverse group of workers, and provide an above -minimum wage thereby helping to lessen some of the economic chain.*

**EV-B-1** Monitor land use and development trends in the city to ensure an adequate supply of land that offers diverse use designations and development intensities. *By the passage and implementation of the City's current Cannabis Ordinance in January 2018, the trend in business development has allowed cannabis retailers to operate. The Doobie Nights Dispensary at 3011 Santa Rosa Avenue will offer a diverse use for the community which shall be monitored by way of conditions of approval for the use adopted by the City of Santa Rosa.*

**EV-B-7** Focus business attraction efforts on filling vacancies in commercial and industrial structures. *The suite that the proposed dispensary will be located in was vacant; and located within an existing commercial structure with two other commercial businesses located in them. Per the new commercial cannabis ordinance now in place that focused on allowing retail cannabis businesses, this property is available for this use. The parcel is located within a CG zoning district, where dispensaries are allowed with an approved Use Permit from the City*

**EV-C-1** Develop a retail and business services strategy to locate regional and local serving industries, and ensure appropriate location of such uses along major regional/arterial corridors. *The strategy and foresight that the City of Santa Rosa had with the passage of the City's current Cannabis Ordinance in January 2018 (a strategy), has allowed for retail commercial cannabis uses within the CG zoning district. By permitting new cannabis uses within the City, this has allowed Doobie Nights to apply for a retail use which business has become a regional and local*

*industry. The subject property is located along a major roadway, Santa Rosa Avenue, with Yolanda Avenue and Todd Road being the arterial access ways, with the City bus system serving the area. Additionally, a major corridor, Highway 101, is in close proximity to the site. All these elements meet this General Plan goal.*

**EV-D-1** Continue to promote Santa Rosa’s role as a regional center. *Sonoma County is very well known for its cannabis community. By allowing this and other proposed dispensaries, you are promoting Santa Rosa as a regional center for retail sales of the product. This produces tax revenue. The surrounding businesses can benefit by the new business as their sales could increase with new users of their services or products.*

**iv. Santa Rosa City Code locational and operational requirements:** Upon City of Santa Rosa approval for the use, Doobie Nights will pursue submittal of an application to the State in order to obtain an annual cannabis license for a Retail Medicinal and an Adult-Use Dispensary with Delivery Services. This license will be adhered to regarding State licensing requirements and conditions. The license will be displayed for the public viewing. In addition, Doobie Nights’ policy will be to conduct background checks and Live Scan finger printing on all employees, surfacing any prior felony convictions.

Our intent is to be in the “operator in good standing” program with the City of Santa Rosa and obtain a Use Permit to operate one use; a retail dispensary. Persons who are 18 years of age or older and who possesses a valid government-issued photo identification card shall be allowed on the premises (for Medicinal). Adult-Users shall be a person who is 21 years of age or older and who possesses a valid government issued photo identification card. The proposed location for the Doobie Nights Dispensary is in compliance with State and local requirements regarding the 600-foot buffer from public or private K-12 schools.

Doobie Nights will comply with any track-and-trace program established by the City, County or State agencies. The dispensary will maintain records tracking all cannabis production and products and will make all records related to commercial cannabis activity available to the City or County upon request.

The building where the proposed dispensary is to occupy is an existing structure therefore all of the City of Santa Rosa building requirements have been met regarding building and fire codes. A Knox box for Fire Department access will be provided for all gates/fences or entries. All annual fire permit inspections will be made and inspections prior to occupancy will be obtained. No hazardous waste will be kept on site or generated from the proposed use.

