



# City of Santa Rosa

## Comprehensive Cannabis Ordinance

Planning Commission

October 12, 2017

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Planning and Economic Development

# Santa Rosa Cannabis Regulations

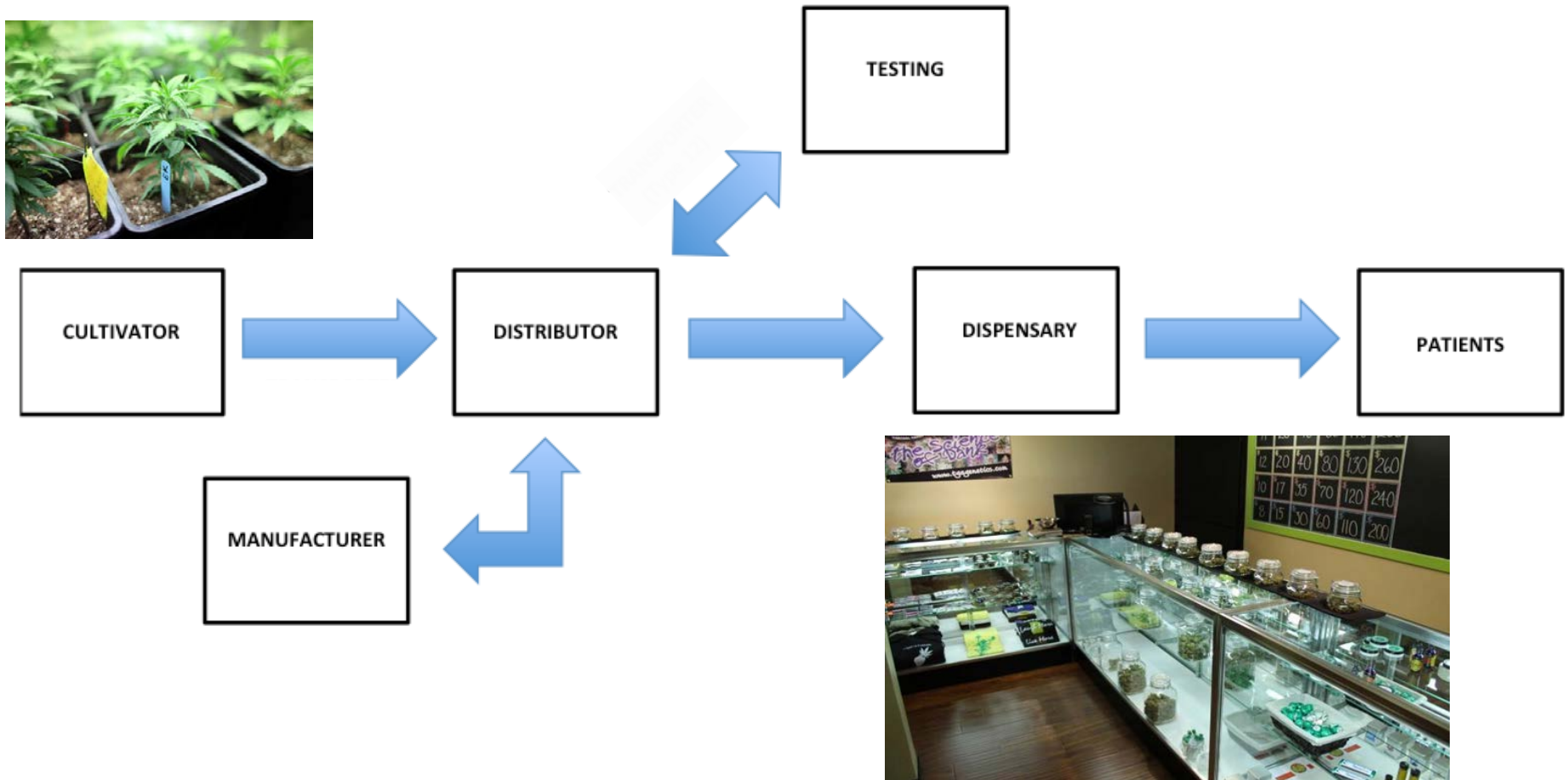
- 2005 – Allow for **medical cannabis dispensaries**
- 2016 & 2017 - City Council Priority – Medical Cannabis Policy
- January 2016 – Initiate a **comprehensive policy effort** and reconvene the Council's **Cannabis Policy Subcommittee**
- Interim measures:
  - February 2016 – Allow **medical commercial cultivation** with a conditional use permit in three industrial zoning districts.
  - August 2016 – Allow **medical manufacturing, testing, distribution and transportation** where similar operations are already allowed.

# City Approach to Cannabis

- Cannabis uses **are already taking place** in the City
- Cannabis is **a land use issue**; a Code enforcement issue
- Focus on **Medical Cannabis** for now
- Provide a permit compliance path
  - **Direct the use to appropriate areas** (commercial and industrial districts)
  - Provide standards to minimize impacts – security, odor, lighting, noise
  - Defer to State law, County Ag and County Health for specific issues
- **Test** the approach through interim measures
- Address the entire industry chain – **no gaps**



# Medical Cannabis Supply Chain





# Interim Land Use Policy

- **Dispensaries**
  - **No new applications at this time** - Existing Ordinance is in effect; City has two existing dispensaries
- **Support Uses**
  - **Permitted by Right** or with a **Minor Use Permit** if adjacent to residential uses; treated similar as non-cannabis uses which are already allowed in various industrial districts.
- **Commercial Cultivation**
  - **Conditional Use Permit** – Allowed in Industrial Districts; Neighborhood meeting if near residential uses; Public hearing and action by the Planning Commission

