

# GREEN PEN DISPENSARY CONDITIONAL USE PERMIT

349 and 353 College Avenue

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- Green Pen, LLC (dispensary), proposes to operate a cannabis retail facility with delivery within a 2,943 square-foot building with a 25% parking reduction (3 parking spaces).
- Square-foot breakdown:
  - 1,772 square feet of retail space
  - 338 sq. ft. of storage
  - Remainder office, employee administration, and delivery operations
- Hours of operation - 9:00am and 9:00pm | 7 days a week.
- The applicant proposes delivery service.
- The applicant does not propose on-site consumption.
- Minor Exterior Modification at 349 College installs new parking lot in rear of property and remove planter box in front area of property

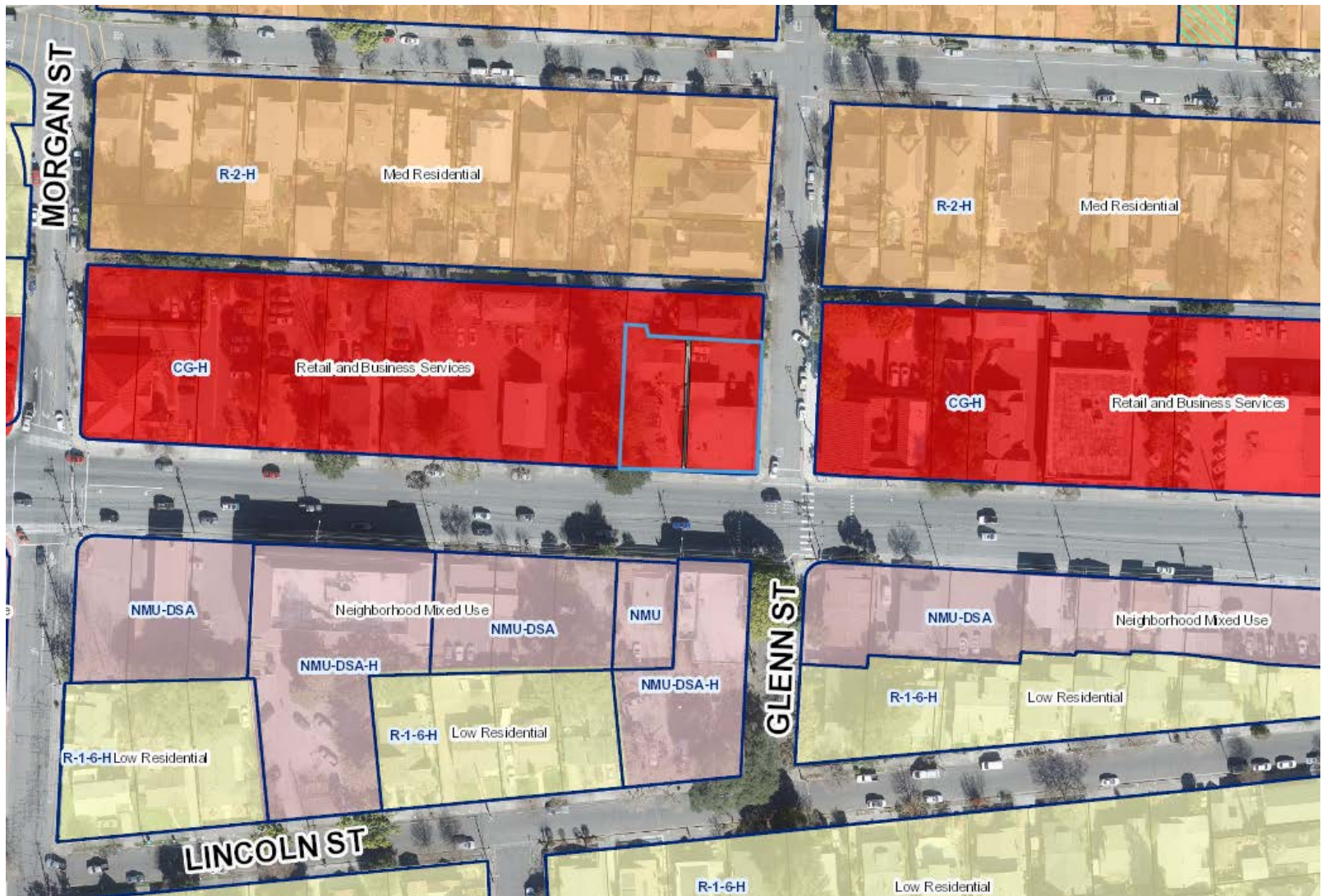
- Proposed deliveries to the dispensary is limited
  - Distributor Delivery 6 a.m. to 10 p.m. daily
  - All others (FedEx, office supplies) no earlier than 8:00 a.m. daily