A Safety and Security Plan has been prepared (*See Attachment 7e*) which incorporates adequate security measures for the premise, to include exterior and interior lighting; a professionally installed and monitored robbery alarm system; security video cameras which will provide coverage on a twenty-four (24) hour basis of all internal and

exterior areas where cannabis is weighed, stored, transferred and dispensed; a secure product storage vault to store the cannabis products; a secure vault for currency; ensuring all points of ingress and egress shall be secured with building code compliant commercial-grade, non-residential door locks or window locks; and incorporating security measures designed to ensure emergency access is in compliance with the California Fire Code and the Santa Rosa Fire Department Standards. The dispensary will utilize a 24/7 centrally monitored safety and security system capable of detecting and alerting management and emergency responders of fire, burglary, robbery, and unsafe CO2 levels. Doobie Nights will contract with a licensed alarm and surveillance operator to provide a comprehensive security, surveillance, smoke, fire, and robbery alarm system.

A commercial ventilation system odor control device that adequately controls for odor, humidity, and mold will be incorporated into the Operating Plan to ensure that odors from cannabis are not detectable off-site. Doobie Nights will provide an adequate odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways.

Proposed interior lighting will be fully shielded so as to confine light and glare to the interior of the structure. After hours lighting will be sufficient for emergency personnel. Existing exterior lighting is code compliant and will provide for security purposes and provide illumination and clear visibility to all outdoor areas of the premises, including ingress and egress.

## **2. Site Management:**

### **i. Experience in operating a cannabis retail business in the North Bay area:**

Operations will be overseen by Brandon Levine as the Executive Director and Damon Crain as Managing Director. Brandon has successfully been a successful Managing Director of Mercy Wellness in Cotati, the City's only licensed retail dispensary for the past seven years. The experience and knowledge of the Commercial Cannabis Community had placed Brandon on the Sonoma County Marijuana Technical Advisory Committee (MTAC) also known as the Marijuana Task Force which was comprised of representatives of nearly every county agency. The MTAC included several working groups such as Agriculture and the Environment, Enforcement and Land Use, Taxation and Revenue, Economic Development and Jobs and Health and Human Services. Together these groups explored many facets of the cannabis industry and its impacts in the community to develop the ordinance that will regulate the industry in Sonoma County. In 2017, Brandon was granted a Use Permit from the Santa Rosa Planning Commission to establish a commercial cannabis indoor grow operation which plans are currently under building department review.

In 2016, Brandon produced Elevated Cannabis Compliance Conference to educate individuals involved in the cannabis industry on best practices. This event was located in Sonoma County and had over 700 attendees for the two days from all over the

United States. Industry leaders, as well as many State and local officials, participated. The event brought great minds together creating a network of support for the vastly growing cannabis industry.

**ii. Qualifications and backgrounds of principals:** Brandon Levine’s qualifications include seven years of retail cannabis oversight of employees and staff. Brandon has been part of the Sonoma County cannabis community as a board member of the California Growers Association (CGA). This statewide cannabis lobbying organization was formed in 2015 to protect and promote growers and independent businesses within California’s cannabis industry. CGA works actively on the frontline of monumental policy decisions being made at the state level. Brandon is also a board member of the Sonoma County Growers Alliance (SCGA) which educates, collaborates and advocates for patient, cultivator and community rights and responsibilities. In addition, Brandon sits on the Sonoma County Cannabis Advisory Group (CAG) and also was a part of the Sonoma County Task Force Committee which purpose was to ID economic impacts of the cannabis industry in Sonoma County.

Damon Crain is a Santa Rosa native, born at Memorial Hospital and raised in West County. He attended University of Phoenix and received a Bachelor’s Degree in Business Management. For 15 years he worked for a worldwide healthcare company specializing in sterilization and decontamination. During that time, he held positions in service, service management and sales. Damon has had interest in the cannabis industry for several years and quit his corporate job to pursue cannabis full time. He was farming on his 70-acre farm until the fire last year completely destroyed his home and entire crop. The fires had set the farm back a year or two, so he decided to redirect his efforts into this cannabis retail project with friend and business partner Brandon Levine.

**iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion:** An Operating Business Plan has been included with this application which details the day-to-day operations and checks and balances (See *Attachment 12c – Operation Plan*). The dispensary retail operations will record the identity and source of all cannabis products received and sold with sufficient specificity to ensure that it can be traced to its source. All records will be recorded in METRC, the State’s track-and-trace program. This retail operation will maintain records that include at a minimum: form of cannabis received (e.g. clone, processed dried flower, concentrate, tincture, topical, edible, etc.); dates of the receiving of the product as well as the sale that took place; testing and analysis conducted; name of lab conducting the testing, the type of test; analysis or examination used to determine the particular strain or cultivator of each batch of cannabis provided, any test to determine the quantitative levels of contained constituents and the type of testing used, any tests to determine the absence or presence of specific classes of potential contaminants, yeasts and molds, and other microbiological contaminants if found; Cannabis waste that account for, reconcile and evidence all activity related to the generation or disposition of cannabis waste (returns, displays).

**iv. Management Plan that prevents and responds to potential nuisance impacts (e.g. loitering, trash, local contact):** A Site Management plan has been incorporated

into the Operational Plan (*See Attachment 12c*) that responds to potential nuisance impacts (e.g. loitering, trash, local contact) and protects adjoining properties, public areas, and the surrounding neighborhoods. The security cameras which will be installed will be useful for reducing crime in the neighborhood. The facility's cleanliness is a very high priority. The dispensary will clear any trash and litter that is found on sidewalks adjoining the premises plus 10-feet beyond property lines along the street under the control of Doobie Nights as needed. Graffiti shall be removed from the premise and parking lots within 72 hours of its' found application. Each employee will be assigned daily tasks. A mandatory check-list will be signed off every shift by management to the ensure that the dispensary, bathrooms, product intake, break room, security and receptions areas are cleaned and maintained to the highest quality. In addition, a Compliance Director will check weekly that these tasks are signed off daily. The general office trash and recycling will be kept in commercial hauled containers located within a trash receptacle area in the rear of the commercial building. Recycling will be removed from the premise by *Recology's* Waste Zero Program. Lastly, a local contact number for any after hour emergencies has been included with the application.

**v. Performance timeline from land use approval to plan check and construction to dispensary opening:** The Performance Timeline to gain land use approval to dispensary opening would be approximately four months from application submittal date to a land use hearing, with an anticipated dispensary opening of Fall 2018.

### **3. Neighborhood Compatibility**

**i. Description of how the use will fit into the stability and quality of the surrounding neighborhood:** The ordinances adopted by the City of Santa Rosa provided for and allowed new commercial cannabis businesses in appropriately zoned areas of the city, making them compatible with existing uses. This parcel is zoned commercial appropriately; CG (General Commercial). There are approximately 29 uses within a 300-foot radius of the project parcel; 59% of them are a mixture of commercial uses and 14% of them are food related uses, with the rest of the uses a mixture of recreation, beauty services, and residential living (mobile home park). The dispensary proposal (a retail use) will fit nicely into the quality of the existing neighborhood of commercial uses and be compatible with the area. Doobie Nights has met with the neighboring property owners and public via the City's requirement for a Neighborhood Meeting, when proposed dispensaries are within this radius of residential uses. We introduced ourselves and the project and expressed our intent to keep the area as clean as possible from debris. We followed up with the one member of the public who came to the meeting to express his comments by forwarding him our bios and full project information. (*See Exhibit C*). With the project being conditioned appropriately, a commercial cannabis retail dispensary can exist and not be unfavorable to the public interest, health, safety, convenience, or welfare of the City, but rather fit into the quality and strength of the surrounding neighborhood. We will work towards being that kind of dispensary.

**ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses:** Odor control measures are an integral part of

the cannabis business and will be incorporated into our interior improvement plans. The proposed measures and systems outlined in the attached Odor Control Plan will prevent odor from being detectable from adjacent properties or businesses. Engineering controls include carbon filtration via a dedicated environmental exhaust fan; and negatively pressurizing odor sources. Carbon filtration is commonly accepted throughout the cannabis industry as the current best engineering control technology for mitigating odors in facilities generating marijuana odors with exhaust air/filter intake points located in areas of the facility where odor-generating activities take place. As such, this engineering control strategy will effectively mitigate odors for all cannabis odor sources within the facility (*See Attachment 7f – Odor Mitigation Plan*).