# Being Successful in Santa Rosa

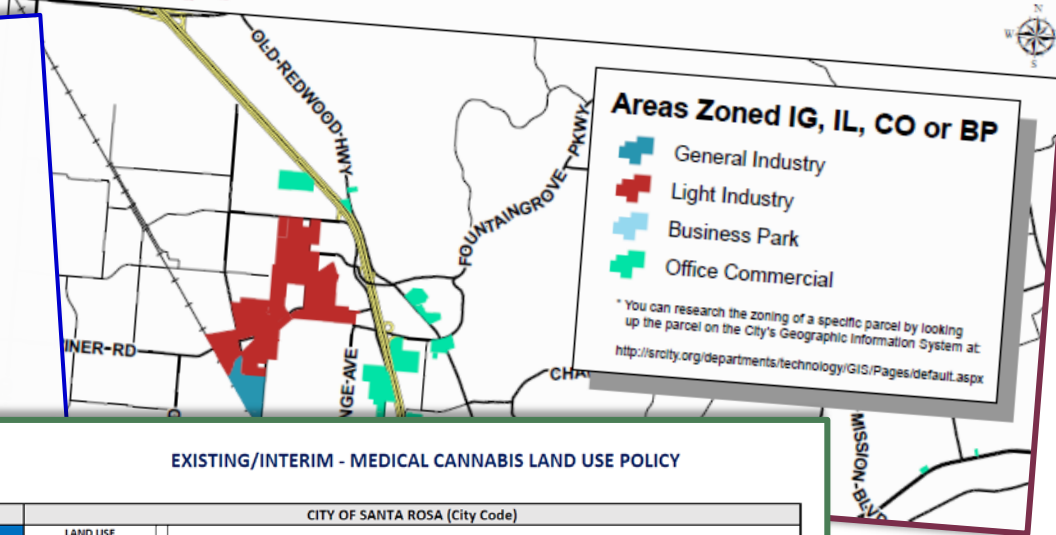


## Building and Fire Code Requirements for Medical Marijuana Related Occupancies

The following regulations pertain to City of Santa Rosa Building and Fire Division requirements for the permit application, plan review, approval and inspection of medical marijuana related occupancies. The requirements listed below are intended to assist the applicant with some of the requirements to a Building Division permit submittal, and are not to be considered an all-inclusive list. Only items pertain to Fire Division requirements for plan approval or permit issuance. Only items pertain to submittal are to be included. Every listed item will not necessarily be applicable to all occupancies.

### General Requirements

1. A building permit is required to verify occupancy for a medicinal marijuana related occupancy. The building permit application must meet the Building Division submittal requirements.
2. Construction plans and building permits are required per the California Building Code. The owner or occupant intends to construct, enlarge, alter, remove, repair, or to erect, install, enlarge, alter, repair, remove, or replace any part of a building or structure, or to erect, install, enlarge, alter, repair, remove, or replace any gas, mechanical or plumbing system, the installation of which is regulated by the Building Code or to cause this work to be done.
3. The plans, when required, must be prepared by a licensed professional architect or engineer and must address specific requirements for the use as outlined in the California Building Code and the State of California.
4. An application for a building permit will not be accepted for a medical marijuana related occupancy until confirmation that all discretionary approvals have been obtained or a building permit has been issued.

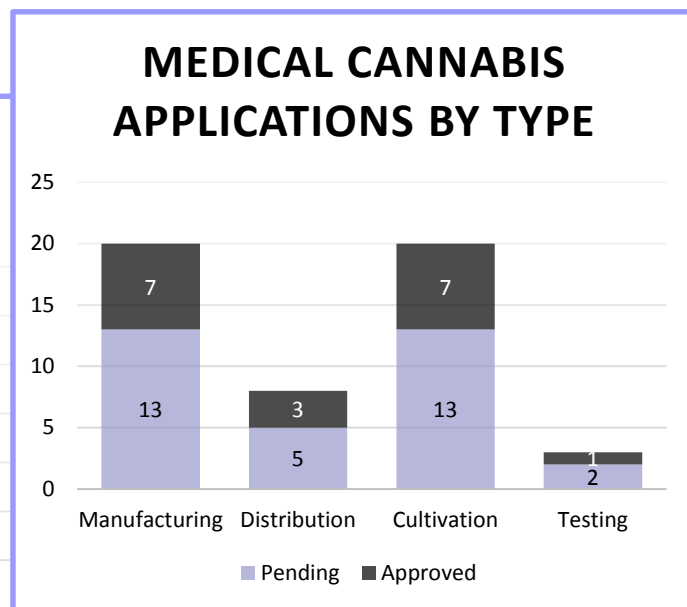
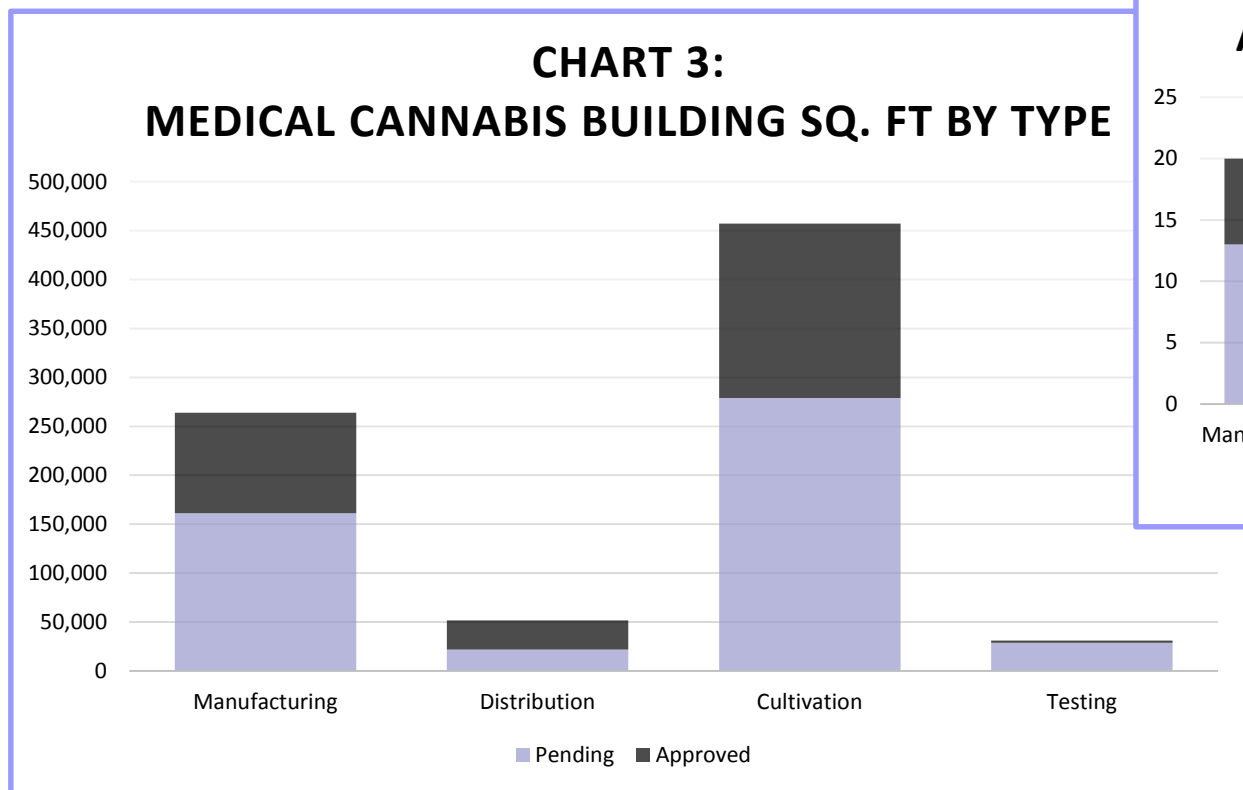


