

City Council

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City of Sebastopol Planning Commission Staff Report

Meeting Date: October 25, 2016
Agenda Item: 8A
To: Planning Commission
From: Kenyon Webster, Planning Director
Dana Morrison, Assistant Planner
Subject: Use Permit and Zoning Ordinance Text Amendment
Recommendation: Approval of the proposed Use Permit; Recommend Approval of Text Amendment
Applicant/Owner: Traditional Living Inc. / Southpoint Ave. Investors LLC
File Number: 2016-68; 2016-69
Address: 785 Gravenstein Highway South
CEQA Status: Categorical Exemption - Section 15301, Class 1: Existing Facilities;
Section 15305, Class 1 Minor Alterations in Land Use Limitations
General Plan: General Commercial
Zoning: CH- Heavy Commercial

Project Description:

This is an application, submitted by Traditional Living Inc., for Use Permit approval with an associated Text Amendment to allow for the operation of a medical cannabis dispensary in a tenant space in the Southpoint Shopping Center located at 785 Gravenstein Highway South. The application has been filed in accordance with the Chapter 17.140 establishing Regulations and Procedures for Medical Cannabis Dispensaries, and the City has processed the application in accordance with the Medical Cannabis Dispensary Ordinance. Per Chapter 17.140, the Planning Commission shall review cannabis dispensary applications per the guidelines set forth in that chapter. Included with the application is a detailed written statement describing the business plan, security plan and patient membership requirements, and exhibits for the Commission's review (attached).

The intent of the City's regulations is to address the needs of persons who are in need of cannabis for medical purposes. It is not the intent of the adopted regulations to allow the use of cannabis for non-medical purposes, and the City Council adopted detailed and demanding procedures and standards in support of that intent.

Under the current Medical Cannabis Dispensary Ordinance only one (1) dispensary is permitted within the City limits (17.140.080). An existing, permitted cannabis dispensary already exists inside the City limits. Peace in Medicine currently operates a medical cannabis dispensary located at 6771 Sebastopol Av, Suite #100. The dispensary was approved in June 2007 and the business offers medical cannabis and products for sale, as well as support groups and classes. The City has not had any significant issues with the dispensary over the course of the past 9 years.

For the new proposed dispensary to be approved, located at 785 Gravenstein Highway South, a Zoning Ordinance Text Amendment to allow for a second dispensary within the City of Sebastopol is required and has been requested. Minor amendment of various other provisions is also requested.

Traditional Living Inc.'s business plan for the second dispensary is highly detailed. The dispensary is proposed to be operated from a tenant space located in the Southpoint Shopping Center. The Center includes California Cuts, Perfect Nail Salon, Spencer's Fish and Chips, Ochoa: Mexican Restaurant, Sakura Bistro, Sue's Circuit, The Legacy Thrift and Gift Shop, Ink Sale, Round Table Pizza and Southpoint Self Storage. According to the applicant, each of the current tenants have been informed of the proposed Cannabis Dispensary and 5 out of the 9 have signed a letter supporting the proposed project. The applicants are proposing to operate out of a 1,900 square foot suite located inside the Center.

A total of 620 square feet are proposed for the actual dispensary with the other square footage being devoted to a workroom, a storage area, an office and a waiting area. The applicants indicate that a full staff of 10-15 people, in a combination of full and part time positions, will be used initially. Traditional Living Inc. states that they plan to hire a diverse local staff and pay a strong living wage to all employees.

Traditional Living Inc. states they will provide a wide variety of the highest quality, locally sourced, sustainable medical cannabis products. According to the applicant, different varieties of medical cannabis can provide different palliative effects, from pain relief to appetite stimulus to stress relief and even to metabolic controls of things such as diabetes. Medical cannabis also comes in different strengths (a range of concentrations of the active ingredients), and Traditional Living Inc. states they will offer a sufficient variety of medical cannabis of varying strengths and chemical contents to provide relief from many known ailments, and will keep abreast of the ongoing research by industry professionals to further refine the product line it dispenses from a medical standpoint.

In addition to psychoactive medical cannabis products, Traditional Living Inc. states they will offer topical and edible cannabis products that are non-psychoactive and high in CBD content, plus educational materials and patient support programs about the different types of medical cannabis available and the different means of ingesting cannabis.

Traditions Living Inc. states they will have a selection of the most cutting edge vaporizers available for sale as well, so patients can purchase devices that will allow them to consume cannabis in the safest way possible, maximizing medical benefits and minimizing side effects and potential health risks. Books on the science and growing of medical cannabis will also be available for purchase, so patients can get access to the most up to date scientific information about medical cannabis. Lastly, Traditional Living Inc. will sell a small collection of apparel.

Based on market conditions, the dispensary anticipates serving approximately 750 patients per month. Patients will be encouraged to participate in off-site programs and support groups hosted by Traditional Living Inc. Classes and additional services include, but will not be limited to: wellness support groups, medical cannabis use and awareness classes, health information and community resource information, access to books and other resources, outreach to senior programs, and medical cannabis referrals to appropriate health professionals.

Text Amendment:

As noted, the applicant is requesting several amendments to the City's dispensary regulations:

- Section 17.140.080 would be amended to change the City-wide dispensary allowance, from one establishment, to two.
- Section 17.140.100 B. 2. Regarding minors would be amended to provide “or as otherwise allowed by California law.” This change is to recognize that State law may also address this aspect.
- Section 17.140.080 C. would be amended to change allowed operating hours/days. The new allowance would be from 7:00 a.m. to 9:00 p.m. seven days per week. The change is requested to provide business hours similar to other retail establishments.
- Section 17.140.080 D. would be amended to eliminate the 1,000 sq. ft. size limitation.
- Section 17.140.080 H. b. regarding security issues, would have the word ‘access’ added to clarify the original intent of the provision.
- Section 17.140.080 H. 4. regarding operating at a profit, would have the phrase “...except as otherwise provided by law” to acknowledge that State law may address this issue and supercede local regulations.
- Section 17.140.080 I. 4. regarding odor control would be revised to state that air treatment systems shall limit odor, rather than preclude odor. This is intended to create a more realistic standard.
- Section 17.140.080 J. 4. would be revised to eliminate the existing ordinance’s special restrictions on business signs, and instead allows signs consistent with other City ordinances.
- Section 17.140.080 F. 8. regarding tax history, would have a phrase added, “where available” to acknowledge that in some situations, such as a new business, no such history would be available.
- Section 17.140.110 F. 13. c. would eliminate a reference to limits on the number of patients, since the original ordinance did not include such limits.

Analysis

CEQA:

The proposed cannabis dispensary is exempt from the requirements of CEQA pursuant to Section 15301, Class 1: Existing Facilities of the CEQA Guidelines. This Section exempts the operation and permitting of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The dispensary would operate in an existing building which was formerly and exercise business, thereby qualifying for the exemption.

The requested code amendments allow operation of a second dispensary, and make other relatively minor changes to code requirements for dispensaries. In that dispensaries are treated as a retail use, and operation of the existing dispensary has not created any significant issues or impacts, amendment of the code to allow a second dispensary in the City limits would not create significant environmental effects and qualifies for an exemption under Class 5, Minor Alterations in Land Use Limitations.

General Plan Consistency:

The General Plan Land Use Designation for this site is General Commercial, which provides for a wide range of commercial uses such as offices, retail stores, pharmacies, medical clinics and other similar uses. The project is consistent with this designation.

Zoning Ordinance Consistency:

This building is located in the CH: Heavy Commercial district where cannabis dispensaries are permitted as a conditional use. No physical modifications, aside from tenant improvements, have been proposed for the building.

Text Amendment:

Staff recommends approval of the text amendments. Based on experience with the existing dispensary, which has not been the source of significant issues, it appears reasonable to allow a second dispensary.

The other amendments also appear appropriate. The dispensary size limit in the original ordinance has been modified for previous applications, and appears unduly restrictive. With only two dispensaries allowed, and with a Use Permit required, the City can provide close review of any dispensary applications.

The change in operating hours and days also appears appropriate, to treat dispensaries more like other retail businesses and not impose special restrictions.

Likewise, eliminating special sign restrictions would treat such businesses like other retail establishments.

Changes to Regulatory Environment:

The cannabis regulatory environment is evolving. The State has recently adopted regulations that specify different types of potentially allowable medical cannabis businesses. Staff's understanding is that local jurisdictions have discretion on local land use regulations pursuant to these new State regulations. Some jurisdictions have begun to create their own local control under the State regulatory scheme. Sebastopol has not yet initiated that process.

The November 2016 State ballot includes an initiative to legalize recreational possession and sale of cannabis. The full implications of this initiative are not fully understood, but staff's interpretation at this time is that localities will continue to have discretion on whether and how to allow recreational sales in communities. One option, should the initiative pass, may be to allow such sales at regulated dispensaries. There may be other appropriate approaches.

Sebastopol will need to review the recent State laws, and if the initiative is approved, that law as well, and consider its options for updating its cannabis regulations.

As a separate action, the Commission may wish to recommend that the City Council initiate an update of cannabis regulations following the November election.

Use Permit:

In staff's analysis of the Use Permit application, the application has demonstrated compliance with the Chapter 17.140, provided the Text Amendment is approved. A detailed analysis is as follows:

Limitations of Location of Dispensary:

Municipal Code Section § 17.140.090 provides limitation guidelines for dispensary locations. These limitations are as follows:

- (A) *A dispensary may only be located within commercial and industrial designated areas, i.e., those so designated in the General Plan and Zoning map.*

The dispensary is proposed to be located in the General Commercial General Plan and zoning district, which complies with this requirement.

- (B) *A dispensary shall be in a visible location that provides good views of the dispensary entrance, windows and premises from the public street.*

The dispensary is proposed to be located in a visible building on Gravenstein Highway South, a public street. The building's windows can be seen from the street and parking lot and the front entrance is located on the southern side of the building, facing the Southpoint Shopping Center parking lot.

- (C) *A dispensary shall not be allowed in the following areas at the time of its permitted establishment:*
- (1) *Within 500 feet of a youth-oriented facility, a school, a park except for the Laguna Wetlands Preserve and the Town Plaza, a smoke-shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary; or*
 - (2) *Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation.*
 - (3) *On a parcel having a residential unit, or on a parcel directly abutting a residentially-zoned property, unless there are intervening non-residential uses between the dispensary and the residential unit or the residentially-zoned property that the Planning Commission determines sufficient to provide an appropriate separation.*

The proposed location of the dispensary is not within 500 feet of a youth-oriented facility or a residentially zoned property. There is a parcel designated as 'park' within 500 feet: Spooner Park. The Ordinance allows for an exemption from this setback requirement where a "condition exists which achieves the same purpose and intent as the distance separation requirements established herein." Spooner Park is a park in name only. It does not operate as a gathering space for the public for recreation or entertainment. The new General Plan will not count it as a park space. In addition, as it is located in the middle of a very busy State Highway, there is a physical condition that achieves the code intent. Thus, a setback from this 'park' appears unnecessary.

- (D) *The distance between a dispensary and above listed uses shall be made in a straight line from the boundary line of the property on which the dispensary is located to the boundary of the property on which the facility, building or structure, or portion of the building or structure, in which the above listed use occurs or is located.*

As stated by the applicants, the distance between the residentially zoned properties and youth oriented facilities and the proposed dispensary location were taken from a straight-line measurement.

Dispensary Operating Requirements:

In addition to the dispensary location restrictions, the applicants are required to comply with the Operating Requirements, as set forth in Section § 17.140.100. Details of Traditional Living Inc.'s compliance with these requirements are as follows:

- (A) **Criminal History.** *Any applicant, his agent or employees, volunteer workers, or another person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or is on probation for a drug offense, or engaged in misconduct related to the qualifications, functions, or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.*

Per information submitted by the applicant and reviewed by the Police Department, the applicants, agent, employees, volunteers, or anyone having managerial authority of the dispensary have not been convicted of a felony, or of a misdemeanor involving moral turpitude. In addition, the applicants have indicated that background checks will be performed on prospective employees and volunteers prior to employment.

(B) **Minors**

- (1) *It is unlawful for any permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age.*

Per the application, Traditional Living Inc. will not permit the employment or volunteering of persons under 18 years of age. All employees and volunteers will be required to provide valid Federal or California identification, verifying their date of birth, prior to employment.

- (2) *Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian for the first visit.*

Traditional Living Inc. does not intend to permit persons under the age of 18 access to the premises unless they are a qualified patient or primary caregiver, and they are in the presence of a parent or guardian for the first visit. The requested text amendment includes language referencing State law, to acknowledge that such law may also address this issue.

- (3) *The entrance to the dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from*

entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or a guardian for the first visit.

The entrance to Traditional Living Inc. will be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they must be in the presence of their parent or guardian for their first visit.

- (C) **Operating Hours.** *Unless the reviewing authority imposes more restrictive hours due to specific considerations for a particular application, a dispensary shall only be operated during the following days and hours:*
- (1) *Sunday through Thursday: 7:00 AM to 9:00 PM*
 - (2) *Friday and Saturday: 9:00 AM to 9:00 PM*
 - (3) *Christmas Day, New Year's Day, Memorial Day, Labor Day, 3rd and 4th of July, and Apple Blossom Parade day: closed*

The application states that the dispensary will operate in accordance with operating hour restrictions, however the Text Amendment proposes that hours be modified, as previously described.

- (D) **Dispensary Size and Access.**
- (1) *The dispensary size shall not exceed 1,000 square feet exclusive of restroom facilities, unless specifically authorized by the approving authority. Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on the City.*

The proposed square footage of the dispensary is 1,900 square feet. The applicant requests that the Planning Commission make an exception to the 1,000 square foot limitation by supporting the text amendment to eliminate the size restriction. In the application it indicates that the actual area proposed to be dedicated to the 'dispensary' portion of the business is 620 square feet. In addition to the dispensary area, the applicant is also proposing to provide a 324 square foot work room area, a 364 square foot waiting area, a 100 square foot office area, a 100 square foot storage/safe room, and the remaining 392 square feet serving as a hallway, employee restroom and utility room. The applicants indicate that the additional square footage is necessary to run the dispensary smoothly, in regard to patient services, and to provide enough area for the staff to work efficiently.

- (2) *A dispensary shall not be increased in size (i.e. floor area or number of patients) without a prior approval amending the existing dispensary permit. Approval of the proposed plan will effect compliance with the provision.*

- (3) *The entrance into the dispensary building shall be locked at all times with entry strictly controlled: e.g. a buzz-in electronic/mechanical entry system is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.*

The applicant states that the entrance to the dispensary will be locked at all times and entry will be strictly controlled by the Entrance Screening Staff. Only primary caregivers and qualified patients, who show their valid California recommendation, will be permitted in the designated dispensary area; all others will be required to remain in the waiting area.

- (4) *Dispensary personnel shall monitor site activity, control loitering and site access.*

The applicants intend to utilize the Entrance Screening Staff to monitor site activity and control loitering and site access. A sliding window will be provided to allow Entrance Screening Staff in the Main Dispensary Area to observe activity in the Waiting Area. An electronically controlled door shall be provided to grant access from the Waiting Area to the Main Dispensary Area. A minimum of one staff person will be stationed at the front entrance at all times. Additionally, electronic access control or a cipher access will be utilized to enter the Office and Work Room Areas.

- (5) *Only dispensary staff, primary caregivers, qualified patients, and persons with bona fide purposes for visiting the site shall be permitted at the dispensary.*

The Entrance Screening Staff will be responsible for ensuring that access to the dispensary will consist of dispensary staff, primary caregivers, qualified patients, and persons with bona fide purposes for visiting the dispensary.