**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:**

The subject parcel is approximately 51,836 square feet in size and is located at the on Santa Rosa Avenue between El Portal Way and Elsa Drive (on the opposite side). The property is a rectangle shaped piece where an approximately 22,500-square foot building sits. The existing exterior lighting fixtures are square wall sconces. Interior lighting will be code compliant. The overall clean look of the existing building and parcel was designed and developed to fit into the surrounding community. The only addition to exterior will be for business signage above the suite where the dispensary is located.

**iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit:** The entrance to the retail facility will be clear to discern as the building sits right off of Santa Rosa Avenue, providing a clear view of the entrance from the street or parking lot. Bicycle parking for the business is made available outside along the north side of the building. Sidewalks are currently in place and provide for safe pedestrian orientation. A bus stop is located adjacent to this parcel just east of the suite along Santa Rosa Avenue, allowing for public access to transit. A second bus stop is located across Santa Rosa Avenue.

**4. Neighborhood Enhancement**

**i. Quality and extent of improvements to the site, building and surrounding neighborhoods.** The existing building exterior will not interfere with the use and enjoyment of any existing and future developments neighboring in that the project is generally buffered from residential uses by a 6-foot high stone wall along the north property line. The new use will be consistent with the commercial uses along Santa Rosa Avenue.- The project proposes to install a black wrought iron 6-foot high fence with an electronic gate to be located in the rear of the lot/building as shown on Exhibit 9a Site Plan. The quality and style of the fencing will be similar to fencing in the area. An electronic sliding gate will be installed for entry. The fencing and gate will be installed for safe, secure delivery purposes, which both fence and gate will be designed to meet Fire Department codes. No additions or exterior elements are proposed for the building, other than the installation of lighting on the North and East side of the building site. The vacant suite will enhance the surrounding community by filling the

empty space and by providing a needed service to the local residents and members because of its location.

**ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking:**

Downcast lighting proposed to be installed will add an attractive element to the façade of the building. Landscaping is already installed on the parcel and is attractive. Circulation for the dispensary use is not hampered by any landscaping as the landscaping is located along the outer edge of the parcel and along Santa Rosa Avenue. Two driveways and plenty of parking provide for safe circulation and ease of parking for any customer of the dispensary or for the other two businesses located within this commercial building.

**iii. Environmental benefits e.g. “green” business practices related to energy and/or water conservation:**

The project will use energy efficient lighting both interior and exterior for green business practice benefits. The retail use will not generate additional or above average use of water consumption for its business purposes other than the normal water/bathroom usage. Recycling removed will be securely removed from the premise by *Recology’s* Waste Zero Program. Doobie Nights Dispensary will be a major community benefit to this region of the City. By approving this dispensary project, the City will be shown what a professional dispensary looks like.

iv. Doobie Nights intends to look to the local community in order to fill the needed job positions for the business. The intent is to provide these employment opportunities to the residents of Santa Rosa. The dispensary anticipates the need for seven (7) employees hired for FT/PT positions with a business-friendly environment. Brandon Levine (co-applicant and owner of Mercy Wellness of Cotati) has been a contributor to several local non-profit groups who are working to alleviate homelessness in the community. Such groups as the “Daily Act” and “The Palms Inn” as well as assisting many local fire victims, have benefited from these contributions. It is the intent of Doobie nights to continue these efforts and doing whatever it can to contribute to local non-profit groups. Doobie Nights will feature locally grown and made products and will be a member of Go Local<sup>®</sup>. Doobie Nights intends to be a major community benefit to the City by providing a needed service and then giving back to those in need; which is what community is all about.