### EXISTING/INTERIM - MEDICAL CANNABIS LAND USE POLICY

| MCRSA (State Law)   |                      | CITY OF SANTA ROSA (City Code)          |   |            |    |    |    |            |     |      |         |         |                          |     |
|---|----------------------|---|---|------------|----|----|----|------------|-----|------|---------|---------|--------------------------|-----|
| MEDICAL CANNABIS USES & STATE LICENSE TYPES                         |                      | LAND USE CLASSIFICATIONS                | ALLOWED LAND USES AND PERMIT REQUIREMENTS BY ZONING DISTRICT: |            |    |    |    |            |     |      |         |         |                          |     |
|   |                      |   | RESIDENTIAL   | COMMERCIAL |    |    |    | INDUSTRIAL |     |      |         |         | Specific Use Regulations |     |
|   |                      |   | all   | CO         | CN | CG | CV | CD         | CSC | TV-M | BP      | IL      | IG                       | LIL |
| <b>DISPENSARIES</b>   |                      |   |   |            |    |    |    |            |     |      |         |         |                          |     |
| Dispensary - General  | 10                   | Medical Cannabis Dispensary             | --  | AR         | AR | AR | AR | --         | AR  | AR   | AR      | AR      | AR                       | AR  |
| Dispensary - no more than 3 retail sites                            | 10A                  | Medical Cannabis Dispensary             | --  | AR         | AR | AR | AR | --         | AR  | AR   | AR      | AR      | AR                       | AR  |
| <b>CULTIVATION</b>  |                      |   |   |            |    |    |    |            |     |      |         |         |                          |     |
| Cultivation - Personal  | exempt               | Medical Cannabis Personal Cultivation   |   |            |    |    |    |            |     |      |         |         |                          |     |
| Cultivation - Nursery (wholesale)                                   | 4                    | To be determined                        | --  | --         | -- | -- | -- | --         | --  | --   | --      | --      | --                       | --  |
| Cultivation - Cottage (25 plants, 500sf, 2,500sf)                   | 1C                   | Medical Cannabis Commercial Cultivation | --  | --         | -- | -- | -- | --         | --  | --   | MUP*    | MUP*    | MUP*                     |     |
| Cultivation - Indoor, Outdoor, or Mixed-Light (2,501-10,000sf)      | 1, 1A, 1B, 2, 2A, 2B | Medical Cannabis Commercial Cultivation | --  | --         | -- | -- | -- | --         | --  | --   | MUP*    | MUP*    | MUP*                     |     |
| Cultivation - Indoor, Outdoor, or Mixed-Light (10,001sf or greater) | 3, 3A, 3B            | Medical Cannabis Commercial Cultivation | --  | --         | -- | -- | -- | --         | --  | --   | CUP     | CUP     | CUP                      |     |
| <b>SUPPORT USES</b>   |                      |   |   |            |    |    |    |            |     |      |         |         |                          |     |
| Distributor   | 11                   | Warehouse, Wholesaling and Distribution | --  | --         | -- | -- | -- | --         | --  | --   | MUP (4) | P (3)   | P (3)                    | --  |
| Manufacturer - Level 1 (non-volatile)                               | 6                    | Manufacturing/Processing - Light        | --  | --         | -- | -- | -- | --         | --  | --   | P (3)   | P (3)   | P (3)                    | --  |
| Manufacturer - Level 2 (volatile)                                   | 7                    | To be determined                        | --  | --         | -- | -- | -- | --         | --  | --   | --      | --      | --                       | --  |
| Testing/Laboratory  | 8                    | Laboratory - Medical, Analytical        | --  | MUP        | -- | -- | -- | --         | --  | --   | P       | P       | --                       | --  |
| Transporter   | 12                   | Truck or Freight Terminal               | --  | --         | -- | -- | -- | --         | --  | --   | MUP     | MUP (4) | --                       | --  |

# Applications to Date from 3<sup>rd</sup> Quarter Cannabis Permitting Report

**Current Industrial vacancy rate is 5%**



18 approved permits = **3.0% (313K)** of Industrial Space



# Comprehensive Land Use Policy

- **Personal Use**
  - Medical cannabis
  - Adult Use cannabis
- **Medical Cannabis Businesses**
  - Commercial Cultivation\*
  - Manufacturing Levels 1 & 2
  - Testing Laboratory
  - Distribution
  - Retail (Dispensaries)
  - Special Events
- **Adult Use Cannabis Businesses**