- (6) *Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.*

Only patients and caregivers with a valid written California recommendation from the patient's physician will be permitted into the dispensary.

- (7) *Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front.*

The applicants have indicated that the proposed business will comply with this restriction.

- (8) *Restrooms shall remain locked and under the control of management.*

The applicants indicate that the restroom will be locked and under control of management.

- (E) **Dispensary Supply.** *A dispensary may possess no more than eight ounces of dried cannabis per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.*

The applicants have indicated that they will verify that the amount of cannabis requested is within lawful limits.

(F) **Dispensing Operations.**

- (1) *A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.*

The applicants indicate that the dispensary will only allow patients to make one purchase per day to ensure that cannabis is only being dispensed in amounts to meet the monthly needs of patients.

- (2) *A dispensary shall only dispense to qualified patients or caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card, or a currently valid California Medical Marijuana Identification Card or a Patient ID Center Identification Card.*

Traditional Living Inc. will only dispense to qualified patients or caregivers with a currently valid physician's recommendation or other recognized identification in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Traditional Living Inc. will require such persons to provide valid identification.

- (3) *Prior to dispensing medical cannabis, the dispensary shall obtain verification that the individual requesting medical cannabis is a qualified patient.*

In their written statement, the managers of Traditional Living Inc. confirm that prior to dispensing medical cannabis, they will obtain verification of patient status.

- (4) *A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.*

The applicants have confirmed that there will not be a physician located on-site for patient evaluation.

- (5) *Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy.*

The applicants state that Traditional Living Inc. will maintain patient records and verify them as needed, but no less than annually.

- (6) *Information on prior year's operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address issues.*

The applicants have agreed to provide information as requested by the City, and at a minimum, annually.

(G) Consumption Restrictions.

- (1) *Cannabis shall not be consumed by patients on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees and registered volunteers who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs via oral consumption or vaporization, not smoking.*

The application indicates that Traditional Living Inc. will not permit cannabis consumption by patients on the premises, including the building, accessory structures, parking areas, or other surroundings within 200 feet of the entrance to the dispensary. Only Traditional Living Inc. employees and registered volunteers who are qualified patients will be permitted to consume cannabis via topical or oral consumption, not smoking, within the enclosed building area of the premises.

- (2) *Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, State or City Codes.*

The application indicates that the dispensary will operate in a manner to prohibit illegal use or redistribution of medical cannabis obtained from the dispensary in any manner that violates state or city law. All medication dispensed by Traditional Living Inc. will be clearly labeled that

its use is for authorized medical cannabis patients only and that resale is strictly prohibited. They will also seek to deter illegal use or redistribution of medical cannabis by providing members with detailed information on the legal and ethical repercussions of doing so.

(H) Retail Sales and Cultivation.

- (1) Except immature nursery stock cannabis plants, no cannabis shall be cultivated on the premises of the dispensary, or as otherwise in compliance with Health and Safety Code Section 11362.5 et seq.*

In his written statement, the applicants affirm that cultivation limits will be imposed in compliance with City ordinance.

- (2) With the approval of the Planning Commission a dispensary may conduct or engage in the commercial sale of specific products, goods or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.*

The application states that the cannabis dispensary will only conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

- (3) Up to 150 square feet of the dispensary may be utilized for display and sales of devices necessary for administering medical cannabis, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers.*

Traditional Living Inc. will maintain compliance with these requirements.

- (4) A dispensary shall not cultivate, distribute or sell medical cannabis for a profit.*

The text amendment requests that this provision be modified to acknowledge that other law may allow for this aspect.

- (5) A dispensary shall not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation.*

Traditional Living Inc. will maintain compliance with these requirements.

- (6) *A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.*

The application states that the proposed dispensary will meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

- (7) *The provision of locally-grown and organic cannabis is encouraged.*

The application states that Traditional Living Inc. seeks to make available cannabis that is medical grade, locally grown, and organic wherever possible.

(I) **Operating Plans.**

- (1) *Floor Plan. A dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.*

As indicated on the floor plan provided, the dispensary is proposed to include a 'member services' and waiting area at the entrance to the dispensary. This area will not have access to the dispensing area. A separate and secure area for dispensing medical cannabis is proposed beyond the security checkpoint, also proposed to be provided, behind a locked door. The entrance is proposed to be maintained clear of barriers, landscaping, and other obstructions so that it is clearly visible from public streets, sidewalks, and site driveways.

- (2) *Storage. A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.*

The applicants have indicated that a secure, locked storage area will be provided on site for after-hours storage of medical cannabis.

- (3) *Minimum Staffing Levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.*

The dispensary will be staffed with at least one (1) person during all hours of operation and that person will not be responsible for dispensing medical cannabis.

- (4) *Odors Control. A dispensary shall have an air treatment system that ensures off-site odors shall not result.*

In the written statement, the applicant states that operation will be performed within specifically defined areas of adequate size, and which does not emit an odor that is detectable outside the facility. Operating plan will comply with requirements for odor control. The text amendment requests modification of this code requirement to express a more workable standard.

- (5) *Security Plans. A dispensary shall provide adequate security on the premises, as approved by the Chief of Police and reviewed by the Planning Commission, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.*

The application states that adequate security will be provided on the dispensary premises to insure the safety of persons and to protect the premises from theft. The proposed security plan has been confidentially provided to the Sebastopol Police Chief for his review and approval.

- (6) *Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.*

As part of the proposed security plan for the dispensary, several security cameras will be installed throughout the dispensary to adequately monitor the main entrance and the exterior of the premises. The cameras will serve to discourage loitering, crime, illegal or nuisance activities.

- (7) *Security Video Retention. Security video shall be maintained for 72 hours.*

A minimum of 30 days of storage capability of the video surveillance system shall be provided on the local NVR and Cloud Storage.

- (8) *Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition.*

The dispensary intends to employ a professionally monitored robbery and burglary alarm system.

- (9) *Emergency Contact. A dispensary shall provide the Chief of Police with the name, phone number and facsimile number of an on-site community relations*

staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

Traditional Living Inc. will provide the Chief of Police with the name, phone number, and fax number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary.

(J) Signage and Notices.

- (1) *A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.*

The applicants indicate that a notice will be clearly and legibly posted inside Traditional Living Inc. indicating that smoking, ingesting, or consuming cannabis on the premises within 200 feet of the dispensary is prohibited.

- (2) *Signs on the premises shall not obstruct the entrance or windows.*

The applicants have confirmed in the application that signs on the premises will not obstruct the entrance or windows to the dispensary.

- (3) *Address identification shall comply with Fire Department illuminated address signs requirements.*

The applicants have indicated that the address identification of the dispensary will comply with the Fire Department illuminated sign requirements.

- (4) *Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less. Signs shall comply with all ordinances and not contain any logos or information that identifies, advertises or lists the services offered.*

The applicants have requested a text amendment to modify this section, to allow dispensary businesses to have signs consistent with general City regulations.

- (K) **Employee Records.** *Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.*

Traditional Living Inc. will maintain a current register of the names of all employees and volunteers currently working at or employed by the dispensary and will disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

- (L) **Patient Records.** *A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis. Such records may be maintained on or off-site, and shall be made available for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.*

In the written statement, the applicants state that patient records will be maintained in accordance with City regulations, they do not indicate if they will be stored on or off-site.

- (M) **Staff Training.** *Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.*

The application states that the staff and volunteers employed at the dispensary will receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law.

- (N) **Site Management.**

- (1) *The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject dispensary.*

The applicants have indicated that Traditional Living Inc. will take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas,

sidewalks, alleys, and areas surrounding the premises and adjacent properties during business hours if related to the patrons of the dispensary.

- (a) *“Reasonable steps” shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.*

The applicants indicate that all reasonable measure have been incorporated in to the plan to control the patient's conduct.

- (b) *“Nuisance” includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.*

Dispensary site will be maintained and operated in accordance with City regulations, including management of nuisances.

- (2) *The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.*

The applicants indicate that the proposed dispensary will take all reasonable steps to reduce loitering in public areas, sidewalks, alleys, and areas surrounding the premises and adjacent properties during business hours.

- (3) *The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.*

The applicants state that they will ensure that the hours of the dispensary's operation will not be a detriment to the surrounding area.

- (4) *The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.*

The applicants will provide information to their patients outlining the rules and regulations governing medical cannabis use and consumption within the City, as well as recommendations on sensible cannabis etiquette.

(O) **Trash, Litter, Graffiti.**

- (1) *The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.*

The dispensary site will be maintained and operated in accordance with the above City regulation.

- (2) *The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.*

In the written statement, the applicants indicate that Traditional Living Inc. will remove all graffiti from the premises and parking lots as per listed in the above regulation.

- (P) **Compliance with Other Requirements.** *The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.*

Traditional Living Inc. states that it will comply with all provisions of all local and state laws, regulations, or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations, or orders.

- (Q) **Confidentiality.** *The information provided for purposes of this section shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.*

The application indicates that the applicants wish to keep the information required to be confidential by the City, confidential.

- (R) **Display of Permit.** *Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.*

The proposed dispensary will display their dispensary permit in a conspicuous place during business hours.

- (S) ***Reporting and Payment of Fees.*** *Each permittee shall file an annual statement with the Planning Department indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual permit fees.*

Traditional Living Inc. will file an annual statement with the Planning Department indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual fees.

- (T) ***Alcoholic Beverages.*** *No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.*

The proposed dispensary does not intend to hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. Alcoholic beverages are not proposed to be consumed on the premises.

- (U) ***Dispensaries shall be considered medical office uses relative to parking requirements.***

The Southpoint shopping center was developed using a then-existing 'shopping center' parking standard of one space for every 275 square feet of floor area. This was a more demanding standard than the general retail standard of one space for every 300 square feet of floor area. This shopping center standard was designed to recognize that shopping centers typically contain a mix of uses with varying parking demands, and an overall standard would sufficiently address parking needs over time.

In reviewing a 2015 Use Permit for a Round Table Pizza restaurant at the Southpoint shopping center, the Commission determined that the center was grandparented under the original standard, and had maintained compliance with that standard. Thus, different uses may be operated at the center without necessarily triggering higher parking requirements.

In addition, the City's medical cannabis regulations specifically state that dispensaries are subject to 'medical office' uses relative to parking requirements. This is a one space per 300 square feet parking standard, less demanding than the 'shopping center' standard. The application complies with parking requirements.

Finally, in staff's observation of the Center over a number of years, parking deficiencies have not been observed.

Noticing:

Staff mailed notices to the surrounding properties at a 600 foot radius on October 11, 2016. Notices were also posted, and a legal advertisement published in the Sonoma West newspaper. As of yet, there are no comments from the public.

City Departmental Comment:

The Planning Department circulated the application to the following City departments: Building and Safety, Engineering, Fire, Police Services, and Public Works. The Building/Safety and Fire departments have submitted comments. The Building and Safety Department states that a building permit will be required for the proposed dispensary. Fire will require the dispensary to meet new or tenant improved commercial development requirements, including fire sprinklers and the applicant intends to comply. There have been no comments or conditions from any of the other departments regarding this project as of yet.

Findings:

- (A) *That the dispensary permit is consistent with the intent of Proposition 215 and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.*

The applicants have provided information, which indicates compliance with Proposition 215. The applicants' proposal is consistent with Proposition 215, State regulations, the City Code, and the operating requirements set forth in Chapter 17.140 in staff's review.

- (B) *That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

The dispensary location has not been identified as having a significant crime issue.

- (C) *That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing dispensary location.*

There have not been a significant number of calls for police service, crimes, or arrests in the location of, or the area surrounding, the proposed dispensary.

- (D) *That an applicant or employee is not under 18 years of age.*

The applicants have provided proof of identity, in the form of driver's license copies, for all four (4) of the managers of Traditional Living Inc. In reviewing this information, staff has ascertained that all four (4) persons are over the age of 18.

- (E) *That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.*

Staff has reviewed the proposed cannabis dispensary application for completeness and determined that all required materials have been submitted.

- (F) *That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.*

Staff has confirmed that all Use Permit application fees have been paid. In addition to these fees, the applicant will be required to obtain a City of Sebastopol Business License prior to commencing business.

- (G) *That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter.*

Chapter 17.140 includes a size restriction for a single cannabis dispensary to 1,000 square feet, exclusive of restroom facilities. The application is proposing to utilize 1,900 square feet of the tenant space for the dispensary, including the waiting area, workroom area, office space, storage/safe, an employee restroom and a utility room. Some minor tenant improvements will be necessary to achieve the layout as depicted in the application, for which a Building Permit will be required.

The ordinance does not limit the number of patients permitted, however in the application it states that Traditional Living Inc. will serve only as many patients as can be reasonable supported by the dispensary staff.

- (H) *That issuance of a dispensary permit for the size requested is justified to meet needs of residents.*

As previously stated, the applicant is proposing to utilize 1,900 square feet of the Southpoint Shopping Center tenant space for the dispensary. In staff's review of the proposal, the proposed square footage appears reasonable. The dispensary would likely serve Sebastopol area residents, in addition to residents in the greater West County and southern Sonoma County communities. Also, in order for the applicants to provide ample space for the various components of the dispensary, including the workroom, waiting area, office and storage/safe rooms, the request for additional square footage appears reasonable. The existing dispensary located on Sebastopol Avenue, operated by Peace in Medicine, is currently 1,548 square feet. The additional square footage was approved by the Planning Commission. At 1,548 square feet, the Peace in Medicine dispensary does not appear to be too large and the space seems to serve the dispensary patrons well; therefore, the request for an additional 352 square feet at the Southpoint Shopping Center location seems reasonable.

- (I) *That issuance of the dispensary permit would serve needs of residents at this location.*

The proposed location, a tenant space within the Southpoint Shopping Center, is centrally located along one of the primary commercial streets in Sebastopol, Gravenstein Highway South. The building in which the dispensary is proposed to be located is highly visible from the street, barring small areas where planted trees along the side walk might slightly obscure the view. The proposed location is near the southern entrance to town. A parking lot is located in front of the tenant space, providing convenient access to the building entrance. In staff's analysis, these aspects would likely contribute to the applicant's ability to serve the needs of Sebastopol and area-wide residents, especially those coming from the southern region.

- (J) *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or resulted.*

The proposed location is not prohibited by the provisions of this chapter; however Spooner Park does fall within the required 500 foot setback from the parcel. Due to the fact that Spooner Park is located in the middle of the State Highway and is not used as a gathering space for the public for recreation or entertainment staff feels that a setback from this "park" is unnecessary.

- (K) *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

The applicants have included detailed security information in their submittal materials, including site, floor, security, and lighting plans. The plans are included for the Commission's review, however some of the security plan information has not been included for safety reasons. In terms of security, the applicants will have 24-hr security surveillance to monitor site activity, and staff to control any loitering and site access. Consumption of cannabis on the premises including the building, accessory structures, parking areas or surrounding areas within 200 feet of the dispensary will be strictly prohibited and enforced. Twenty-four hour video surveillance cameras and low-voltage security lighting are also proposed to be installed at the main entrance and the surrounding perimeter. Security video is proposed to be maintained for a minimum of 30 days. The applicants also propose to employ a professionally monitored robbery and burglary alarm system, and provide the Police Chief and neighboring business owners with an emergency contact person should any issues arise.

As is indicated on the floor plan, a member services area will be provided, separate from the cannabis dispensary area. The restrooms and cannabis storage area will be securely locked. The entrance is proposed to be maintained clear from barriers, landscaping and other obstructions in order to remain visible to the street. There are no furnishings, such as chairs or benches, proposed outside of the dispensary.

- (L) *That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.*

To staff's knowledge, the applicants have not violated any provision of this chapter.