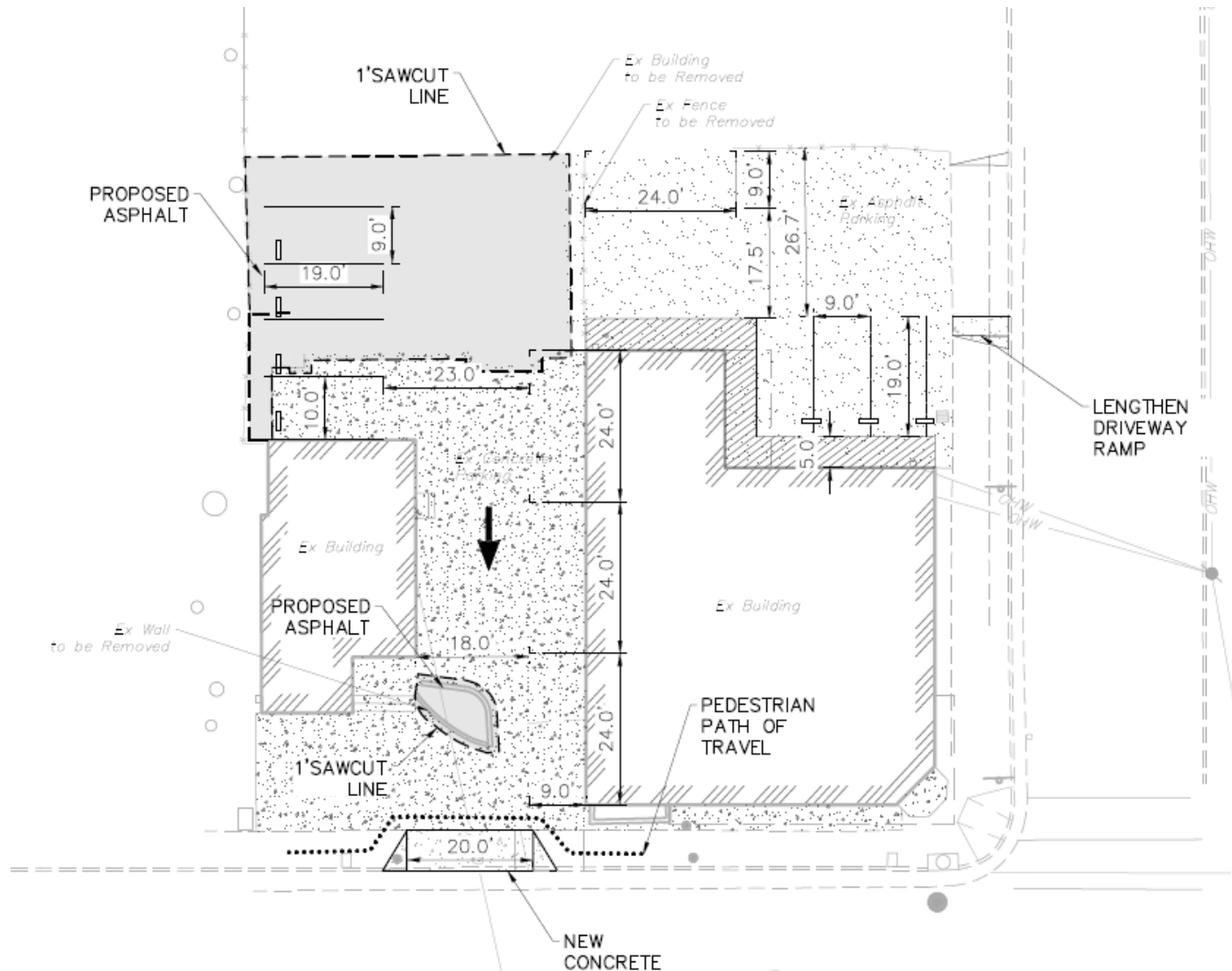




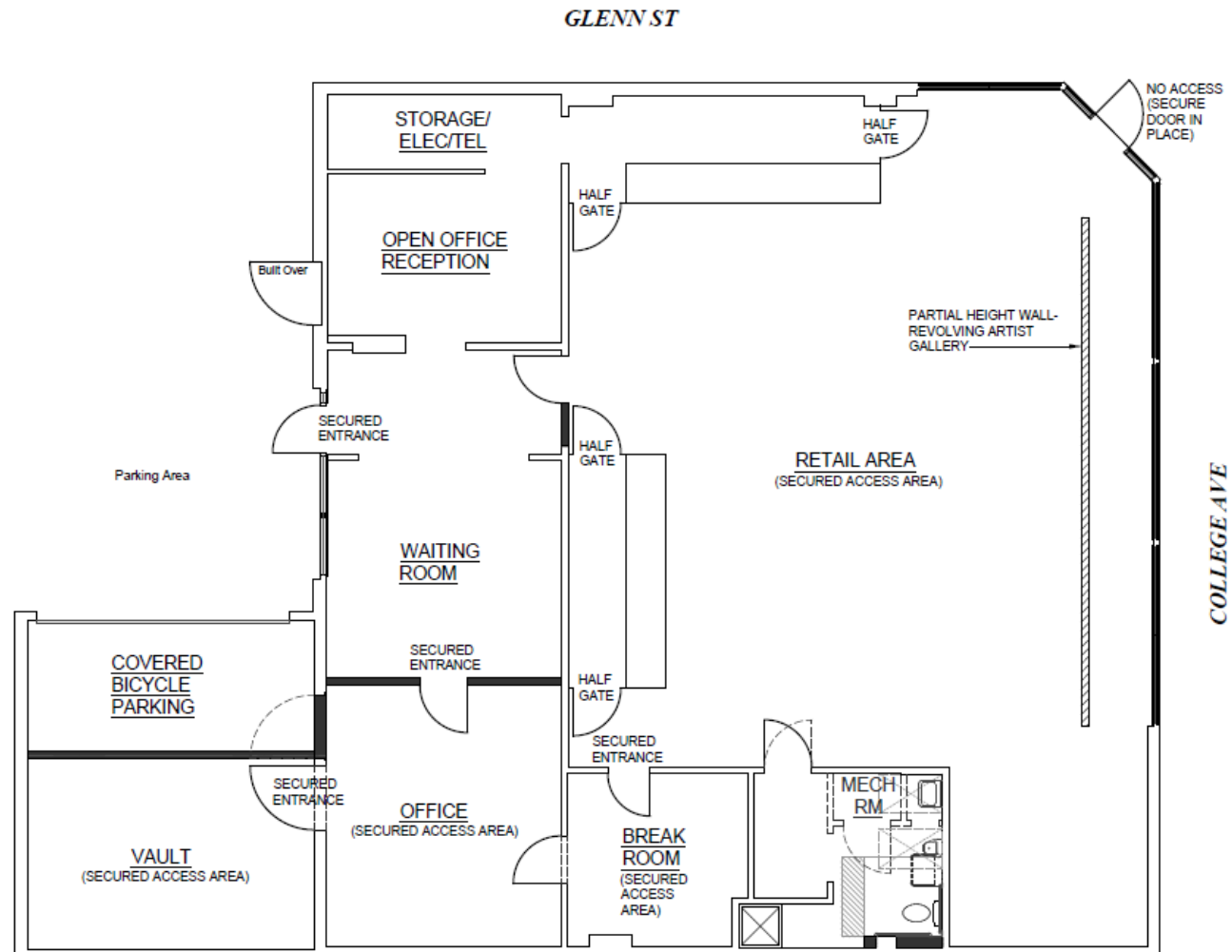
- Apr 20, 2018, Conditional Use Permit application submitted
- Apr 16, 2018, Neighborhood meeting held
- Jun 27, 2018, Application deemed complete
- Mar 14, 2019, Planning Commission Meeting was held and continued to a date uncertain (Trip Generation and Parking Study Updates)
- Sep 12, 2019, Planning Commission denied the Project by 2-2-1-2 vote
- Sep 23, 2019, Appeal was filed by the applicant
- Dec 30, 2020, Applicant withdrew the appeal
- Jan 27, 2021, Revised Project was submitted to PED