*\*includes Microbusiness*



# Where Allowed & Permit Process

| MEDICAL CANNABIS LAND USE CLASSIFICATIONS   |                               | RESIDENTIAL  | COMMERCIAL |         |         |    |    |         |      | INDUSTRIAL |         |         |
|---|-------------------------------|--|------------|---------|---------|----|----|---------|------|------------|---------|---------|
|   |                               | <i>all</i>   | CO         | CN      | CG      | CV | CD | CSC     | TV-M | BP         | IL      | IG      |
| <b>RETAIL (DISPENSARY) AND DELIVERY</b>   | <b>RELATED STATE LICENSES</b> |  |            |         |         |    |    |         |      |            |         |         |
| Medical Cannabis Retail (Dispensary) and Delivery   | 10                            | --   | CUP (1)    | CUP (1) | CUP (1) | -- | -- | CUP (1) | --   | CUP (1)    | CUP (1) | CUP (1) |
| <b>CULTIVATION</b>  |                               |  |            |         |         |    |    |         |      |            |         |         |
| <b>PERSONAL - OUTDOOR, INDOOR, &amp; MIXED LIGHT</b>  |                               |  |            |         |         |    |    |         |      |            |         |         |
| Personal - Medical Cannabis Cultivation   | <i>exempt</i>                 | <i>Up to 100 sq. ft. for personal per residence; Up to 500 sq. ft. for caregiver per residence</i> |            |         |         |    |    |         |      |            |         |         |
| Personal - Adult Use Cannabis Cultivation   | <i>exempt</i>                 | <i>Up to 6 plants maximum per residence</i>  |            |         |         |    |    |         |      |            |         |         |
| <b>COMMERCIAL - OUTDOOR</b>   |                               |  |            |         |         |    |    |         |      |            |         |         |
| Medical Cannabis Cultivation  | 1, 1C, 2, 3, 4                | --   | --         | --      | --      | -- | -- | --      | --   | --         | --      | --      |
| <b>COMMERCIAL - INDOOR &amp; MIXED LIGHT (GREENHOUSE)</b>   |                               |  |            |         |         |    |    |         |      |            |         |         |
| Medical Cannabis Cultivation – <i>up to 5,000 square feet</i>   | 1A, 1B, 1C, 4                 | --   | --         | --      | --      | -- | -- | --      | --   | --         | MUP     | MUP     |
| Medical Cannabis Cultivation – <i>5,001 square feet or greater</i>  | 2A, 2B, 3A, 3B, 4             | --   | --         | --      | --      | -- | -- | --      | --   | --         | CUP     | CUP     |
| Medical Cannabis Microbusiness - <i>&lt;10,000 sq ft (cultivation, manufacturing, distribution, and retail)</i> | 12                            |  |            |         |         |    |    |         |      |            | CUP (1) | CUP (1) |
| <b>SUPPORT USES</b>   |                               |  |            |         |         |    |    |         |      |            |         |         |
| Medical Cannabis Manufacturing – <b>Level 1</b>   | 6                             | --   | --         | --      | --      | -- | -- | --      | --   | P (3)      | P (3)   | P (3)   |
| Medical Cannabis Manufacturing – <b>Level 2</b>   | 7                             | --   | --         | --      | --      | -- | -- | --      | --   | --         | CUP     | CUP     |
| Medical Cannabis Testing Laboratory   | 8                             | --   | MUP        | --      | --      | -- | -- | --      | --   | P          | P       | P       |
| Medical Cannabis Distribution   | 11                            | --   | --         | --      | --      | -- | -- | --      | --   | MUP (2)    | P (3)   | P (3)   |

- [srcity.org/cannabis](http://srcity.org/cannabis) update sent out to 2,000 e-mails
- Council Policy Subcommittee meetings since Jan 2016
- Social media, Next door, Facebook, press releases
- KSRO interviews, morning and The Drive
- News articles – Press Democrat, SF Chronicle
- July 17<sup>th</sup> – Public Forum – Presentation & Feedback Session
- Outreach and presentations to interested groups
  - Real estate community
  - Fire and Building Officials
  - School representatives
  - Neighborhood groups
  - Business representatives

## **Residents/General Public**

- Odor from outdoor personal cultivation
- Confusion over sq. ft. vs. # of plants

## **School/Youth Advocates**

- Increase setback to school to 1,000 feet
- Extend setback to youth facilities, day care centers
- Opposed to outdoor cultivation abutting school property

## **Cannabis Industry**

- Reduce distance between retail facilities to 600 feet
- Allow for Adult Use Businesses in this ordinance

## **General Business Community**

- Overconcentration concerns of cannabis businesses

## **TAC recommendations post June 30<sup>th</sup>:**

- Consider just one maximum, e.g. 6 plants
- Retail shall also require County Health Permit
- Need to develop a program for accepting multiple Retail (dispensary) requests within 1,000 feet
- Incorporate new state licenses (e.g. microbusiness, processor)
- Clarify Special Events section – allow only Medical – and only private events on private property; not public markets

# Personal Cannabis Use

- **Medical use cultivation**
  - 100 square feet (personal)
  - 500 square feet (caregiver)
- **Adult Use cultivation**
  - Six (6) mature plants
- **Standards to comply with:**
  - Residency
  - Visibility
  - Security
  - Odor Control
  - Lighting
  - Noise



# Medical Cannabis Businesses

- **Dual Licensing**
  - Local Zoning Permit & State Licensing
  - Operator in Good Standing Program; Existing Permitted Operators
  - Setbacks to non-retail commercial cannabis businesses
- **Other Permits & Inspections**
  - Building and Fire Permit; Business Tax Certificate
  - Sonoma County Health Permit
  - Sonoma County Agricultural Commission
- **General Operating Requirements**
  - Security
  - Odor Control
  - Lighting
  - Noise



# Medical Commercial Cultivation

- **Up to 5,000 square feet**
  - Minor Use Permit
  - Public Notice
    - Public Hearing if requested
  - Zoning Administrator
- **5,000 sf or greater**  
or **Microbusiness (<10K plus retail)**
  - Neighborhood Meeting
  - Conditional Use Permit
  - Public hearing
  - Planning Commission
  - Conditional Use Permit





# Medical Support Uses

- **Manufacturing/Processing**
  - Level 1 – no solvents; non-volatile – **Permitted or Minor Use Permit**
  - Level 2 – volatile solvents – **Conditional Use Permit**
- **Testing Laboratory**
- **Distribution**