- (M) *That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference of the operation of another business.*

As previously discussed, the applicants have put together a comprehensive security plan, which has been reviewed and approved by the Sebastopol Police Chief. Staff believes that the proposed combination of security cameras, security lighting, and the availability of an emergency contact person to be provided to surrounding businesses, will be adequate in curbing and loitering or disturbances outside the premises. In addition, the applicants and the building owner have talked to neighboring businesses to inform them of the cannabis dispensary proposal and to provide contact information in the event there were any questions or concerns.

In regard to the interior of the premises, the applicant proposes to allow only one patient at a time inside the dispensary room, and they will only be admitted upon presenting a valid ID and membership card to security personnel.

- (N) *That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

As proposed and conditioned, staff believes that approval of the proposed dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance.

- (O) *That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any*

condition imposed by permits issued in compliance with those laws has not been violated.

The current proposal is for a new dispensary. To date staff has not encountered any significant issues as a result of the City's current Medical Cannabis dispensary (Peace in Medicine), which has been in operation since 2007, and does not believe that the addition of a second dispensary in the City will create any significant issues.

(P) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

To staff's knowledge, the applicants have not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

(Q) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

To staff's knowledge, the applicants have not knowingly made any false statements of material fact or have knowingly omitted to state a material fact in the application for a permit.

(R) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

The primary management employees of Traditional Living Inc. have submitted background checks to the Police Chief for his review. The checks revealed no criminal violations associated with the four (4) employees.

(S) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

To staff's knowledge, the applicants have not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(T) That adequate parking will be provided.

The Southpoint shopping center was developed using a then-existing 'shopping center' parking standard of one space for every 275 square feet of floor area. This was a more demanding standard than the general retail standard of one space for every 300 square feet of floor area. This shopping center standard was designed to recognize that shopping centers typically contain a mix of uses with varying parking demands, and an overall standard would sufficiently address parking needs over time.

In reviewing a 2015 Use Permit for a Round Table Pizza restaurant at the Southpoint shopping center, the Commission determined that the center was grandparented under the original standard, and had maintained compliance with that standard. Thus, different uses may be operated at the center without necessarily triggering higher parking requirements.

In addition, the City's medical cannabis regulations specifically state that dispensaries are subject to 'medical office' uses relative to parking requirements. This is a one space per 300 square feet parking standard, less demanding than the 'shopping center' standard. The application complies.

Finally, in staff's observation of the Center over a number of years, parking deficiencies have not been observed.

At the moment there are no ADA spaces available directly in front of the tenant space for patient convenience, but there are two (2) located in front of the Ochoa's Mexican restaurant; which is located directly next to the proposed cannabis dispensary.

There are four (4) entrances into the parking area, three (3) off of Gravenstein Highway, and one at the corner of Gravenstein Highway and Southpoint Avenues.

Recommendation:

This proposal appears compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries address a medical need in the community. In addition, it appears reasonable to allow a second dispensary in the City. This site would help serve area south of town areas, potentially to accommodate patrons from Cotati and Rohnert Park, as well as from the southwest portion of the county. This proposal appears compatible with the neighboring commercial uses, will not be detrimental to the health, safety, peace, comfort, or welfare of the persons residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to the property and improvements in the neighborhood or to general welfare of the City.

The requested text amendments, which would allow a second dispensary in the City limits, make operating hours/days and sign allowances comparable to other retail businesses, and acknowledge that State law may address some aspects of dispensaries, appear appropriate based on experience with the existing dispensary.

Staff recommends that the Commission:

- 1) Adopt the attached resolution recommending that the City Council adopt the requested Text Amendment pursuant to the findings below and as set forth in the applicant's submittal;

- 2) Approve the proposed Use Permit, conditioned on approval of the Zoning Ordinance Text Amendment to allow the operation of a medical cannabis dispensary based on the facts, findings, and analysis set forth in this staff report.
- 3) Recommend that the City Council consider initiation of an update of the City's cannabis regulations following the November election.

Attachments:

Resolution recommending adoption of text amendment
Use Permit findings and conditions
Use Permit application
Text amendment application

Planning Commission Resolution

Project Number 2016-68
Zoning Ordinance Text Amendments
to Medical Cannabis Regulations

1. Whereas, application 2016-68 was received on August 31, 2016, to amend various portions of the Zoning Ordinance pertaining to medical cannabis dispensaries, including to increase the City-wide allowance from one to two dispensaries, modify operating hours and days for dispensaries, make sign allowances comparable to other businesses, and make other revisions; and
2. Whereas, on October 25, 2016, the Planning Commission conducted a duly-noticed public hearing on the requested text amendments, as well as the related Use Permit application; and
3. Whereas, the text amendments are exempt under the California Environmental Quality Act (CEQA) in that dispensaries are treated as a retail use, and operation of the existing dispensary has not created any significant issues or impacts, therefor amendment of the code to allow a second dispensary in the City limits would not create significant environmental effects and qualifies for an exemption under Class 5, Minor Alterations in Land Use Limitations.
4. Whereas, the Commission finds that the proposed text amendment is compatible with the general objectives of the General Plan and any applicable specific plan, in that the status of dispensaries under the General Plan would not change; no Specific Plan is applicable; and dispensaries would continue to be strictly regulated, limited in number, and subject to Use Permit approval, and several existing provisions that treat dispensaries differently than other retail businesses would be reasonably modified; and
5. Whereas, the text amendments are in conformity with public convenience, general welfare and good land use practice in that medical cannabis dispensaries address a medical need in the community, dispensaries would continue to be subject to detailed regulations, would be limited in number, and would continue to be subject to review in the Use Permit process; and

6. The text amendment will not be detrimental to the public health, safety and general welfare in that medical cannabis dispensaries address a medical need in the community, dispensaries would continue to be subject to detailed regulations, would be limited in number, and would continue to be subject to review in the Use Permit process; and
7. The text amendment will not adversely affect the orderly development of property, in that there will continue to be detailed and demanding regulations pertaining to medical cannabis dispensaries; dispensaries would be significantly limited in number; and dispensaries will continue to be subject to the Use Permit process to review any site- or project-specific issues.

Now, therefore, the Planning Commission does hereby recommend that the City Council adopt the requested text amendment.

Approved on October 25, 2016 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Certified: _____

, Kenyon Webster, Planning Director

Findings and Conditions
Project Number 2016-69
785 Gravenstein Highway South
Use Permit for Medical Cannabis Dispensary:

Findings:

- (A) *That the dispensary permit is consistent with the intent of Proposition 215 and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.*

The applicants have provided information, which indicates compliance with Proposition 215. The applicants' proposal is consistent with Proposition 215, State regulations, the City Code, and the operating requirements set forth in Chapter 17.140.

- (B) *That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

The dispensary location has not been identified as having a significant crime issue.

- (C) *That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing dispensary location.*

There have not been a significant number of calls for police service, crimes, or arrests in the location of, or the area surrounding, the proposed dispensary.

- (D) *That an applicant or employee is not under 18 years of age.*

The applicants have provided proof of identity, in the form of driver's license copies, for all four (4) of the managers of Traditional Living Inc. In reviewing this information, staff has ascertained that all four (4) persons are over the age of 18.

- (E) *That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.*

Staff has reviewed the proposed cannabis dispensary application for completeness and determined that all required materials have been submitted.

- (F) *That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.*

Staff has confirmed that all Use Permit application fees have been paid. In addition to these fees, the applicant will be required to obtain a City of Sebastopol Business License prior to commencing business.

- (G) *That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter.*

Chapter 17.140 includes a size restriction for a single cannabis dispensary to 1,000 square feet, exclusive of restroom facilities. The requested text amendment would eliminate the current size restriction, and the application is conditioned on City Council approval of said amendment. The application is proposing to utilize 1,900 square feet of the tenant space for the dispensary, including the waiting area, workroom area, office space, storage/safe, an employee restroom and a utility room. Some minor tenant improvements will be necessary to achieve the layout as depicted in the application, for which a Building Permit will be required.

The ordinance does not limit the number of patients permitted, however in the application it states that Traditional Living Inc. will serve only as many patients as can be reasonable supported by the dispensary staff.

- (H) *That issuance of a dispensary permit for the size requested is justified to meet needs of residents.*

As previously stated, the applicant is proposing to utilize 1,900 square feet of the Southpoint Shopping Center tenant space for the dispensary. In staff's review of the proposal, the proposed square footage appears reasonable. The dispensary would likely serve Sebastopol area residents, in addition to residents in the greater West County and southern Sonoma County communities. Also, in order for the applicants to provide ample space for the various components of the dispensary, including the workroom, waiting area, office and storage/safe rooms, the request for additional square footage appears reasonable. The existing dispensary located on Sebastopol Avenue, operated by Peace in Medicine, is currently 1,548 square feet. The additional square footage was approved by the Planning Commission. At 1,548 square feet, the Peace in Medicine dispensary does not appear to be too large and the space seems to serve the dispensary patrons well; therefore, the request for an additional 352 square feet at the Southpoint Shopping Center location seems reasonable.

- (I) *That issuance of the dispensary permit would serve needs of residents at this location.*

The proposed location, a tenant space within the Southpoint Shopping Center, is centrally located along one of the primary commercial streets in Sebastopol, Gravenstein Highway South. The building in which the dispensary is proposed to be located is highly visible from the street, barring small areas where planted trees along the side walk might slightly obscure the view. The proposed location is near the southern entrance to town. A parking lot is located in front of the tenant space, providing convenient access to the building entrance. In staff's analysis, these aspects would likely contribute to the applicant's ability to serve the needs of Sebastopol and area-wide residents, especially those coming from the southern region.

- (J) *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or resulted.*

The proposed location is not prohibited by the provisions of this chapter; however Spooner Park does fall within the required 500 foot setback from the parcel. Due to the fact that Spooner Park is located in the middle of the State Highway and is not used as a gathering space for the public for recreation or entertainment staff feels that a setback from this "park" is unnecessary.

- (K) *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

The applicants have included detailed security information in their submittal materials, including site, floor, security, and lighting plans. In terms of security, the applicants will have 24-hr security surveillance to monitor site activity, and staff to control any loitering and site access. Consumption of cannabis on the premises including the building, accessory structures, parking areas or surrounding areas within 200 feet of the dispensary will be strictly prohibited and enforced. Twenty-four hour video surveillance cameras and low-voltage security lighting are also proposed to be installed at the main entrance and the surrounding perimeter. Security video is proposed to be maintained for a minimum of 30 days. The applicants also propose to employ a professionally monitored robbery and burglary alarm system, and provide the Police Chief and neighboring business owners with an emergency contact person should any issues arise.

As is indicated on the floor plan, a member services area will be provided, separate from the cannabis dispensary area. The restrooms and cannabis storage area will be securely locked. The entrance is proposed to be maintained clear from barriers, landscaping and other obstructions in order to remain visible to the street. There are no furnishings, such as chairs or benches, proposed outside of the dispensary.

- (L) *That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.*

To staff's knowledge, the applicants have not violated any provision of this chapter.

- (M) *That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference of the operation of another business.*

As previously discussed, the applicants have put together a comprehensive security plan, which has been reviewed and approved by the Sebastopol Police Chief. Staff believes that the proposed combination of security cameras, security lighting, and the availability of an emergency contact person to be provided to surrounding businesses, will be adequate in curbing and loitering or disturbances outside the premises. In addition, the applicants and the building owner have talked to neighboring businesses to inform them of the cannabis dispensary proposal and to provide contact information in the event there were any questions or concerns.

In regard to the interior of the premises, the applicant proposes to allow only one patient at a time inside the dispensary room, and they will only be admitted upon presenting a valid ID and membership card to security personnel.

- (N) *That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

As proposed and conditioned, staff believes that approval of the proposed dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance.

- (O) *That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any*

condition imposed by permits issued in compliance with those laws has not been violated.

The current proposal is for a new dispensary. To date the City has not encountered any significant issues as a result of the City's current Medical Cannabis dispensary (Peace in Medicine), which has been in operation since 2007, and does not believe that the addition of a second dispensary in the City will create any significant issues.

(P) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

No information has been identified that the applicants have violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

(Q) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

There is no indication that the applicants have knowingly made any false statements of material fact or have knowingly omitted to state a material fact in the application for a permit.

(R) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

The primary management employees of Traditional Living Inc. have submitted background checks to the Police Chief for his review. The checks revealed no criminal violations associated with the four (4) employees.

(S) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

No information has been identified to the effect that the applicants have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(T) That adequate parking will be provided.

The Southpoint shopping center was developed using a then-existing 'shopping center' parking standard of one space for every 275 square feet of floor area. This was a more demanding standard than the general retail standard of one space for every 300 square feet of floor area. This shopping center standard was designed to recognize that shopping centers typically contain a mix of uses with varying parking demands, and an overall standard would sufficiently address parking needs over time.

In reviewing a 2015 Use Permit for a Round Table Pizza restaurant at the Southpoint shopping center, the Commission determined that the center was grandparented under the original standard, and had maintained compliance with that standard. Thus, different uses may be operated at the center without necessarily triggering higher parking requirements.

In addition, the City's medical cannabis regulations specifically state that dispensaries are subject to 'medical office' uses relative to parking requirements. This is a one space per 300 square feet parking standard, less demanding than the 'shopping center' standard. The application complies.

Whereas, the proposed cannabis dispensary is exempt from the requirements of CEQA pursuant to Section 15301, Class 1: Existing Facilities of the CEQA Guidelines. This Section exempts the operation and permitting of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The dispensary would operate in an existing building which was formerly and exercise business, thereby qualifying for the exemption.

Conditions:

- P1. Approval is granted for the Use Permit described in this report and in the supplemental materials dated August 31, 2016. This approval is valid for a period of two (2) years from the date that the Use Permit is approved by the Planning Commission. However, the applicant may request one (1) 1-year extension of this Planning Commission approval from the Planning Director, pursuant to Zoning Ordinance §17.250.050.
- P2. This Use Permit approval shall not be effective unless the City Council adopts the related Zoning Ordinance text amendment allowing a second dispensary and making other related changes to the dispensary regulations.
- P3. The applicant must obtain a Building Permit prior to the commencement of construction activities. The project shall comply with Fire Department new/tenant improvement commercial development standards.
- P4. The site plan submitted with the Building Permit application shall indicate the Project Number (2016-69), and the date of approval of this Use Permit application.
- P5. This Use Permit may be renewed by the Director of Planning for additional two-year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this chapter.
- P6. An application for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced herein. Applications for renewal made less than 45 days before the expiration date shall not stay the expiration date of the permit.

- P7. Permits may be revoked or suspended by the City at any time, as provided in this chapter and City Code.
- P8. All employees, volunteer workers, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or is on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- P9. It is unlawful for the dispensary operator, or other person in charge, to employ any person who is not at least 18 years of age.
- P10. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian for the first visit, or as otherwise permitted by law.
- P11. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that person under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian for the first visit, or as otherwise permitted by law.
- P12. The dispensary shall only be operated consistent with Chapter 17.140.
- P13. The dispensary size shall not exceed 1,900 square feet, exclusive of restroom facilities, unless specifically authorized by the Planning Director.
- P14. The dispensary shall not be increased in size (i.e., floor area or number of patients) without a prior Planning Director and Police Chief approval amending the existing dispensary permit.
- P15. The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
- P16. Dispensary personnel shall monitor site activity, control loitering and site access.
- P17. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted at a dispensary.
- P18. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.
- P19. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.
- P20. Restrooms shall remain locked and under the control of management.
- P21. The dispensary may possess no more than eight ounces of dried cannabis per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.