- Feb 5, 2021, Notice was sent out to owners and occupants within 600 feet of the project site
- Feb 24, 2021, Neighborhood Meeting was held for the revised Project
- May 10, 2021, Notice of Staff issues was sent to the applicant
- May 12, 2021, Applicant responded to Staff issues and the Project was deemed complete





# Floor Plan



## Front Elevation



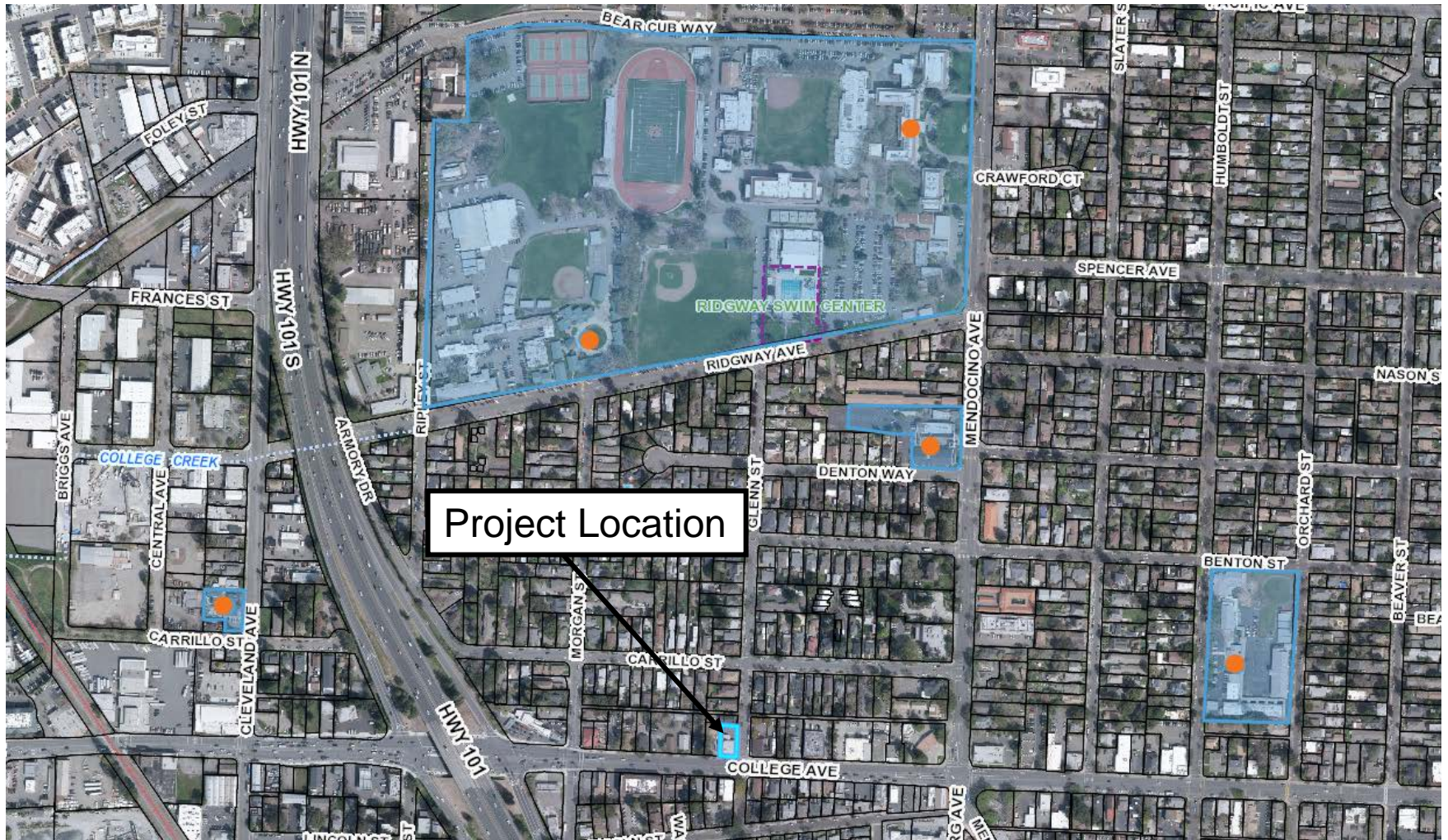
## East Elevation





# Proximity to Schools

## 353 College Avenue





# Legal Non-Conforming Building





- Dispensary use minus the previous use results in 43 PM peak hour trips
- Not subject to Traffic Impact Study
- Delivery consideration found a 63% trip reduction to standard trip rates

**Table 1 – Trip Generation Summary**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Previous											
Nursery (Garden Center)	2.943 ksf	68.10	200	2.43	7	5	2	6.94	20	10	10
Proposed											
*Marijuana Dispensary	2.943 ksf	85.12	251	1.59	5	4	1	21.27	63	33	30
Net Difference from Previous Use			51		-2	-1	-1		43	23	20

Note: ksf = 1,000 square feet; North Bay rates developed based on local data



- Updated onsite Circulation was found to be adequate for the site
- Entrance from Glenn St
- Exit onto College Avenue
  - Right-turn only exit
- The proposed project is classified as local-serving retail under the City's VMT screening criteria and therefore be expected to have a less-than-significant impact on VMT

- Total 2,943 sq. ft. of building requiring 1 space/250 sq. ft. = 12 total parking spaces
- Total parking for use is nine (9) spaces after reconfiguration of parking and circulation
- The use has a deficiency of 3 spaces or 25%, for the proposed use

**Table 2 – Parking Summary**

Land Use	Units	Rate	Parking Spaces
<b>City Required Parking</b>			
Cannabis Retail	2,943 sf	1 space/250 sf	12
Office	1,250 sf	n/a	2
<b>Total City Requirements</b>			<b>14</b>
<i>Existing Supply</i>			<b>8</b>
<b>Proposed Supply</b>			<b>11</b>

Notes: sf = square feet

- The applicant is proposing:
- Nine (9) parking spaces on-site with one (1) ADA parking space
- Employee parking offsite
- 12 covered bicycle parking spaces on-site
- Customer parking limited to 30 minutes
- There is sidewalk infrastructure and public transit
- On-street loading space (24 minute) available for the applicant but not specific to this business/site