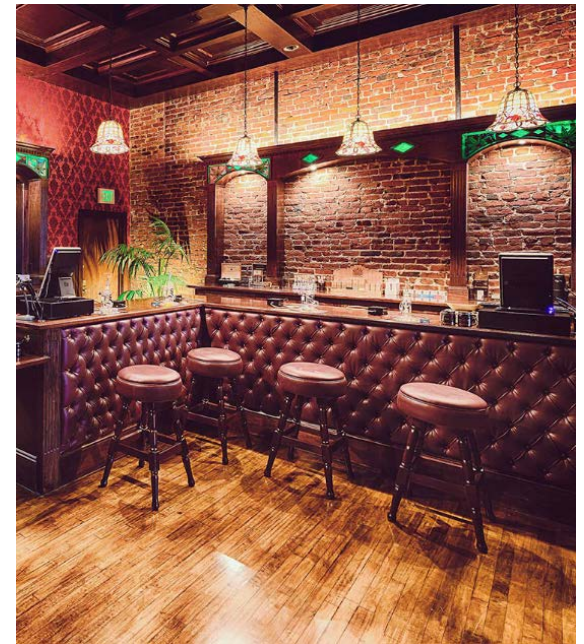
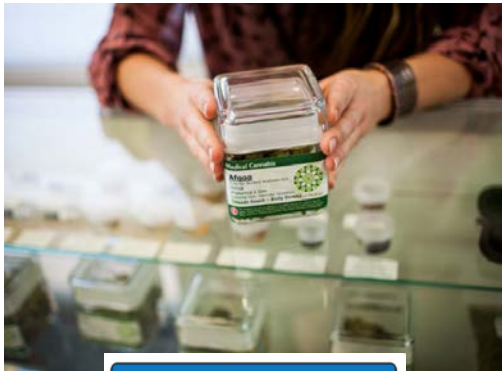
# Medical Cannabis Retail (Dispensaries)

- **Overconcentration & Setbacks**
  - 1,000 foot to another retail facility
  - 600 feet to a K-12 school
- **Conditional Use Permit**
  - Neighborhood Meeting
  - Public Hearing
  - Planning Commission



# Medical Cannabis Retail (Dispensaries)

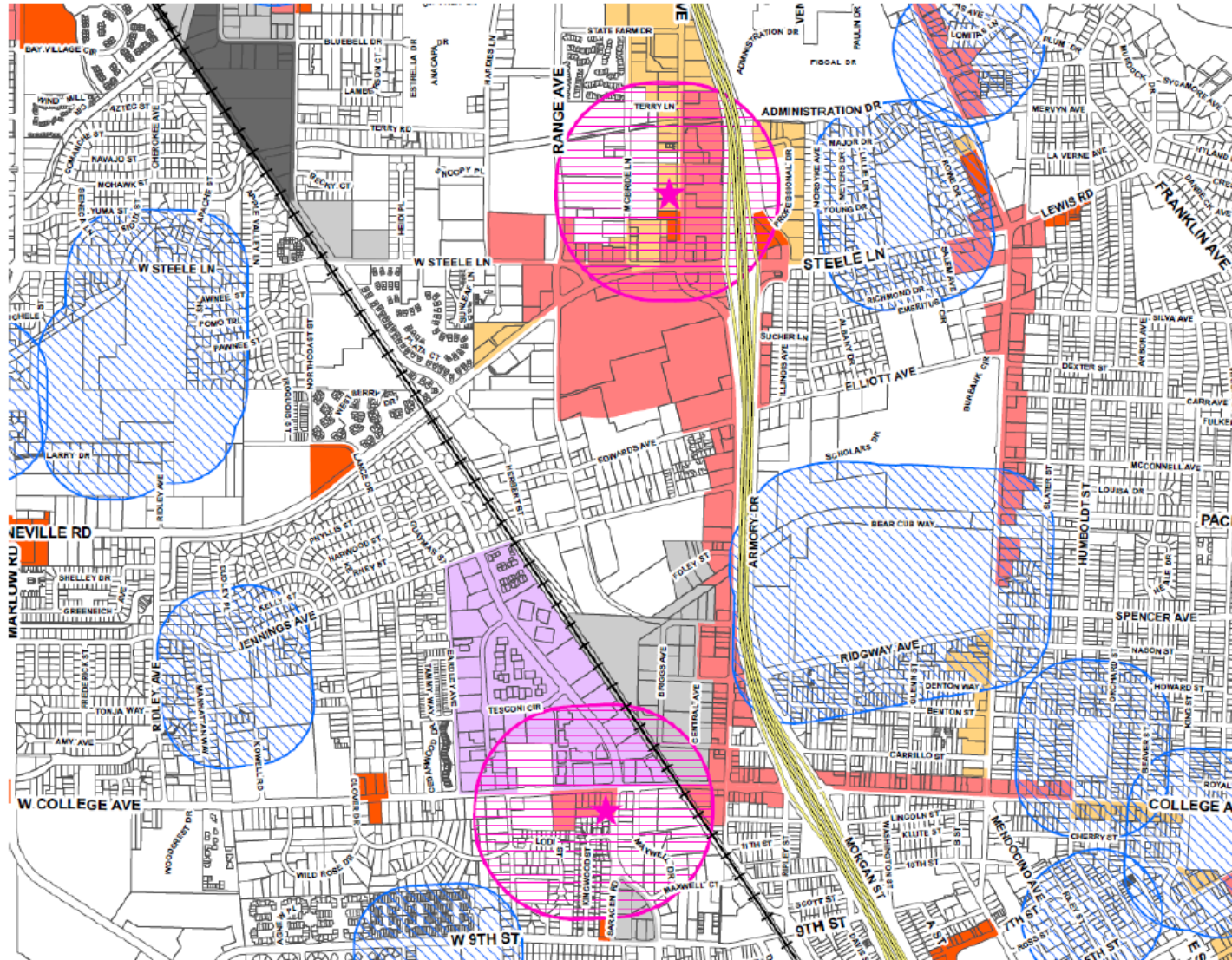
- **Deliveries** - Allowed from a Cannabis Retail facility with a storefront
- **Drive-through** – Not permitted
- **Hours of Operation** – 9:00 am to 9:00 pm
- **Security** – secured entry, products, cash
- **On-site consumption** – subject to state and local law; and use permit