- P22. The dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.
- P23. The dispensary shall only dispense to qualified patients or caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. and the provisions of Code Section § 17.140.100.
- P24. Prior to dispensing medical cannabis, the dispensary shall obtain verification that the individual requesting medical cannabis is a qualified patient.
- P25. The dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.
- P26. Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy.
- P27. Information on prior year's operations shall be provided annually, as required in the Municipal Code. The operator shall adjust the operations as necessary to address issues.
- P28. Cannabis shall not be consumed by patients on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees and registered volunteers who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs via oral consumption or vaporization, not smoking.
- P29. Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, State or City Codes.
- P30. Except for immature nursery stock cannabis plants, no cannabis shall be cultivated on the premises of the dispensary, or as otherwise in compliance with Health and Safety Code Section 11362.5 et seq.
- P31. The dispensary may conduct or engage in the commercial sale of specific products, goods or services in addition to the provision of medical cannabis on terms and conditions consistent with Chapter 17.140 and applicable law.
- P32. The dispensary shall not cultivate, distribute or sell medical cannabis for a profit, or as otherwise permitted by law.
- P33. The dispensary shall not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation, or as otherwise permitted by law.
- P34. The dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.
- P35. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.
- P36. The dispensary shall have an air treatment system that ensures off-site odors are appropriately controlled.

- P37. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.
- P38. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition.
- P39. The dispensary shall provide the Chief of Police with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.
- P40. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.
- P41. Signs on the premises shall not obstruct the entrance or windows.
- P42. Address identification shall comply with Fire Department illuminated address signs requirements.
- P43. Business identification signage shall comply with all ordinances and not contain any logos or information that identifies, advertises or lists the services offered. A Sign Permit is required prior to installation of signage.
- P44. The operator of the dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.
- P45. The dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis. Such records may be maintained on or off-site, and shall be made available for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.
- P46. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.
- P47. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the dispensary.
- (a) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.
 - (b) "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal

parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

- P48. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
- P49. The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.
- P50. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.
- P51. The applicant shall clear the sidewalks adjoining the premises plus along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
- P52. The applicant shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
- P53. The applicant shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
- P54. The dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.
- P55. The applicant shall file an annual statement with the Planning Department indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual permit fees.
- P56. The dispensary shall not hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.
- P57. All fees associated with processing this project, and all applicable impact fees, including, but not limited to school, traffic, water and sewer fees, shall be paid prior to issuance of a certificate of occupancy.

Approved on October 25, 2016 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Certified: _____

Kenyon Webster, Planning Director



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472

(707) 823-6167 (Phone) or (707) 823-1135 (Fax)
www.ci.sebastopol.ca.us

MASTER PLANNING APPLICATION FORM

PROJECT INFORMATION:

FOR CITY USE ONLY

ADDRESS: <u>785 Gravenstein Hwy. S.</u>	PLANNING FILE #: <u>2016-1-69</u>
PARCEL #: <u>004-111-018</u>	DATE FILED: <u>08/31/16</u>
PARCEL AREA: <u>005-014</u>	TOTAL FEES PAID: <u>\$1395</u>
	RECEIVED BY: <u>[Signature]</u>
	DATE APPLICATION DEEMED COMPLETE: _____

APPLICANT OR AGENT:

Name: Traditional Living Inc
 Email Address: traditionallivinginc@gmail.com
 Mailing Address: PO Box 784
 City/State/Zip: Sebastopol, CA 95473
 Phone: 515 806 0154
 Fax: _____
 Business License #: 81-2923259
 Signature: [Signature]
 Date: 8/31/16

OWNER OF PROPERTY

IF OTHER THAN APPLICANT:

Name: Southpoint Ave. Investors LLC
 Email Address: Casey@pcf-1.com
 Mailing Address: 6905 Southpoint Ave.
 City/State/Zip: Sebastopol CA 95472
 Phone: (707) 823-0111
 Fax: (707) 823-6835
 Business License #: 68-0107549
 Signature: [Signature]
I certify that this application is being made with my consent.
 Date: 8/30/2016

OTHER PERSONS TO BE NOTIFIED: (Include Agents, Architects, Engineers, etc.).

Name: Regency Law Group
 Email Address: _____
 Mailing Address: 115 4th St. Suite B
 City/State/Zip: Santa Rosa, CA 95401
 Phone: 707-526-0420
 Fax: _____

Name: Steve Sheldon
 Email Address: ssheldon@sonic.net
 Mailing Address: 781 DuFranc Ave.
 City/State/Zip: Sebastopol, CA 95472
 Phone: (707) 823-6331
 Fax: _____

AUG 31 2016

[Signature]

PROJECT DESCRIPTION:

DESCRIBE IN DETAIL, the proposed project and permit request. (Attach additional pages, if needed):

see attached

This application includes the checklist for the type of application requested: Yes No

Please indicate the type(s) of application that is being requested (example: Use Permit, Design Review, Variance, Planned Community Rezone, etc.):

*major use permit, medical cannabis dispensary permit
General Plan Amendment*

Please describe existing uses (businesses, residences, etc.) and other structures on the property:

*retail shopping center w/ restaurants, hair/nail salon
senior center, gym + printer store*

DEVELOPMENT DATA:

SQUARE FEET BUILDING EXISTING:	<i>12980</i>	<input type="checkbox"/> N/A
SQUARE FEET BUILDING DEMOLISHED:	<i>0</i>	<input type="checkbox"/> N/A
SQUARE FEET BUILDING NEW:	<i>0</i>	<input type="checkbox"/> N/A
NET CHANGE IN BUILDING SQUARE FEET:	<i>0</i>	<input type="checkbox"/> N/A
NUMBER OF DWELLING UNITS EXISTING:	<input checked="" type="checkbox"/> 0 Bedrooms	<input type="checkbox"/> 1 Bedrooms
	<input type="checkbox"/> 2 Bedrooms	<input type="checkbox"/> 3 Bedrooms
	<input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> N/A
NUMBER OF DWELLING UNITS PROPOSED:	<input checked="" type="checkbox"/> 0 Bedrooms	<input type="checkbox"/> 1 Bedrooms
	<input type="checkbox"/> 2 Bedrooms	<input type="checkbox"/> 3 Bedrooms
	<input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> N/A
NET CHANGE IN DWELLING UNITS:	<i>0</i>	<input type="checkbox"/> N/A
<i>part of existing center</i> SETBACKS:	Existing:	Proposed:
	<input type="checkbox"/> Front Yard _____	<input type="checkbox"/> Front Yard _____
	<input type="checkbox"/> Side Yard _____	<input type="checkbox"/> Side Yard _____
	<input type="checkbox"/> Rear Yard _____	<input type="checkbox"/> Rear Yard _____
	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A

<i>part of existing center</i> EXISTING LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N/A
PROPOSED LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N/A
EXISTING LOT AREA:	47916 Square Feet		<input type="checkbox"/> N/A
PROPOSED LOT AREA:	47916 Square Feet		<input type="checkbox"/> N/A
BUILDING HEIGHT:	Existing: 20'	Proposed: 20'	<input type="checkbox"/> N/A
NUMBER OF STORIES:	Existing: 1	Proposed: 1	<input type="checkbox"/> N/A
PARKING SPACE (S):	Existing: 60	Proposed: 60	<input type="checkbox"/> N/A
ZONING	Existing: CH	Proposed: CH	<input type="checkbox"/> N/A

Will the project involve a new curb cut or driveway? Yes No

Are there existing easements on the property? Yes No

see attached title report
Will Trees be removed? Yes No

If yes, please describe (Example: Type, Size, Location on property, etc.)

Will Existing Landscaping be revised? Yes No

If yes, what is square footage of new or revised landscaping?

Will Signs be Changed or Added? Yes No

Business: Hours of Operation? Open: 7:00 Close: 9:00

Is alcohol service proposed? Yes No

If yes, what type of State alcohol license is proposed? _____

If yes, have you applied to the State Alcoholic Beverage Control for a license? Yes No

If this is a restaurant, café or other food service, bar, or nightclub, please indicate total number of seats: _____

Is any live entertainment proposed? Yes No

If yes, please describe: _____

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

Jonathan Melrod 8/31/16 _____
Applicant's Signature Date Signed Planning File Number

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

NOTICE OF MAILING

Email addresses or facsimiles will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.

Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.

Jonathan Melrod _____
Signature

Jonathan Melrod _____
Printed Name

NOTE: It is the responsibility of the applicant and their representative to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however the applicant has responsibility for determining and following applicable regulations.

NEIGHBOR NOTIFICATION

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, resident and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:

Yes

No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

OP our
We will hold personal conversations with each neighbor to present our concept in detail and address any concerns that may arise.

WEBSITE REQUIRED FOR MAJOR PROJECTS

Applicants for major development projects (which involves proposed development of 25,000 square feet of new floor area or greater, or 25 or more dwelling units), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning's, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

Exemption Questionnaire
STORM WATER LOW IMPACT DEVELOPMENT

PURPOSE: This questionnaire will determine *whether or not* you need to submit the 'Storm Water Low Impact Development Determination Worksheet' as part of this application. Any application that does not contain this questionnaire OR the Determination Worksheet will be deemed incomplete.

PROJECT ADDRESS:

785 Grovenstein Hwy South

TYPE OF APPLICATION

Your project is exempt from the 'Determination Worksheet' submittal requirement, if it falls under any of the below listed application categories. However, the City Staff may require the submittal of a 'Determination Worksheet', as determined on a case-by-case basis.

- Administrative Review (Interior Improvements or Use)
- Sign Review
- Temporary Use Permit
- Time Extension Request
- Tree Removal Permit
- Zoning Determination or Interpretation

The project is exempt from the 'Storm Water Low Impact Development Determination Worksheet' submittal requirement as determined by City Staff.

I certify this information:



APPLICANT SIGNATURE

Jonathan Melrod

PRINTED NAME

8/31/16

DATE



CITY OF SEBASTOPOL

7120 Bodega Avenue, Sebastopol, California 95472 707-823-6167

MWELo: California Model Water Efficient Landscape Ordinance

Permit applicants are required to complete this form, or applications may be incomplete.

MWELo PRELIMINARY APPLICABILITY DETERMINATION CHECKLIST

Applicant Information:

Name: Traditional Living Incorporated

Phone: 415 806-0154

Address: 2804 Gateway Oaks Dr. # 200 Sacramento, CA

Email: traditionallivinginc@gmail.com

Project Information:

Site Address: 785 Gravenstein Hwy South

Project Type (new dwelling, commercial, remodel, etc.): commercial

- A. Currently, this project **does not include new or rehabilitated landscaping**. I am aware that future landscape installations may be required to comply with the Model Water Efficient Landscape Ordinance (MWELo) requirements per California Code of Regulations, Municipal code 15.36 Title 23, Division 2, Chapter 2.7.
- B. This project is **not** a homeowner project and will include new or rehabilitated landscaping of **2,500 sq. ft. or greater in area**.
- C. This project is for a **homeowner-provided or homeowner hired single-family or multi-family residential project** with new or rehabilitated landscaping of **more than 5,000 sq. ft.**

If you checked Item B. or C. above, please provide the information below specific to the new or rehabilitated landscape area which will be completed as part of this project and specify the compliance method to be used (ask Planning staff for compliance options, if you have questions):

Total Landscape Area (sq. ft.): _____ Turf Area (sq. ft.): _____

Non-Turf Plan Area (sq. ft.): _____ Special Landscape Area (sq. ft.): _____

Water Type (potable, recycled, well): _____

Name of water purveyor (If not served by private well): _____

Compliance Method (anticipated):

- Performance (Items required in Performance Checklist to be included on final plans)
- Prescriptive (Items required in Prescriptive Checklist to be included on final plans)

Signature: Arctian Meloni Date: 8/31/16

I certify the above information is correct and agree to comply with the applicable requirements of the MWELo.

Supplementary Application Checklist Addendum

Plan of Operations:

Products:

Traditional Living Incorporated will provide a wide variety of the highest quality, locally sourced, sustainable medicinal cannabis products. Different varieties of medical cannabis can provide different palliative effects, from pain relief to appetite stimulus to stress relief and even to metabolic controls of things such as diabetes. Medical cannabis also comes in different strengths (a range of concentrations of the active ingredients), and Traditional Living will offer a sufficient variety of medical cannabis of varying strengths and chemical contents to provide relief from many known ailments, and will keep abreast of the ongoing research by industry professionals to further refine the product line it dispenses from a medical standpoint.

In addition to psychoactive medical cannabis products, Traditional Living Incorporated will offer topical and edible cannabis products that are non-psychoactive and high in CBD content, plus educational materials and patient support programs about the different types of medical cannabis available and the different means for ingesting cannabis.

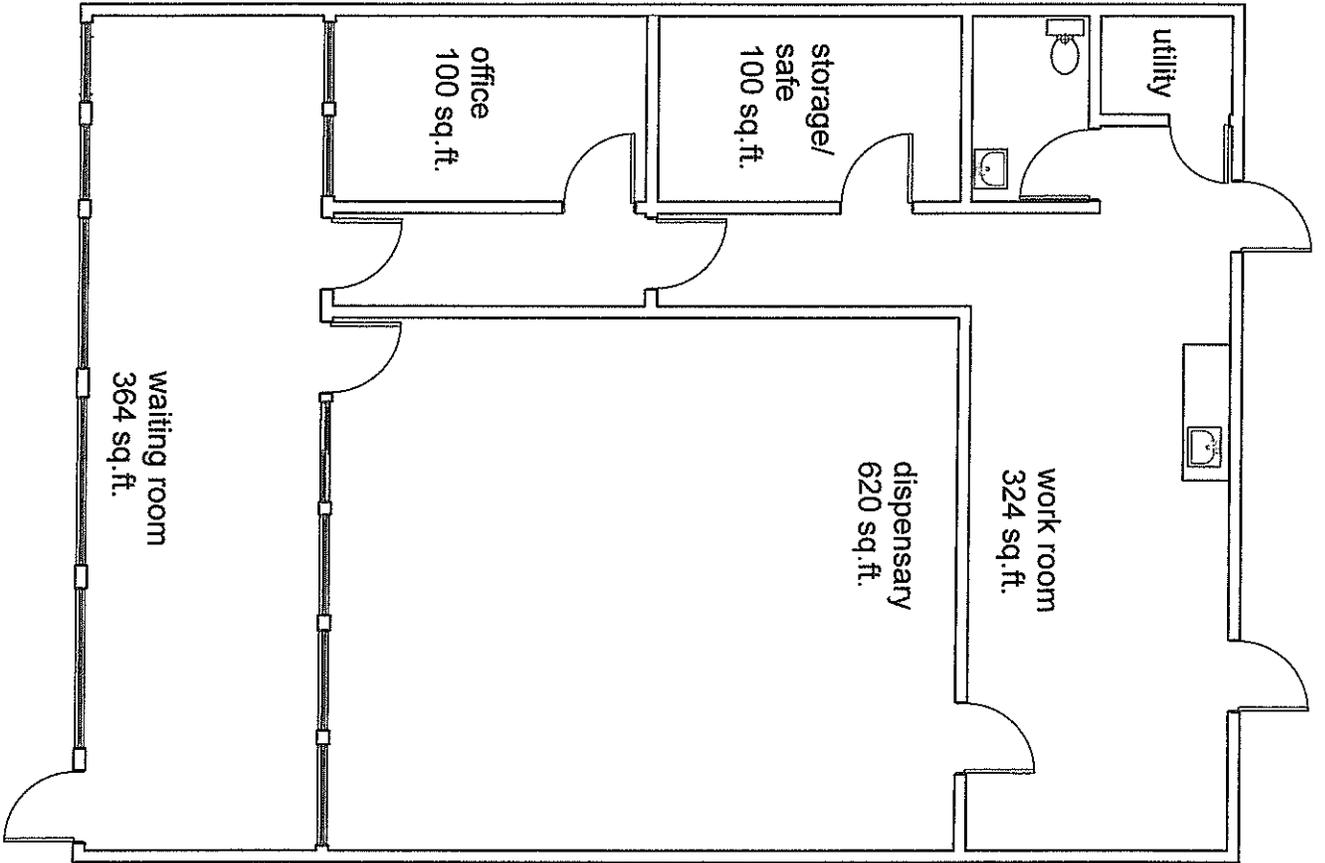
Traditional Living will have a selection of the most cutting edge vaporizers available for sale as well, so patients can purchase devices that will allow them to consume cannabis in the safest way possible, maximizing medical benefits and minimizing side effects and potential health risks. Books on the science and growing of medical cannabis will also be available for purchase, so patients can get access to the most up to date scientific information about medical cannabis. Lastly, Traditional Living will sell a small collection of apparel.