# Parking Reduction Requirements

- Zoning Code Section 20-36.050(C)(1)(b), the review authority may reduce the amount of parking by any amount for a project that requires a Conditional Use Permit after making the following findings:
  - Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Table 3-4 (20-36.040); and
  - The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use





- Support
- Concern for increased crime
- Concern for increased traffic
- Concern for proximity to schools

# Conditional Use Permit

## Required Findings a - c

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- a) The proposed use is allowed within the applicable zoning district and **complies with all other applicable provisions of the Zoning Code** and the City Code;
- b) The proposed use is **consistent with the General Plan** and any applicable specific plan;
- c) The design, location, size, and operating characteristics of the proposed activity would be **compatible with the existing and future land uses** in the vicinity;

# Conditional Use Permit

## Required Findings d - f

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- d) The site is **physically suitable for the type, density, and intensity of use** being proposed, including access, utilities, and the absence of physical constraints;
- e) 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
- f) The proposed project has been reviewed in **compliance with the California Environmental Quality Act (CEQA)**.



# Environmental Review

## California Environmental Quality Act (CEQA)

- The project qualifies for a CEQA Class 1 Categorical Exemption (Section 15301) as an existing private structure involving negligible expansion of use.
- The project qualifies for a CEQA Class 3 Categorical Exemption (Section 15303) as it involves a change of use, where only minor modifications are made to the exterior of the structure.

Planning and Economic Development Department recommends that the Planning Commission:

- Approve resolution for CUP18-080 to allow a retail cannabis retail (dispensary) at 353 College Avenue with offsite parking located at 349 College Avenue and a three (3) parking space reduction or 25% pursuant to Zoning Code section 20-36.05(C)(1)(b.)

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