# Medical Cannabis Retail - Setbacks

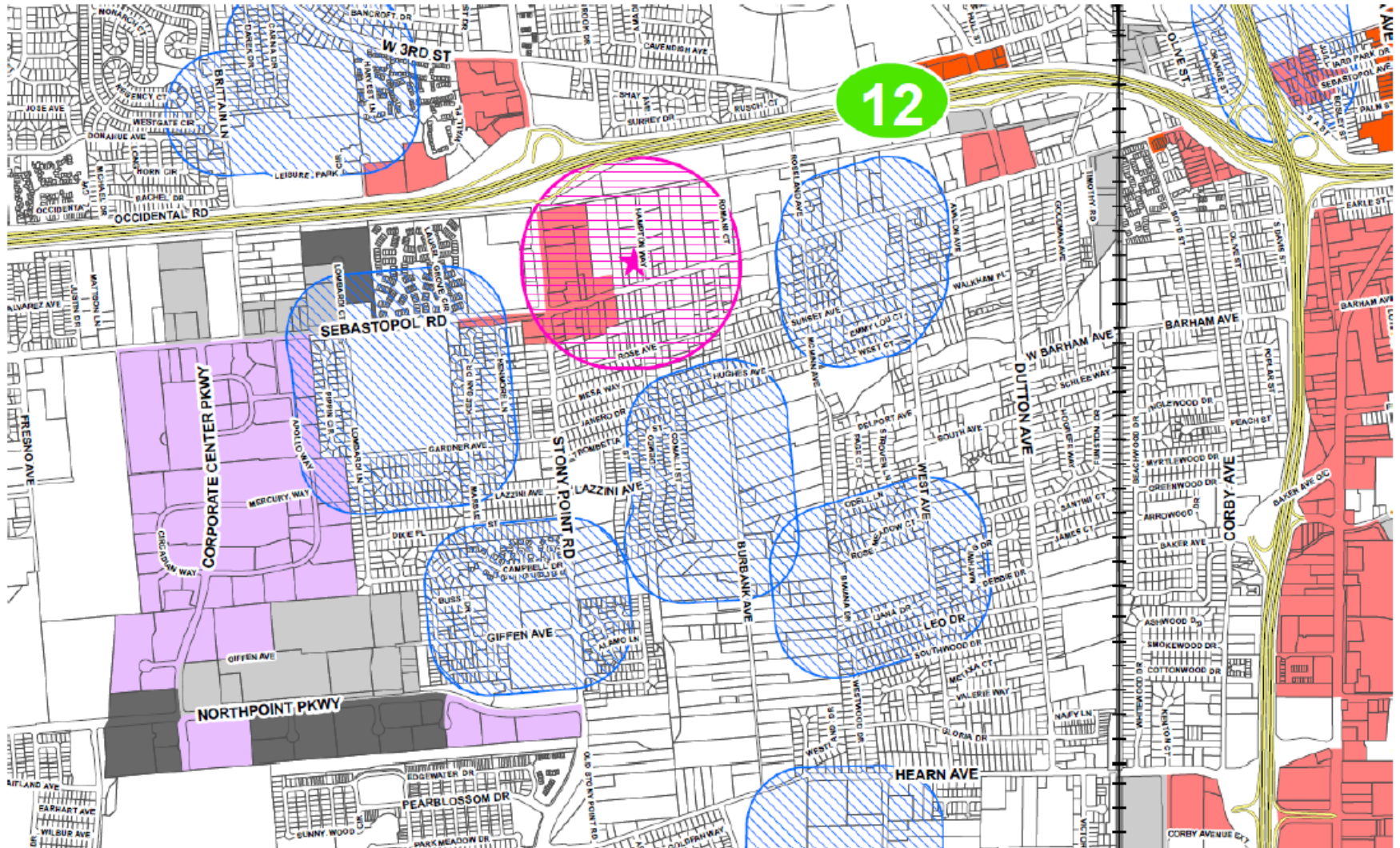
EXISTING DISPENSARIES IN CITY ON DUTTON AVE & CLEVELAND AVE





# Medical Cannabis Retail - Setbacks

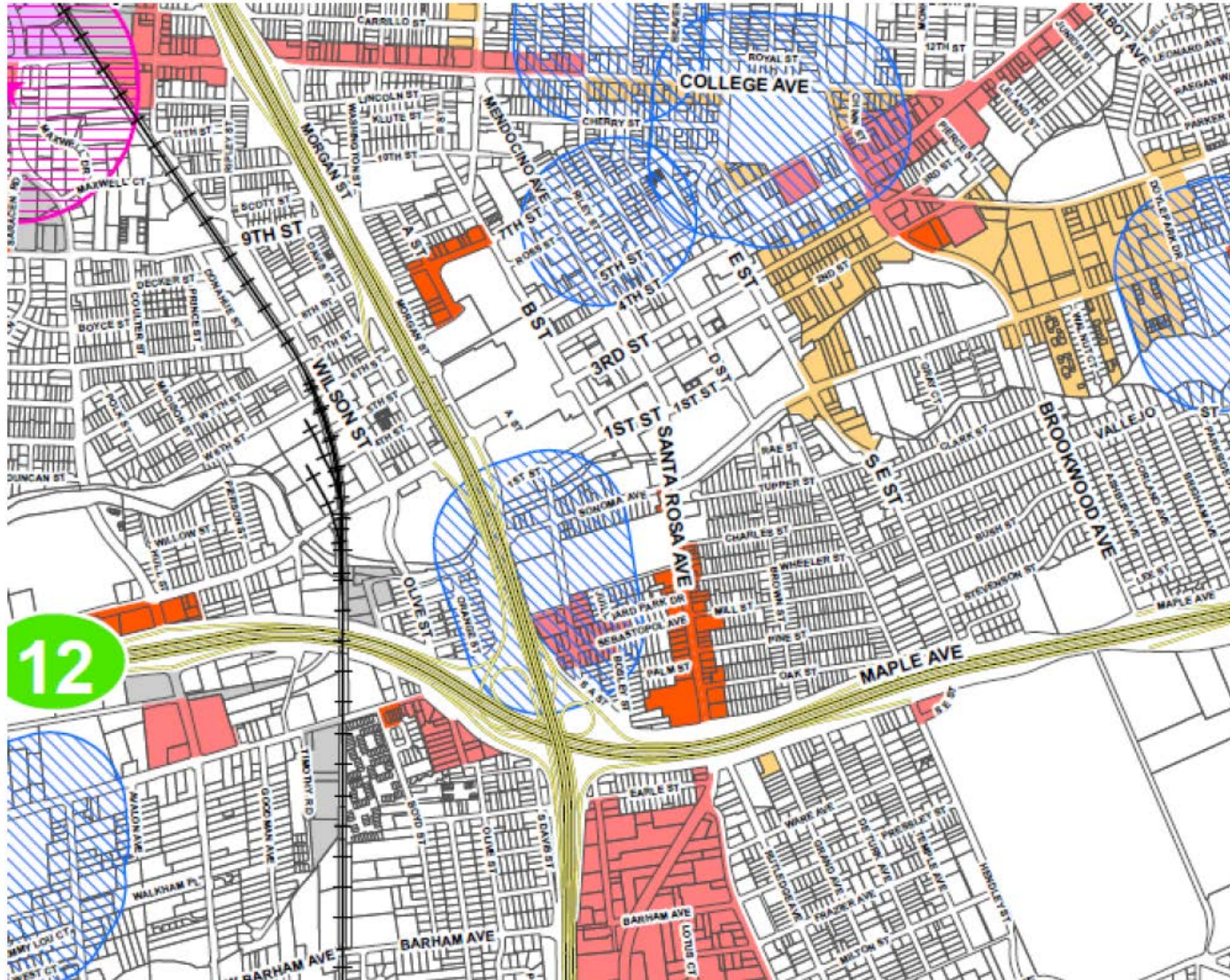
EXISTING DISPENSARY IN COUNTY ON HAMPTON WAY





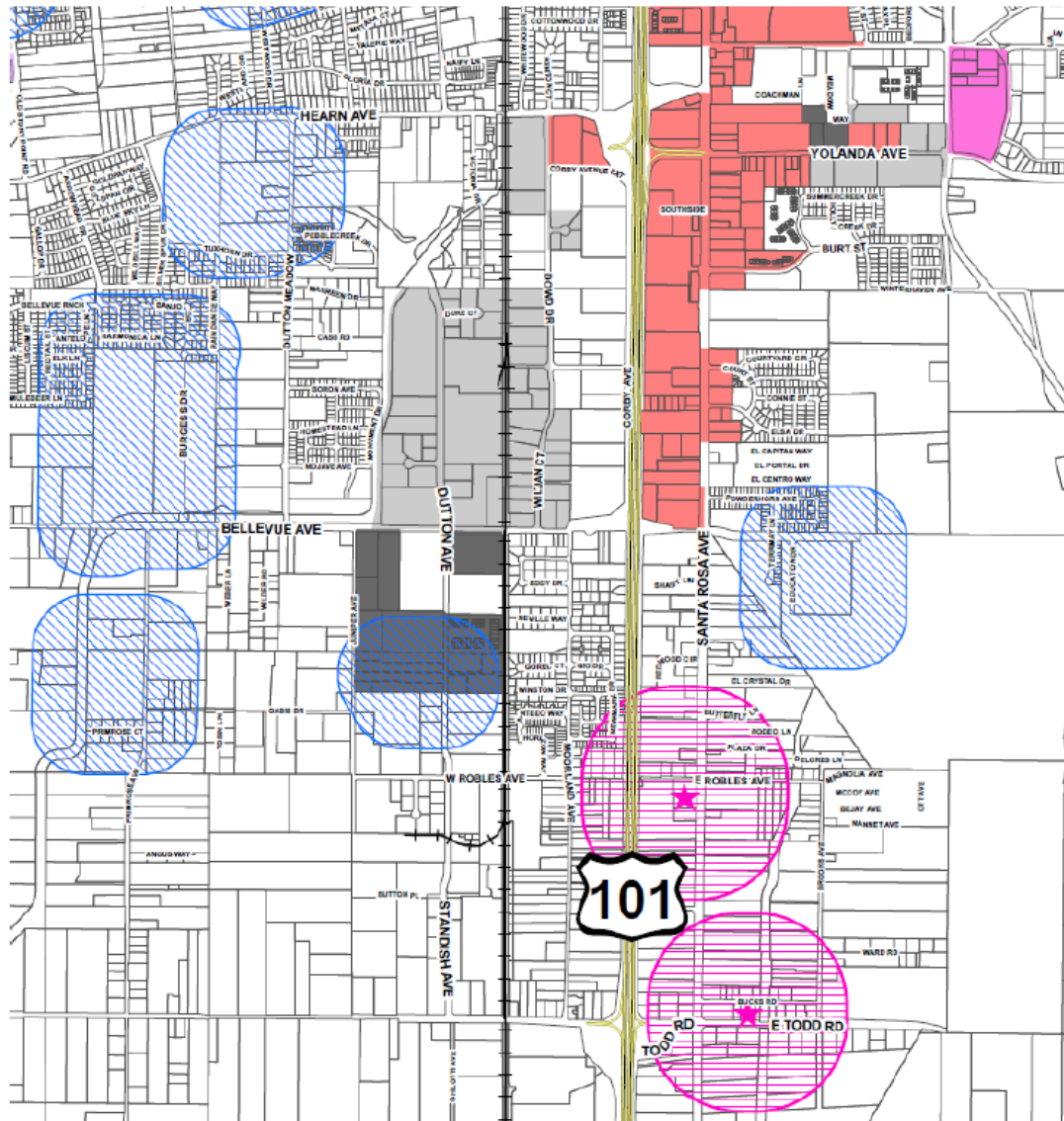
# Medical Cannabis Retail - Setbacks

DISPENSARY OPPORTUNITY NEAR DOWNTOWN CORE



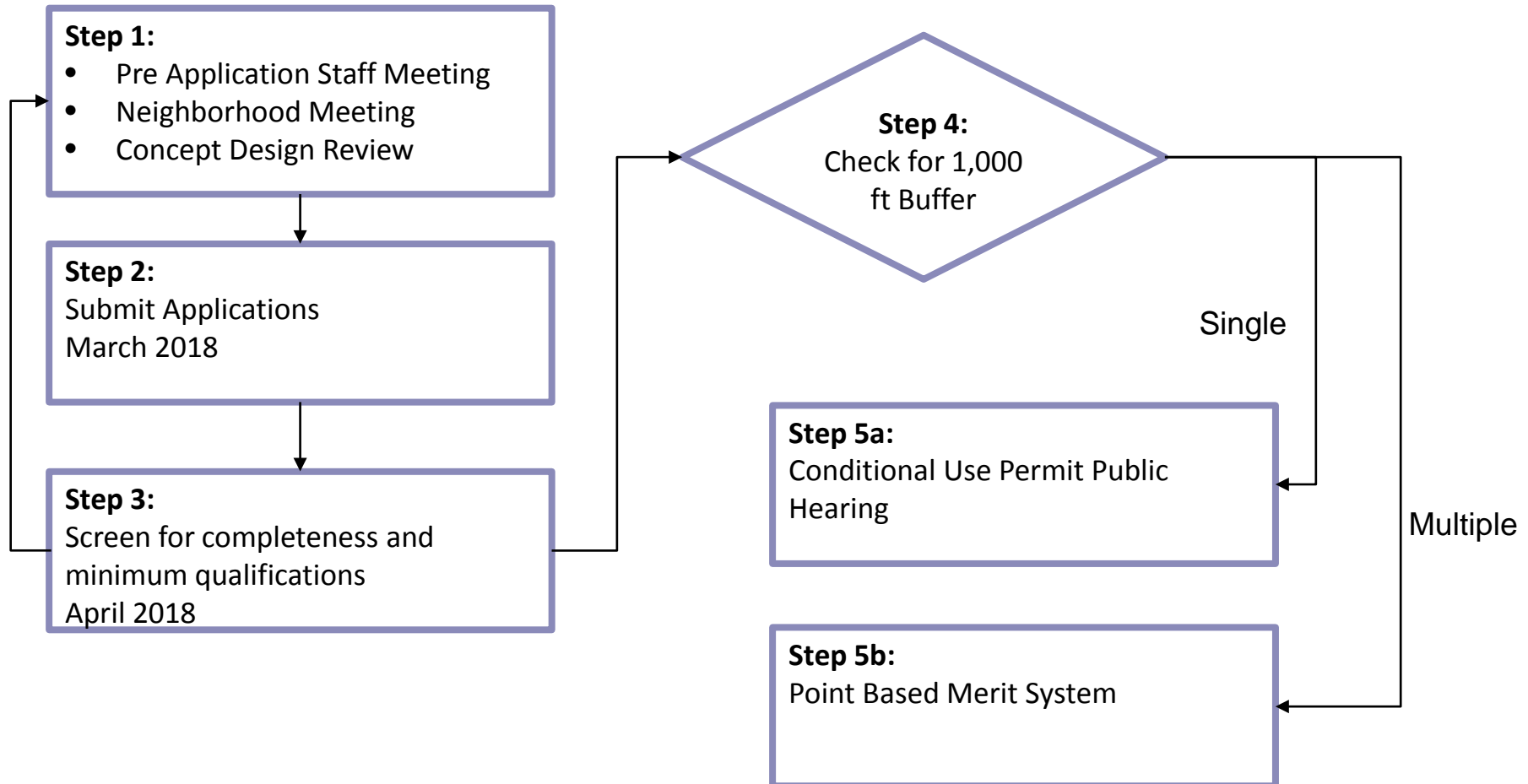
# Medical Cannabis Retail - Setbacks

EXISTING DISPENSARIES IN COUNTY ON TODD RD & SANTA ROSA AVE





# Draft 2018 Medical Retail (Dispensary) Application Process



# Medical Cannabis Special Events

- **Medical – on-site sale & consumption**
- **Dual Licensing required**
  - **Local Event Permit subject to conditions**
  - **State Temporary Event License**



# Adult Use Cannabis Businesses

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- **Prohibited in Draft Ordinance**