SEP 01 2016



Floor Plan

18



APPROVED BY
AUG 31 2016
[Signature]

Floor Plan
scale: 1/8" = 1'-0"
Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472



Site Plan
scale: 1" = 50'
Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472

cannabis
dispensary

RECEIVED
AUG 31 2016
[Signature]

16

Applicant Name: Traditional Living Incorporated, a California Non-Profit Mutual Benefit Corporation

Management of Traditional Living Incorporated:

Jonathan Melrod
Miguel Molina
Peter Dickstein
Eli Melrod

Applicant Phone Number:

415-806-0154

Applicant Mailing Address:

Traditional Living Incorporated
P.O. Box 748
Sebastopol, CA 95473

Previous Addresses: The corporation has no previous addresses.

Verification of Age: Please see the attached copies of the Government- issued forms of Identification for the Management of the Corporation.

Physical Description:

Jonathan Melrod
Height: 5'6"
Weight: 155 lbs
Hair Color: Gray
Eye Color: Hazel

Miguel Molina
Height: 5'10"
Weight: 180 lbs
Hair Color: Gray
Eye Color: Brown

Peter Dickstein
Height: 6'0"
Weight: 165 lbs
Eye Color: Blue
Hair Color: Brown

Eli Melrod
Height: 5'7"
Weight: 145

Hair Color: Brown

Eye Color: Blue

Photographs: Please see the attached photographs of the Management of the Corporation.

Employment History:

Jonathan Melrod:

Attorney-at-Law
Law Office of Jonathan Melrod
Sebastopol, CA

Jonathan practices civil and human rights law, usually on a pro-bono basis.

VP West Coast Business Acquisitions
JP Metz Company, Inc
Bethesda, MD
Jonathan oversees the West Coast acquisition strategy for JP Metz

Miguel Molina:

Senior Producer
KPFA
Berkeley, CA

Miguel has been producing shows at KPFA for over 3 decades, including the 420 report-America's first cannabis radio show on public radio.

Peter Dickstein:

Corporate Development Advisor
Cardinal Health
Columbus, OH

Peter identifies and cultivates emerging technology-driven investment and acquisition opportunities that align with corporate strategic initiatives.

Consulting CFO
Terrajoule Corporation
Redwood City, CA

Peter advises the CEO and board of directors on all financial matters

VP Strategy and CFO
TruMed Systems

La Jolla, CA

Peter advises the CEO and board of directors on all current financial matters and strategic initiatives that impact the company's financial future.

Eli Melrod:

Customer Service
Pure Analytics
Santa Rosa, CA

Eli worked in customer service at Pure Analytics, Northern California's premier medical cannabis testing laboratory, where he developed an intimate knowledge of the science of medical cannabis consumption and cultivation.

Product Management and Marketing
Built.io (formerly Raw Engineering)
San Francisco, CA

Eli worked in Product Management and Marketing at built.io, a successful digital solutions and services company.

Google Tag Manager
American Giant
San Francisco, CA

Eli assisted with the implementation of Google Tag Manager, a Google analytical tool, on an e-commerce platform for American Giant, a high-growth American made clothing company.

Tax History: No dispensary business tax history. This will be the first dispensary operated by any of Traditional Living's board members.

Management Information:

Peter Dickstein – CFO

Miguel Molina - Director of Wellness Programs and Community Outreach

Jonathan Melrod – Strategic Director

Eli Melrod – Assistant Manager/Product Manager

General Manager: We are actively vetting several qualified general manager candidates with over 10+ year of retail management experience to manage the day-to-day operations. See general manager requirements Traditional Living is ensuring below:

Requirements:

- Past general management experience in retail, hospitality or other customer-facing industry
- Demonstrable skills in leadership, team building, mentorship and delegation
- Experience in ordering, inventory, scheduling, POS operations, management reporting, hiring, employee training, vendor management, customer service and community service
- Must submit to criminal background check (at our cost) and provide excellent local references
- Valid CA medical cannabis recommendation
- Available and willingness to work long hours and weekends
- Candidates with a fundamental knowledge of cannabis and experience working at top retail/hospitality brands (Whole Foods, Peet's, Starbucks, Philz, Trader Joe's, Nordstrom's, GAP, Banana Republic, REI) will receive priority consideration
- Minimum Educational Level: 4-year college degree or equivalent work experience preferred

In addition to hiring a highly qualified general manager, a top cannabis-consulting firm will assist with operations for the first three months.

Criminal Background:

No persons having management or supervision responsibilities have been convicted of a crime. The General Manager who we are in the process of hiring will submit to a California Department of Justice background report.

Employee Information:

Traditional Living will initially rely on a staff of 10-15 people, in a combination of full and part time positions. Traditional Living plans to hire a diverse local staff and pay a strong living wage to all employees.

Regular Staff:

Entrance Screening Staff: 1-2 depending on time and day of week

Entrance Screening Staff will be responsible for ensuring that only individuals with valid medical cannabis recommendations are allowed access to the dispensary. Entrance Staff members will check in and verify all patients and monitor all access to the dispensary space.

Patient Consultants: 1-4 depending on time and day of week

Patient Consultants will be responsible for assisting patients to select the proper medicine for their particular condition and dispensing all pre-packaged medication to patients within the designated dispensing space.

Product Assembly Technician: 1-3 depending on need for packaging

Product Assembly Technicians will be responsible for properly weighing, packaging, labeling, and sealing cannabis products.

Shift Lead: 1 on site at all times

The Shift Lead will be responsible for the daily general welfare and well-being of the patients. A Shift Lead will be on duty at all times during business hours. While on duty, the shift manager will assist the General Manager. Additional Shift Lead duties will include supervising the opening, set-up and close-down of the display cases at the start and finish of each shift and securing the product at the end of each shift.

Management:

General Manager: 1 Full Time

The Dispensary's point-person for operational oversight and management will be its General Manager (GM). The GM will be responsible for implementation and organization of day-to-day facility operations. She will be responsible for the general welfare of staff as a Human Resources specialist. The GM is responsible for assuring that the facility is in compliance with all City and State regulations. The GM is also responsible for reconciling inventory control and accounting systems and daily deposits to the bank. The GM will be also responsible to ensure that all operations are run in strict compliance with dispensary policy and procedures included but not limited to:

- a. Safe handling of medication
- b. Inventory control and tracking
- c. Oversight of the packaging and secure storage room
- d. Patient relation's management
- d. Employee oversight

She will work with Traditional Living's Management to implement daily operations, policy and procedures and act as liaison with them, staff and vendors. She shall have authority to resolve conflicts at all levels within the organization, and shall be identified to all persons and entities located within 300 feet of the dispensary, who shall be given her name and phone number to contact for reporting problems or concerns with operations.

Assistant Manager/Product Manager: 1 Full Time

The Assistant Manager/Product Manager will assist the GM with day-to-day management responsibilities when necessary and is specifically responsible for identifying suitable products based on patient need and purchasing such products at favorable rates to ensure that patients receive quality medicine at a reasonable price. The Assistant Manager/Product Manager will handle all vendor transactions and also be responsible for ensuring that all medicine is free from toxins, molds, pesticides and other impurities by coordinating directly with our lab partner. The

Assistant Manager/Product Manager will oversee the Product Assembly Technicians to ensure that all products are properly weighed, packaged, labeled, and sealed.

Director of Wellness Programs and Community Outreach: 1 Part Time

Responsible for overseeing all community engagement and wellness programs. This will consist of educational programs on the applications of medical cannabis, philanthropic work, and additional wellness programs offered through the dispensary.

CFO: 1 Part Time

Responsible for the administrative and financial operations of the organization. This will consist of developing financial and tax strategies, managing the budget, developing performance measures that support the non-profit goals of the organization, participate in key decisions as a member of the executive team, manage legal, and tax obligations, and help implement operational best practices.

Strategic Director: 1 Part Time

Responsible for working with management and executives to create organization's strategic plan. This will consist of developing and delivering a comprehensive strategic and tactical plan as well as helping to implement and track the key performance indicators outlined in the strategic plan.

Statement of Dispensary Need:

Countywide dispensary locations have decreased by twenty-five (25) percent since the City's ordinance was initially amended, limiting patient access both within Sebastopol and in unincorporated zip code 95472. Thus, returning the ordinance to its original limit of two dispensaries is necessary to meet the ongoing needs of Sebastopol's patient populations.

Plan of Operations:

Operations plan describing how the dispensary will operate consistent with State law and the provisions of this chapter, including, but not limited to:

- (a) Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit
 - a. Traditional Living, Incorporated operates as a California Non-Profit Mutual Benefit Corporation. By its corporate status, Traditional Living complies with Health and Safety Code Section 11362.775, which requires collectives operate as an association of qualified patients, operating on a not-for-profit basis. Cannabis dispensed to qualified patient members is priced to meet the expenses of the dispensary, or offered free of charge to patients experiencing financial hardship.
- (b) Controls that will assure medical cannabis will be dispensed to qualifying patients or caregivers only.
 - a. Anyone accessing the goods and services offered by Traditional Living, Incorporated must be a qualified patient or be a caregiver for

such qualified patients, as described in State law; specifically, the patient must hold an unexpired recommendation from a California physician. Recommendations are verified by dispensary staff, and must be renewed upon their expiration. Patients enter into membership agreements with our dispensary which outline their responsibilities under California and local laws.

- (c) Controls that will ensure limitations on numbers of patients is adhered to.
 - a. Traditional Living, Incorporated will serve only as many patients as can be reasonably supported by the dispensary staff. As the City ordinance makes no reference to a specific patient cap, we have not curtailed our operations so as to avoid excluding patients who might be in serious need, either medically or financially.
- (d) Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers.
 - a. Please see our security plans for safety protocols. Additionally, as previously described, anyone accessing the property must adequately demonstrate their qualification as a medical cannabis patient. Recommendations are verified on an ongoing basis.

In addition to the controls listed above, the in depth operations plan outlined below is predicated on acting in a secure, transparent, friendly, and professional manner to ensure the “health, safety, morals, and general welfare” of the residents of the City of Sebastopol.

Operating Standards:

The dispensary will implement the following operating standards, plus more specific standards as will be outlined in the Employee Handbook.

[1] The flow of components, product containers, closures, labels, in-process materials and cannabis will be designed to prevent contamination and ensure quality.

[2] Operations will be performed within specifically defined areas of adequate size, and which does not emit an odor that is detectable from outside the facility.

[3] There will be separate or defined areas or such other control systems for the operations as are necessary to prevent contamination or miscalculation or misuse of any component in any step of the control, packaging, labeling or distribution of cannabis.

[4] Cannabis products will not be dispensed to patients until required Quality Assurance (QA) Procedures have been carried out including but not limited to ensuring that all medicine has been tested for contamination and potency by a qualified analytical testing laboratory.

[5] Persons, aside from employees, entitled to enter the dispensary space are limited to:

- (a) Qualified Patients and their Primary Caregivers.

(b) Government personnel conducting inspections.

(c) Visitors displaying a visitor ID badge with a bona fide reason to be on premises and approved by a manager, which is to be returned on departure, who must be escorted/monitored while on the premises

[6] Each person who is engaged in processing, packaging or holding cannabis practices good sanitation and health habits, wears clean clothing appropriate for the duties he or she performs and, as necessary to prevent contamination.

[7] Prohibition of consumption of cannabis on the premises other than by employees and volunteers as authorized by law to do so in a manner not prohibited by law.

[8] Job descriptions and employment contracts will be provided that, included provisions relating to:

(a) The duties, authority, responsibilities and qualifications of personnel.

(b) Supervision of personnel.

(c) Training in and adherence to confidentiality requirements.

(d) Periodic performance evaluations.

(e) Disciplinary actions.

[9] Maintenance of business records such as manual/computerized records of assets and liabilities, monetary transactions, journals, ledgers and supporting documents, including agreements, checks, invoices and vouchers in order adequately provide annual reports to City of Sebastopol on operations.

[10] Development of patient education and support materials, including:

(a) The availability of different strains and other types of cannabis medicine and the purported effects of these different products.

(b) Information compiled by leading medical cannabis experts about the purported effectiveness as well as potential side effects and health risks of various methods, forms and routes of administering medical cannabis.

[11] Use of proper sanitation methods and techniques, including:

(a) Assigning responsibility for sanitation.

(b) Describing the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the medical cannabis establishment.

(d) Ensuring that all sanitation procedures apply to work performed by contractors or temporary employees and work performed by full-time and regular employee during the ordinary course of operations.

[12] Recording transactions, including purchases and denials of sale confidentially and retaining these transactions in a manner compliant with HIPAA.

[13] Restricting access to areas containing cannabis to authorized personnel and requiring that such persons provide authorizing identification

[14] Prevention of loitering:

(a) Keeping bathroom doors locked when not in use.

(b) Monitoring parking lot.

[15] Sanitation, including:

(a) Assigning responsibility for sanitation.

(b) Describing in detail the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the dispensary ensuring that any trash, litter, and graffiti on or around the premises is immediately removed.

(d) Ensuring that all sanitation procedures apply to work performed by contractors or temporary employees and work performed by full-time employees or regular during the ordinary course of operations.

[16] Security procedures and apparatuses sufficient to prevent and detect unauthorized entrance into the Dispensary (See also Security Plan) which include:

(a) Conducting electronic monitoring in and about the premises which includes the use of electronic notification to alert local law enforcement agencies of an unauthorized breach of security.

(b) Devices or a series of devices to detect unauthorized intrusion.

(c) Exterior lighting to facilitate surveillance.

(d) Electronic (video) monitoring capabilities.

[17] Information will be posted in a conspicuous place at or near the primary secured entrance/patient lobby to the premises, as follows:

(a) A copy of the dispensary's registration, business license, use permit, and any other authorization to conduct business.

(b) The name and telephone number of the dispensary's General Manager who is authorized to receive and respond to complaints or concerns about its operations.

(c) A sign indicating that smoking, ingesting, or consuming cannabis on the premises or in the vicinity of the dispensary is strictly prohibited.

[18] Ensuring compliance with criminal history requirement of City ordinance:

(a) When hiring or seeking volunteers, all applicants must submit to a criminal background check to ensure that they have been not convicted of a felony, or a misdemeanor involving moral turpitude.

[19] Complying with dispensary supply limitation:

(a) A patient count of current members of the collective with valid medical cannabis recommendations or CA IDs will be maintained in the dispensary's software and utilized by the Product Manager to ensure strict compliance with all applicable local and state dispensary supply laws.

[20] Dispensing cannabis to meet medical monthly medical needs of patients:

(a) The dispensary will only allow patients to make one purchase per day to ensure that cannabis is only being dispensed in amounts to meet monthly needs of patients.

Staff Training Program:

The dispensary will provide instruction/training to its staff that relate to its basic operating standards (as discussed immediately above) plus the following areas:

[1] The proper use of security measures and controls that have been adopted by the Dispensary for the security of the facility and to prevent diversion, theft or loss of cannabis

[2] Procedures and instructions for responding to an emergency

[3] State, local and federal statutes and regulations regarding confidentiality of information related to the medical use of cannabis

[4] The different strains of cannabis produced or sold by the dispensary.

[5] The different methods of using cannabis, edible cannabis products and cannabis infused products.

[6] Signs of medicine abuse or instability in the medical use of cannabis by a patient.

[7] Proper sanitation as to the handling of cannabis products, including:

(a) Avoiding bare hand and arm contact with exposed cannabis products

(b) Keeping his or her hands and the exposed portions of his or her arms clean.

(c) Wearing clean clothing appropriate to the tasks assigned to him or her.

[9] The different strains of cannabis produced or sold by the dispensary.

[10] The different methods of using cannabis, edible cannabis products and cannabis infused products.

[11] The prohibition on transacting cannabis with unauthorized suppliers.

[12] Understanding the difference between topical products, edible cannabis products and cannabis-infused products.

[13] Understanding all applicable local, state, and federal laws related to the dispensing of medical cannabis.

Patient Verification Procedures:

Traditional Living will employ the following procedures in verifying patients and their caregivers and in tracking the cannabis such persons acquire or attempt to acquire:

[1] Confirming prior to membership and at least once per year thereafter, that all persons seeking to acquire cannabis hold a valid and current physician's recommendation or Patient ID Card as a qualified patient or a primary caregiver of such a patient, including by mean that:

(a) Confirm the identity of the holder of the Patient ID Card or recommendation.

(b) Confirm that the Patient ID Card or recommendation presented by such person is valid and has not been falsified, revoked, suspended or voided.

(c) Confirm that the patient or caregiver has become, or will become, a member.

(d) Confirm that a primary caregiver seeking to purchase cannabis has been designated as such by a qualified patient on whose behalf the cannabis is sought and that such patient has not concurrently designated more than one primary caregiver.

[2] Establishing a patient record for each holder of the Patient ID Card or recommendation who obtains products from the dispensary that includes:

(a) The patient or caregiver ID number.

(b) The date on which the ID or recommendation was issued to such person.

(c) The date on which the ID or recommendation is to expire.

[3] Verifying that the amount of cannabis requested is within lawful limits.

[4] Establishing an Electronic Verification System (EVS) that records, in real time with a date and time stamp:

(a) The name and number of the ID card presented for the qualified patient or primary caregiver.

(b) The type and amount of cannabis dispensed and the date/time it was dispensed.

(c) Whether the cannabis was dispensed to the qualified patient or primary caregiver.

(d) The name and employee ID number of the person dispensing the cannabis.

[5] Making entries in, and maintaining, patient records that:

(a) Are accessible only by an employees of the dispensary authorized by the policies and procedures of the dispensary to make an entry, which is dated and signed by the employee recording the entry.

(b) Identifies by name and employee number the employee recording the entry.

(c) Identifies the patient or caregiver by name, date of birth, and, where applicable Patient ID number;

(d) Includes a copy of the patient/caregiver ID and physician recommendation;

(e) Documents, by weight and potency, edibles and infused products acquired;

(f) Documents by date each time a qualified patient or primary caregiver does not obtain cannabis, together with a statement of the reasons why the product was not provided.

(g) Is protected from loss, damage or unauthorized access or use

[6] For electronically maintained records:

(a) Where electronic signatures are used to sign an entry, the employee whose signature the corresponding electronic code represents is accountable for the use of the electronic signature.

(b) There are safeguards to prevent unauthorized access, including by means of encryption.

(c) The date and time of an entry in a patient record is recorded electronically by an internal clock.

Inventory Control Procedures:

Traditional Living will use cloud based software to implement and coordinate its Patient Verification and Inventory Control system. This system will be a perpetual, encrypted system that documents that chain of custody of cannabis from acquisition to sale and will record and compile the following information:

[1] The name and employee number of the dispensary agent responsible for oversight of the inventory control system.

[2] On a day-to-day basis, track each day's beginning inventory, acquisitions, sales, disbursements, disposal of unusable cannabis and ending inventory.

[3] Where an identified reduction in the amount of inventory is not due to documented causes, the responsible dispensary agent will investigate the loss, identify corrective actions and report the findings to dispensary's General Manager.

[4] Where a reduction in inventory is due to suspected criminal activity, the dispensary will report that loss and the suspected causes of that loss to appropriate law enforcement agencies.

[5] Documenting, investigating and reporting significant variances in physical inventory counts.

[6] Documenting, investigating and reporting significant variances between the raw material and finished packaged product.

[7] Conducting quarterly physical inventory counts, which are then reconciled to the perpetual inventory records.

Patient Services Program:

Traditional Living will offer services to aid and support our Sebastopol and Sonoma County residents. These ancillary services will focus on health education issues, including the proper and appropriate use of medicinal cannabis in the manner prescribed by the patient's primary caregiver and/or treating physician. Traditional Living's services will emphasize dissemination of timely information regarding affordable medications, health education, patient care, and associated services and clinics. Patients will be encouraged to participate in off site programs and support groups hosted by Traditional Living.

Classes and additional services will include but not be limited to:

- Wellness support groups
- Medical cannabis use and awareness classes
- Health information and community resource information
- Access to books and other resources
- Outreach to senior programs
- Medical cannabis needs and referrals to appropriate health professionals

Project Description:

Traditional Living Incorporated proposes to create a destination for the health and wellness of the mind, body, and spirit in Sebastopol. Rooted in transparency, friendliness, and safety, the dispensary will offer the highest quality, lab-tested, sustainably grown medicine to qualified patients in a clean, secure, professional and supportive environment. Traditional Living will stock a sufficient variety of medical cannabis to provide relief from many known ailments, and will keep abreast of the ongoing research by industry professionals to further refine the product line it dispenses from a medical standpoint and to obtain further varieties to address medical conditions for which its use is authorized under California law. In addition to our commitment to stocking a wide variety of effective cannabis medicine, Traditional Living is also committed to stocking locally grown, sustainable medical cannabis in order to support our important local cottage cannabis economy. In addition to dispensing cannabis medicine, Traditional Living will host educational workshops on the various uses of medical cannabis with top cannabis industry professionals and take an active role in supporting and working with other existing community based organizations in Sebastopol.

The suite proposed for occupancy is approximately 1,900 square feet, and is located within an existing retail shopping center on the south side of Sebastopol, of which 620 square feet is proposed for the actual dispensing of medical cannabis. Based on market conditions, we anticipate serving 750 patients per month. Traditional Living will operate in conformance with the language and spirit of the Sebastopol dispensary ordinance.

Would-be patients will gain access to the site through a locked and alarmed front door monitored 24/7 by video surveillance, where an Entrance Screening Staff member will greet them and verify either their patient recommendation or California Identification card. Patients who qualify will then enter into Membership Agreements through which they agree to comply with Sebastopol and State laws pertaining to the lawful possession and consumption of medical

cannabis. In addition to a Membership Agreement, patients will receive a Member Handbook outlining Traditional Living's code of conduct. Once members, patients will work closely with Traditional Living's well-trained, knowledgeable dispensary staff to identify the right medication for their medical needs. Information on quality, potency, effects, and recommended consumption is provided and explained in detail so as to maximize the medical benefits and mitigate potential side effects and health risks for our valued patients. Patients will leave the dispensary with the proper, appropriately dosed medicine for their condition feeling heard, valued, cared for, and respected.

It is the intent of the applicants to offer diversity of choice for Sebastopol and Sonoma County's patients, and to contribute meaningfully to the City of Sebastopol as a tax generator, job creator, and community participant.

Written response to Dispensary Standards

Limitation on Number and Size of Dispensaries:

Current Sebastopol Code Section 17.140.080 limits the number of dispensaries to one permit, which has already been awarded. Thus, this application for an additional retail permit would seem to violate current code; however, as indicated above, and filed concurrently herewith, is a General Plan Text Amendment Application which alters that limitation, and changes the ordinance section to allow for up to two retail permits. Upon finalization of that change, this application will comply with the limitation on number of dispensaries.

Limitation on Location of Dispensary

The parcel on which the proposed location is site is zoned and occupied by commercial and industrial designated areas. It is in a visible location, providing good views of the entrance, windows, and premises from the public street. It is not within five hundred feet of a youth-oriented facility, school, smoke shop, or another dispensary. There is a parcel designated as a park within five hundred feet: Spooner Park. The Ordinance allows for an exemption from this setback requirement where a "condition exists which achieves the same purpose and intent as the distance separation requirements established herein." Spooner Park is a park in name, only. It does not operate as a gathering space for the public for recreation or entertainment. Thus, a setback from this park is unnecessary.

Operating Requirements:

Neither the applicant, nor his agents or employees, volunteers or anyone exercising managerial authority has been convicted of a felony or misdemeanor involving moral turpitude. No minors are employed by the dispensary or permitted on site, and a notice shall be posted on-site notifying the public of this prohibition. The dispensary will operate in accordance with operating hours restrictions, and without exceeding either 1,000 square feet or size limitations specifically authorized by City approval. The entrance will be locked at all times with entry strictly controlled, and a viewer will be installed in the door. Dispensary staff will monitor site activity, control loitering and control site access. Only staff, caregivers, and qualified patients, and persons with bona fide purposes will be permitted on site, and potential patients or their caregivers will not be permitted on-site without first having a valid California recommendation. Only primary caregivers and qualified patients will be permitted in the designated dispensary

area; all others will be required to remain in the waiting area. Restrooms will remain locked and under management control.

The dispensary will possess no more than eight ounces of dried cannabis per qualified patients or primary caregiver, unless a qualified patient or primary caregiver has a recommendation indicating that this quantity does not meet their medical needs, in which case, the dispensary may possess an amount consistent with the patient's needs.

Dispensing shall be conducted so as to meet patients' monthly needs, and weekly or daily visits will be discouraged. Only qualified, validated patients will be permitted as members- either those holding a currently valid physician's recommendation, or those holding a currently valid California Medical Marijuana Identification Card or Patient ID Center Identification Card.

Recommendations will be verified prior to the provision of services.

No recommending physician will be located on-site.

Patient records will be maintained and verified as needed, but no less than annually, unless the Patient has a California MMIC or Patient ID IC.

Operations will not result in illegal distribution of medical cannabis obtained from the dispensary, or used in any manner that violates local, State, or City codes.

Cultivation limits will be imposed in compliance with the City ordinance.
Retail sales will be conducted in compliance with City ordinance and limitations.

Dispensary operations shall comply with Health and Safety Code Section 11362.5 or any successor regulations.

All cannabis provided will be locally grown and organic whenever possible.

Operating plans will comply with requirements for floor plans, storage, minimum staffing, odor control, security plans, security cameras, security video retention, alarm systems and emergency contacts.

Signage and Notices will comply with City regulations.

Employee and Patient Records shall be maintained in accordance with City regulations.

Staff will receive appropriate training regarding compliance with State and local law.

Dispensary site will be maintained and operated in accordance with City regulations, including management of nuisances, trash, litter and graffiti.

Dispensary will comply with all other requirements, shall display the permit associated with this application, report and pay fees, and refrain from holding or maintaining a license from the

Division of Alcoholic Beverage Control, or operating a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

Criteria For Review:

This permit is consistent with Proposition 215 and related State law, and City Code.

There are no significant crime issues associated with this location, nor significant calls for services, crimes or arrests in the area or to an existing dispensary location.

Neither the applicant nor any employee is under 18 years.

All application materials have been provided. All required application fees have been paid.

An appropriate limit on the size of the dispensary has been established and the permit would not exceed limitations on permits allowed by this chapter, once amended.

The size requested by this permit is justified to meet the needs of residents.

The permit requested would serve needs of residents at this location.

The location is not prohibited by this chapter or any local or state law, and no significant nuisance issues or problems are anticipated.

The site plan, floor plan, and security plan have incorporated features necessary to assist in reducing crime-related problems as specified in the operating requirements section.

No dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter.

All reasonable measures have been incorporated into the plan to control the patients' conduct.

The dispensary will not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden the neighborhood with special needs or high impact uses, or contribute to a public nuisance.

No provision of the City Code or condition imposed by a City issued permit or any provision of any other local or state law, regulations, or order, or any condition imposed by permits issued in compliance therewith has been violated.

The applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

The applicant has not knowingly made a false statement of material fact nor knowingly omitted to state a material fact in the application for a permit.

Neither the applicant, his agent or employees, nor any person exercising managerial authority on behalf of the applicant has been convicted of a felony, or misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions, or duties of a permittee.

The applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

Security Plan

See attached.

Floor Plan

Please see attached

Site Plan

Please see attached

Accessibility Evaluation:

Evaluation will be submitted under separate cover, on or around September 7, 2016.

Neighborhood Context Map

Please see attached

Lighting Plan

Included in attached Security Plan.

City Authorization

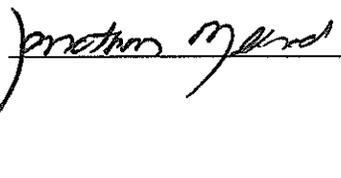
The City, its agents and employees have authorization of the application to seek verification of the information contained in the application.

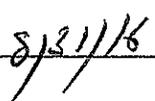
Statement of Owner's Consent

The applicant declares and certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a dispensary at the subject location.

Applicant's Certification

The applicant certifies under penalty of perjury that the information contained in this application is true and correct.

Signed:  _____

Date:  _____



City of Sebastopol

ENVIRONMENTAL INFORMATION/ASSESSMENT FORM

(To be completed by applicant)

The submittal information shall be provided to the Planning Department.

Date Filed: 8/31/16

General Information:

- Name of developer or project sponsor: Traditional Living Incorporated
Address of developer or project sponsor: 2804 Gateway Oaks Dr. Suite 200 Sacramento, CA 95833
- Address of project: 785 Gravenstein Hwy South
Assessor's Block and Lot Number: 004-11-018
- Name of person to be contacted concerning this project: Jonathan Melucci
Address of person to be contacted concerning this project: PO Box 784 Sebastopol, CA
Telephone Number of person to be contacted concerning this project: 415 806-6154 9457
- Indicate number of the permit application for the project to which this form pertains:

- List and describe any other related permits and other public approvals required for this project, including those required by City, Regional, State and Federal Agencies:

Major use permit / medical cannabis dispensary permit

-
- Existing Zoning District: CH Existing General Plan Designation: ~~GC~~ GC
 - Propose Use of Site (Project for which this form is filed): Medical Cannabis dispensary & wellness center
-

PROJECT DESCRIPTIC...