  - To be considered in a later phase
- **Prop 64, SB 94, AB 133, State requirements**
  - State laws are shrinking distinctions between adult use and medical
- **Council's Cannabis Policy Subcommittee – Consider Options**
  - Address Adult Use Cannabis Businesses in a later phase
  - Allow for Adult Use Support  
(Cultivation, Manufacturing, Distribution, Testing Laboratory)
  - Allow for Adult Use Retail  
(Retail Dispensary and Delivery and Microbusiness w/ Retail)

# California Environmental Quality Act (CEQA)

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- Exempt from CEQA as follows:
  - Section 15061(b)(3) – general rule for policy making activity
  - Section 15183 – consistent with general plan and zoning
  - Section 15301 – re-tenanting of existing facilities
  - SB 94 – exemption provided until July 1, 2019, for an ordinance that requires discretionary review and approval of permits to engage in commercial cannabis activity

# Schedule & Next Steps

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- Nov 1<sup>st</sup> – City Council hearing
  - Draft Comprehensive Cannabis Ordinance
  - Staffing/Fees
  - Dispensary Application Program
- Jan 2018 – Comprehensive Policy in Effect

- It is recommended by the Planning & Economic Development Department and the City Attorney's Office that the Planning Commission, by resolution, recommend the City Council adopt an ordinance enacting comprehensive regulations for cannabis through amendments of the Santa Rosa City Code; and
- Provide direction to staff regarding adult use support and/or adult use retail cannabis businesses.

*Stay informed and involved through*  
***[srcity.org/cannabis](http://srcity.org/cannabis)***

- **Policy**  
Clare Hartman, Deputy Director – Planning
- **Permits**  
Andrew Trippel, City Planner
- **Tax**  
David Guhin, Director, Planning & Economic Development