- 8. Site Size: 1.1 acres
 - 9. Square Footage: 1900 sq. Ft.
 - 10. Number of floors of construction: 0
 - 11. Amount of off-street parking: 60 spots
 - 12. Attach plans
 - 13. Proposed scheduling n/a
 - 14. Associated project n/a
 - 15. Anticipated incremental development: none
 - 16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. n/a
 - 17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
regional, 620 sq. Ft. of sales area, no loading facilities
 - 18. If industrial, indicate type, estimated employment per shift, and loading facilities.
n/a
 - 19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
n/a
 - 20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.
conditional use for medical cannabis dispensary
- Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

21.	Change in existing features of any bays, tidelands, beaches or hills, or substantial alternation of ground contour.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22.	Change in scenic views or vistas from existing residential areas or public lands or roads.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
23.	Change in pattern, scale or character of general area of project.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
24.	Significant amounts of solid waste or litter.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
25.	Change in dust, ash, smoke, fumes or odors in vicinity.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26.	Change in ocean, bay, lake, stream or ground water quality or	Yes	No <input checked="" type="checkbox"/>

	quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27.	Substantial change in existing noise or vibration levels in the vicinity.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28.	Site on filled land or on slope of 10 percent or more.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
30.	Substantial change in demand for municipal services (police, fire, water, sewage, etc).	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
31.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc).	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
32.	Relationship to a larger project or series of projects.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Environmental Setting:

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

34. Describe the surrounding properties, including information on plant and animals and any cultural historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc), intensity of land use (one-family, apartment houses, shops, department stores, etc), and scale of development (height, frontage, set-back, rear yard, etc). Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

See attached
See attached

	YES	NO
A. Does the Project involve any of the following?		
1. No change in the square footage to the existing structure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An addition of more than 50% of square footage to the existing structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. An addition of more than 2500 square feet to the existing structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. An addition of more than 10,000 square feet to the existing structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Demolition of the existing structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Does the Project involve the replacement or reconstruction of existing structures or facilities at the site which:		
1. Will have substantially the same purpose and capacity as existing structures at the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will result in an increase in square footage or capacity as compared to the existing structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
C. Does the Project involve new construction of:		
1. 35 or more dwelling units?		✓
2. More than 15,000 square feet of commercial, industrial, governmental, or institutional floor area?		✓
3. Stores, motels, offices, restaurants, and similar structures designed for an occupant load of more than 30 persons?		✓
	YES	NO
D. Does the Project involve division of property into more than four parcels or consolidation of more than four parcels?		✓
	YES	NO
E. Will the Project require issuance of a Variance, Use Permit, Zoning Ordinance Amendment, Zoning Map Amendment, or General Plan Amendment?	✓	
	YES	NO
F. Will the Project result in a change in use at the site (for example: from residential to commercial or from office to restaurant?)		✓
	YES	NO
G. Is this Project:		
1. Similar to the other projects for which you have received permits in the last two years in the City of Sebastopol?		✓
2. Similar to other projects, which you are planning to develop within two years in the City of Sebastopol?		✓
	YES	NO
H. Does the Project involve changes to an official City landmark?		✓
	YES	NO
I. Does the Project involve use of disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives?		✓
	YES	NO
J. If the Project is located within 500 feet of a residential zone or noise-sensitive land uses, will the construction of the project involve the use of pile driving, night time track hauling, blasting, 24 hour pumping, or other equipment that creates high noise levels and or vibrations?		✓
	YES	NO
K. Does the Project involve the construction, substantial remodel, or 50% or more addition to the following types of uses?		
Mobile home, amphitheater, concert hall, auditorium, meeting hall, hospital, church, library, school classrooms, or day care?		✓

I certify that the information in this form is correct to the best of my knowledge.

Jonathan Malace
Applicant Signature

8/31/16
Date

Certification:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information represented are true and correct to the best of my knowledge and belief.

Date: 8/31/16

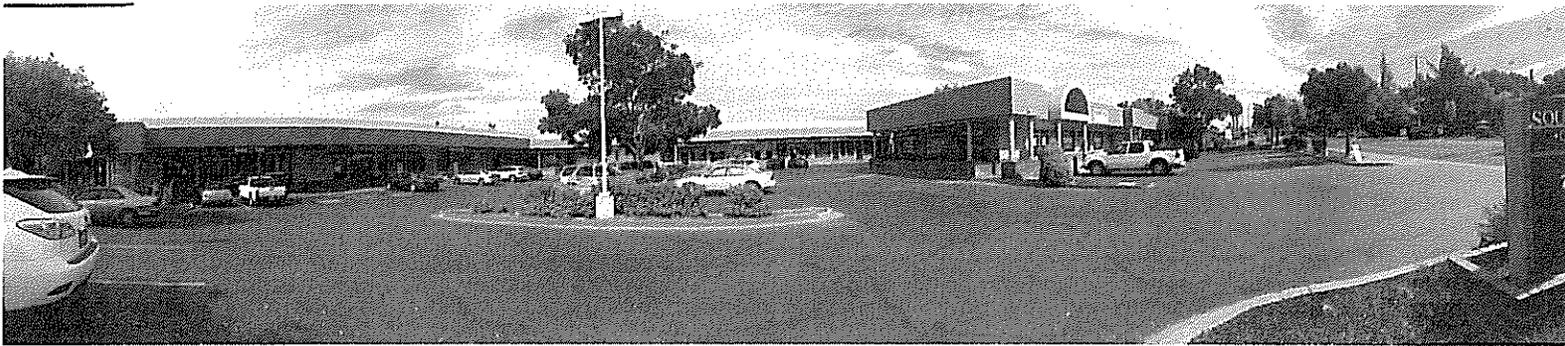
Signature: Jonathan Melrod

Printed Name: Jonathan Melrod

For: Traditional Living Incorporate

33.

The project site is currently a retail shopping center located on a busy highway in Southern Sebastopol. There are two structures on the site: one structure is broken up into retail suites and the other structure is a restaurant space with a drive-thru. The tenants of the shopping center include: restaurants, beauty salons, a senior center, and a printing shop. Because the Proposed Use will not require any changes to the existing structures or impact the nature of the project site or surrounding areas, as instructed by City Planning, information on the topography, soil stability, plants, animals, cultural, historical, and scenic aspects has been omitted as it is not applicable.



34.

The surrounding properties are commercial uses on all sides of the highway, except for the storage facility located behind the project site and a public space with solar panels and signs (Spooner Park) slightly down the road. The commercial uses surrounding the project site are: a car wash, an antique dealer, a restaurant, and a used-clothing store, all single story buildings except for the used-clothing store, a two story building. As instructed by City Planning, information on plants and animals has been omitted as the Proposed Use will not include any changes to the structures or types of use on the project site, and thus will not impact the surrounding areas.

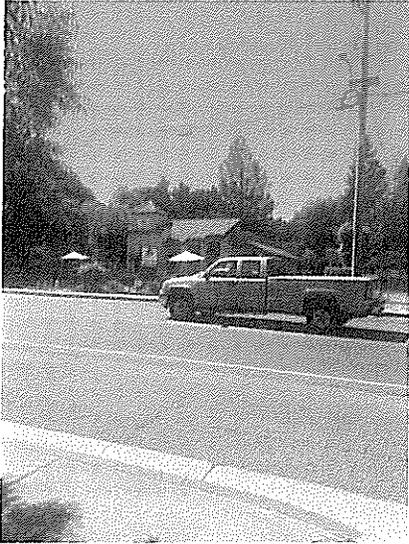
Car wash next door (South side):



Antique dealer (across the street):



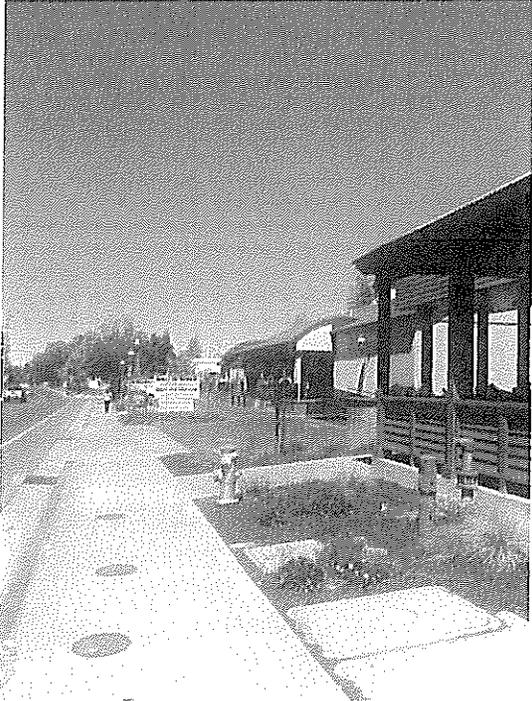
Restaurant (across the street):



Empty Lot (across the street):



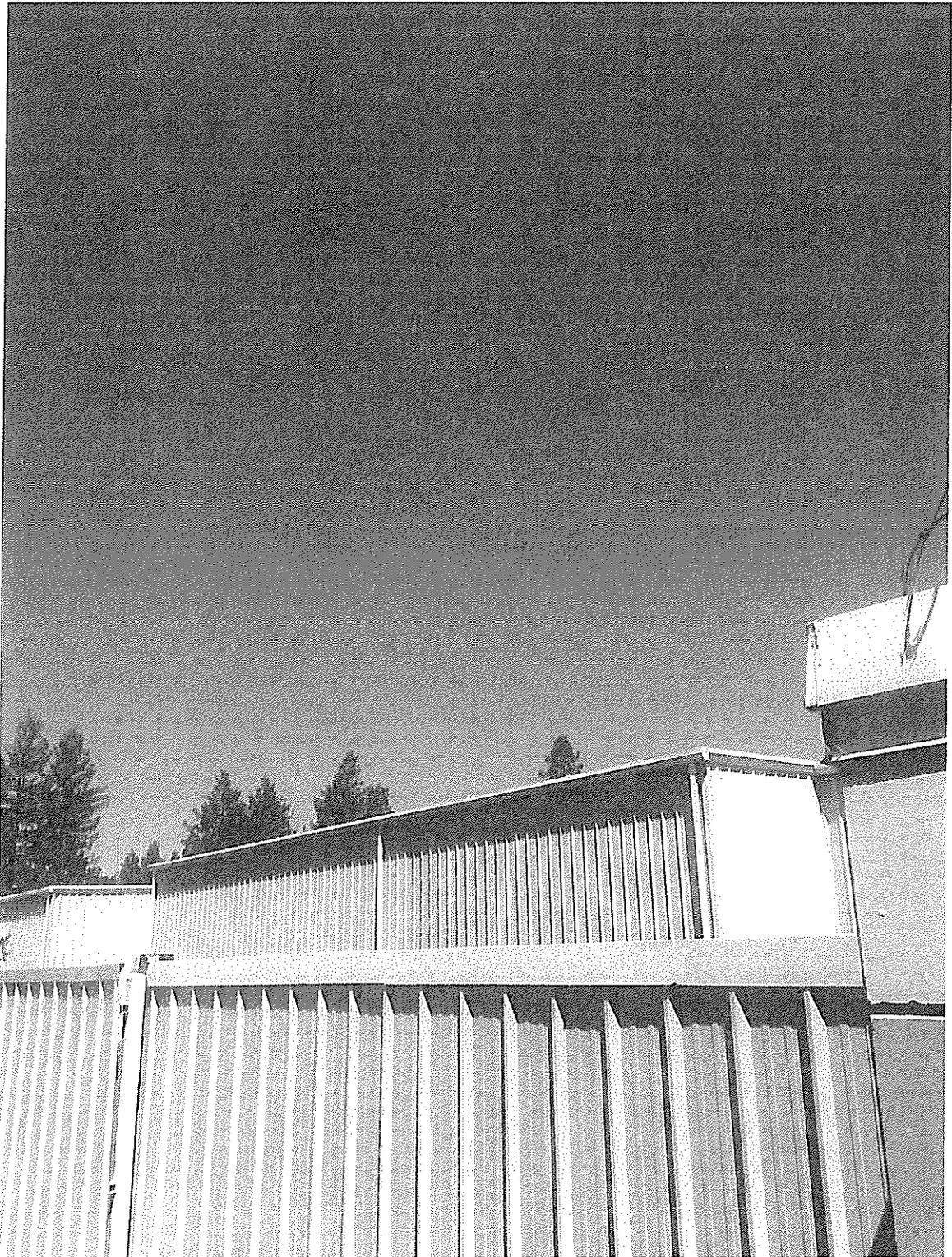
Used clothing store next door (North side)



Public space slightly down road (North of project site):



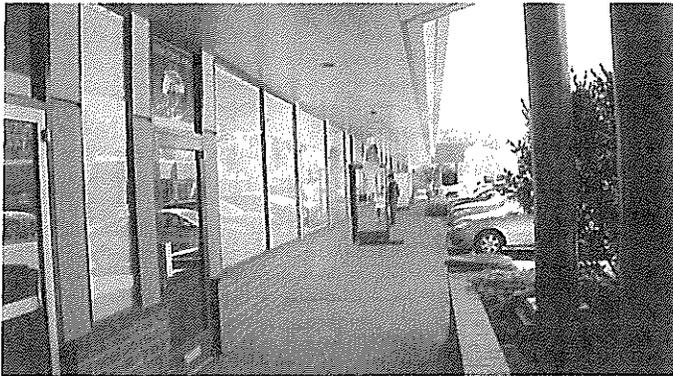
Store facility behind building:



7. Site Photographs



1



2



3

Site Photos

Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472



4



5

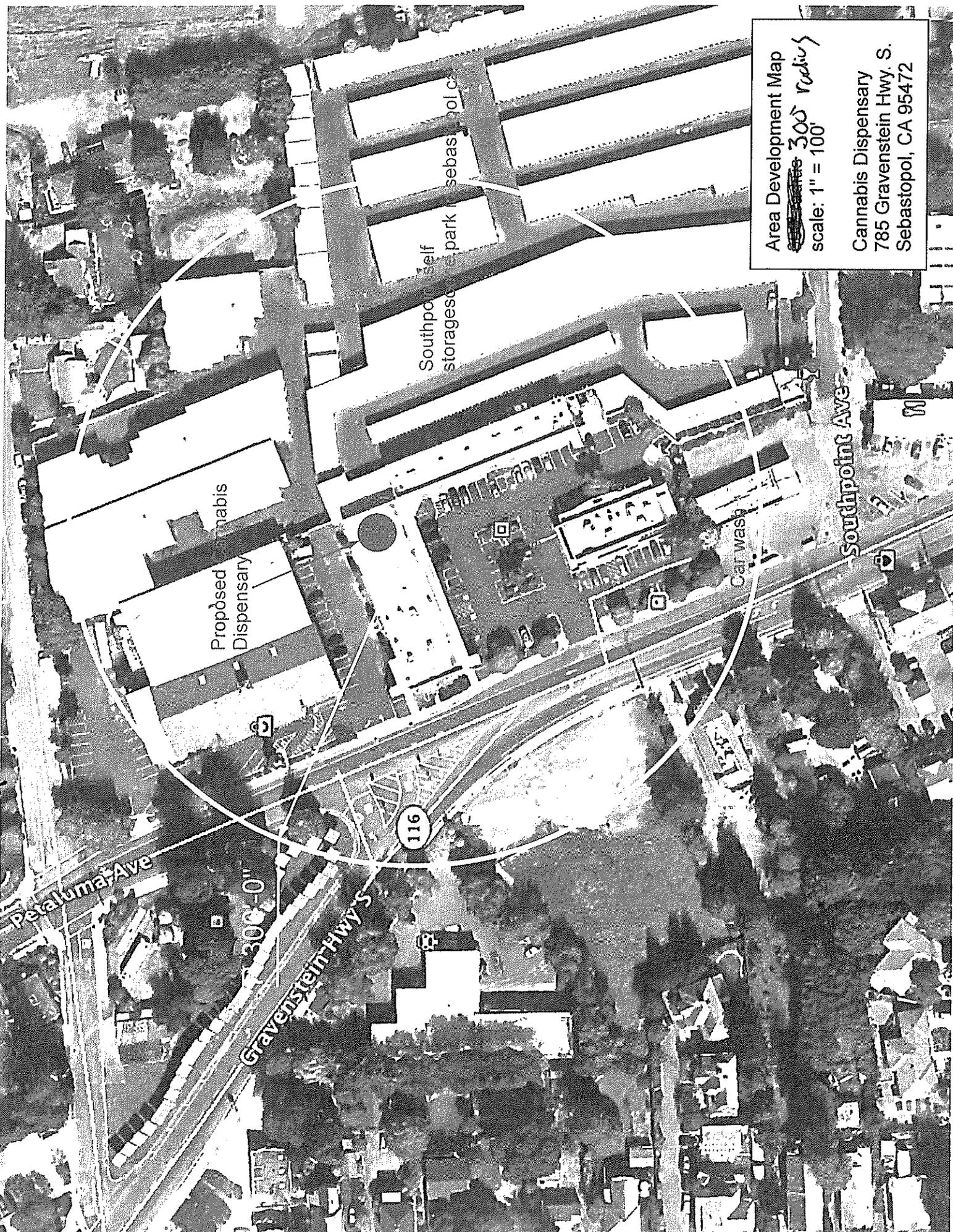
Site Photos

Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472



Site Photo Key

Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472



Proposed Cannabis Dispensary

Southpoint self storage park sebastopol ca

Car wash

Southpoint Ave

Petaluma Ave

Gravenstein Hwy

116

Area Development Map
Scale: 1" = 100'
Cannabis Dispensary
785 Gravenstein Hwy. S.
Sebastopol, CA 95472



**785 SOUTH MAIN STREET
SEBASTOPOL, CA 95472**

INITIAL SITE EVALUATION



**Craig Williams, Certified Access Specialist
ICC Accessibility Plans Examiner / Inspector**

September 9, 2016

SEP 07 2016

[Handwritten signature]

DISCLAIMER

THE OPINIONS, STATEMENTS AND CONCLUSIONS CONTAINED IN THIS REPORT ARE THOSE OF THE AUTHOR AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE DEPARTMENT OF JUSTICE, LOCAL AGENCIES HAVING JURISDICTION, GOVERNMENT AUTHORITIES, OR ENFORCEMENT AGENCIES. THE AUTHOR HAS MADE REASONABLE EFFORTS TO VERIFY THE ACCURACY AND APPROPRIATENESS OF THE CONTENT OF THE REPORT. HOWEVER, BECAUSE THE INFORMATION IN THIS REPORT IS ADVISORY AND MUST BE REFINED AND DEVELOPED BEFORE BEING IMPLEMENTED, NO GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION, APPLICABILITY TO THE PARTICULARS OF A SITUATION, OR ACCEPTABILITY FOR COMPLIANCE WITH ANY MANDATORY REQUIREMENT OF ANY CODE, LAW, REGULATION OR STANDARD, EITHER EXPRESSED OR REFERENCED IS IMPLIED. SUGGESTED CONCEPT SOLUTIONS OR PRODUCT LISTINGS IN THIS REPORT ARE INCLUDED ONLY AS EXAMPLES OF SOME SOLUTIONS THAT MIGHT BE CONSIDERED AND AVAILABLE PRODUCTS THAT COULD BE USED. SUGGESTED SOLUTIONS, WHEN PROVIDED ARE CONCEPTUAL AND PRELIMINARY AND ARE SUBJECT TO FURTHER INVESTIGATION ON A CASE-BY-CASE AND CONTEXT-BY-CONTEXT BASIS. NO ENDORSEMENT, RECOMMENDATION, OR EVALUATION OF PRODUCTS OR THEIR USE IS GIVEN OR IMPLIED.

THE CONTENTS OF THIS REPORT REFLECT THE VIEWS AND OPINIONS OF ITS AUTHOR. IT IS NOT A SUBSTITUTE FOR APPROPRIATE LEGAL COUNSEL. READERS ARE ADVISED TO SEEK LEGAL COUNSEL FOR AN INTERPRETATION OF APPLICABILITY OF CIVIL RIGHTS LAWS AND STANDARDS.

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[PURSUANT TO CALIFORNIA CIVIL CODE SECTION 55.53 (C)]

YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY WRITTEN INSPECTION REPORT AND ANY OTHER DOCUMENTATION CONCERNING YOUR PROPERTY SITE THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS SPECIALIST.

IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT INCLUDES A CLAIM CONCERNING A SITE INSPECTED BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE ENTITLED TO A COURT STAY (AN ORDER TEMPORARILY STOPPING ANY LAWSUIT) OF THE CLAIM AND AN EARLY EVALUATION CONFERENCE.

IN ORDER TO REQUEST THE STAY AND EARLY EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND THE PLAINTIFF WITH THE COPY OF A WRITTEN INSPECTION REPORT BY THE CERTIFIED ACCESS SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION 55.54. THE APPLICATION FORM AND INFORMATION ON HOW TO REQUEST A STAY AND EARLY EVALUATION CONFERENCE MAY BE OBTAINED AT WWW.COURTS.CA.GOV/SELFHELP-START.HTM .

YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED ACCESS SPECIALIST WHO HAS CONDUCTED AN INSPECTION OF YOUR PROPERTY, A WRITTEN INSPECTION REPORT AND OTHER DOCUMENTATION AS SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY POST ON YOUR PROPERTY.

[PURSUANT TO CALIFORNIA CIVIL CODE SECTION 1938]

A COMMERCIAL PROPERTY OWNER OR LESSOR SHALL STATE ON EVERY LEASE FORM OR RENTAL AGREEMENT EXECUTED ON OR AFTER JULY 1, 2013, WHETHER THE PROPERTY BEING LEASED OR RENTED HAS UNDERGONE INSPECTION BY A CERTIFIED ACCESS SPECIALIST (CASP), AND, IF SO, WHETHER THE PROPERTY HAS OR HAS NOT BEEN DETERMINED TO MEET ALL APPLICABLE CONSTRUCTION-RELATED ACCESSIBILITY STANDARDS PURSUANT TO CALIFORNIA CIVIL CODE SECTION 55.53

SCOPE OF ANALYSIS AND RELATED REPORT

Craig Williams, CASp and ICC Accessibility Plans Examiner and Inspector has been retained by Jonathan Melrod (415-806-0154) to provide a preliminary assessment summary of barriers encountered at the site located at 785 South Main Street, Sebastopol, CA. The site is comprised of several tenant spaces in a small commercial retail center. The site visit is limited to tenant unit # 785 and path of travel elements. This report is intended to provide a preliminary assessment of the barriers at the site. The site visit and this report do not purport to be a CASp Inspection pursuant to California Civil Code 55.51-55.545.

The site inspection and this report covers only the tenant space at 785 South Main Street, the interior of this space, access and exit doors serving this space, and the exterior path of travel. There are men's and women's single occupant public toilet rooms serving the shopping center.



OPINION:

Based on my review of the site (conducted on or about Tuesday September 9, 2016) there are several barriers to persons with disabilities.

The barriers at the tenant space observed by the inspector at the time of site visit are listed in preliminary summary as follows:

1. The entry door serving Unit 785 is equipped with automatic closer. The effort to operate this door exceeds 5 pounds; door closes from a position of 90 degrees open to 12 degrees open in less than 5 seconds. There is a door hold-open and mail slot within 10" of the floor at the door bottom. Door faces on the push side are required to be smooth and uninterrupted within 10" of the finished floor. The

sign posted above the entry door serving Unit 785 has been superseded by signs with different wording. The door serving Unit 785 does not have a tactile exit sign stating "EXIT" with accompanying braille. The carpeting at the entry door (near threshold) is worn and has become detached. The top of the threshold is 3/4" above the exterior landing and exceeds the maximum 1/2" permissible.

Recommendation: Adjust door closers to comply. Remove items on push side of door within 10" of finished floor. Provide kick plate to both faces of door to cover opening. If door hold-open function is desired, provide door hardware to facilitate that by means which comply. Provide tactile exit sign. Update sign above entry door to read "THIS DOOR SHALL REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED". Replace carpet, provide different finish flooring or adhere the existing carpet. Replace the threshold with an accessible saddle type threshold that has its top no higher than 1/2" AFF with its leading edges beveled at 2h:1v.

2. Exit doors (two) serving Unit 785 are also equipped with automatic closers. The effort to operate these doors exceeds 5 pounds; doors close from a position of 90 degrees open to 12 degrees open in less than 5 seconds. These doors bind in the door frames and are difficult to open. These doors are equipped with thumb turn dead bolts which require pinching and twisting of the wrist. The dead bolt binds in the mortise and is quite difficult to unlock. The effort to operate the thumb turn dead bolts exceeds 5 pounds. These doors are not equipped with lever type handles that unlock and unlatch the door in a single action with the use of one hand. Clear wheelchair maneuvering space at the exterior (pull side) is only 48" deep (60" minimum required).

Further code analysis will be necessary when developing the tenant improvement space to determine the number of second exits required for fire safety and egress code compliance. Where exit door(s) is/are to be provided, tactile exits and illuminated exit signs will be required.

Recommendation: Adjust door closers to comply. Replace hand activated door operating hardware and thumb turn dead bolt with a lever type handle that unlocks and unlatches the door in a single action with the use of one hand. If door(s) is/are intended to operate only for exiting, hardware at the exterior can be removed entirely. . If door(s) is/are intended to operate only for exiting, clear wheelchair maneuvering space is adequate (exiting only).

3. Door hardware at all interior doors is knob type. Lever or other accessible type hardware is required at all interior doors.

Recommendation: Replace all instances where knob type hardware occurs with lever type handles. Note that lever type handles must be California Fire Marshal approved types that return to within 1/2" of the finished face of door.

4. The opening at the door serving storage closet is 28" net clear. 32" minimum opening width is required.

Recommendation: Widen opening and provide a door that when open, the net clear opening is a minimum of 32" .

5. Mounting height of electrical receptacles is below the minimum 15" above finished floor (AFF) accessible reach range. Mounting height of thermostat is above the maximum 48" AFF accessible reach range.

Recommendation: Relocate electrical outlets and thermostat to be within an accessible reach range.

6. There is a floor clean-out or other access cover that is recessed in the floor. This could, if located in a path of travel, pose a hazard (tripping) and present a barrier to persons with disabilities.

Recommendation: If the element will be located in a path of travel provide a cover plate or other method to result in a flush condition.

7. A single accommodation toilet room (within unit #785) is provided. There is currently insufficient width at the water closet (wall furring configuration). There are no grab bars provided. The water closet is mounted at 15" from the side wall to the centerline of the fixture. The fixture is required to be mounted between 17" and 18" from the side wall to the centerline of the fixture. The height of the seat is 16" AFF. The height of the seat at this fixture is required to be mounted between 17" and 19" AFF. The bowl is not the elongated type as required by California Building Code. The seat is not the open front type as required by the California Plumbing Code. The lavatory sink is a pedestal type not providing required knee and toe space. This room has accessories (soap and paper towel dispensers, mirror) that are mounted at improper height (above 40" AFF) and/or encroach into clear maneuvering space required for fixtures and doors. Paper towel dispensers represent a protruding object hazard (protrude more than 4" from face of wall with leading edge above 27" AFF and below 80" AFF). Hot water supply pipe at the lavatory sink is not wrapped to prevent contact.

There is a wall mounted storage cabinet that presents a protruding object hazard. This cabinet also encroaches into the required clear maneuvering space for the water closet.

The electric outlet is mounted above the maximum permissible 48" AFF.

Recommendation: Widen the room by relocating piping in furred wall and removing furring. Replace the water heater with an instantaneous type serving the lavatory sink. This will provide the necessary clear floor area for the room and for fixtures within this room. Replace the water closet with an accessible type fixture configured to meet code compliance requirements. Provide grab bars (and associated blocking in wall to securely anchor the bars). Replace the lavatory sink with a wall mounted sink providing knee and toe clearance. Adjust mounting heights / locations of toilet room accessories to comply. . Wrap pipes beneath lavatory sink to prevent contact.

The barriers at the common use public areas outside the tenant space observed by the inspector at the time of site visit are listed in preliminary summary as follows:

1. The exterior entry door serving the hall leading common use single accommodation public restrooms is equipped with an automatic closer. The interior entry doors serving the men's and women's common use public restrooms are also equipped with automatic closers. The effort to operate these doors exceeds 5 pounds; doors close from a position of 90 degrees open to 12 degrees open in less than 5 seconds. The door handles mounted on the toilet room entry doors, while they are lever type, are not state fire marshal approved. There is a thumb turn latch provided which is not permissible. Signs

mounted on doors leading to the toilet rooms are mounted above the maximum 60" to the centerline. Wall mounted visual and tactile room identification signs for the men's and women's toilet rooms have not been provided.

The toilet rooms have accessories (soap and paper towel dispensers, mirrors), that are mounted at improper height (above 40" AFF). Toilet paper dispensers are improperly mounted and encroach into clear maneuvering space required for the toilet fixtures. Grab bars at side wall are improperly located. Waste receptacles are provided beneath paper towel dispensers. The waste receptacles encroach into required wheel chair maneuvering space for the water closet fixture. If the waste receptacle is relocated the paper towel dispensers will become a protruding object hazard (protrude more than 4" from face of wall with leading edge above 27" AFF and below 80" AFF).

The lavatory sinks are located in vanities that do not provide required knee and toe clearance space for forward access.

There is a floor cleanout in the women's toilet room having a cover that is 1/2" below the finished floor. The change in level is not beveled 2h:1v.

Recommendation: Adjust door closers at all doors serving the public common use restrooms to comply. Replace hand activated door operating hardware with fire marshal approved units and remove thumb latch devices at the doors serving the men's and women's toilet rooms. Relocate the door mounted signs. Provide visual/tactile wall mounted room identification signs.

Adjust mounting heights / locations of toilet room accessories to comply. Adjust location of side grab bars. Replace vanities and lavatory sinks with wall mounted lavatory sinks to provide the required knee and toe space. Locate sinks no closer than 18" to side wall and such that 60" of clear space is provided along the rear of water closets.

Relocate paper towel dispensers and waste receptacles such that neither encroaches into required wheelchair maneuvering space nor presents a protruding object hazard. Consider semi- or fully recessed units which afford greater flexibility in where these can be located in the room.

2. Exterior stairs (2 locations) are present at the rear (on the North side) of the building and tenant space. These stairs do not have properly configured handrails (mounting heights and extensions do not comply). One stair has handrail only on one side. This stair is insufficiently wide (44" minimum required where stairs are provided). Neither stair has warning stripes for persons with vision impairments. The variation between tread height exceeds the maximum 3/8" permissible (bottom riser) at both stairs.

Recommendation: For stairways intended to remain, reconfigure or replace handrails with handrails complying with accessibility standards. Provide warning stripes at all treads and leading edge of top landings. If the narrow stairs are not required to serve a particular function, these could be removed entirely.

3. There are gaps in concrete pavement exceeding 1/2" wide – 1/2" deep at the path of travel near the stairs (where walk enters the breezeway near stairs).

Recommendation: Fill gaps to become flush with adjacent paved surface with a traffic rated caulking.

4. The existing sign at the van accessible parking space does not have the added "\$250.00 MINIMUM FINE" sign.

Recommendation: Provide an additional sign stating "\$250.00 MINIMUM FINE". Mount on wall immediately beneath the existing sign.

CONCLUSION:

The findings and recommendations presented in this report are preliminary and represent a summary of the barriers encountered during the site visit. In the opinion of the CASp, the remediation of the above identified barriers is readily achievable and could be accomplished with minor / minimal disruption to ongoing business operations at the site.

Please do not hesitate to contact me to discuss any aspect of this report.

Respectfully,



Craig Williams
CA Certified Access Specialist CASp #005
ICC Plans Examiner / Inspector ICC #8405912
CA Registered Architect #C26642
California Building Contractor, Class B #576886 (retired)

295 Neva Street
Sebastopol, CA 95472
Email: CASpAccess@gmail.com
(707) 823-2724 (Office)
(707) 400-8325 (Mobile)



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City of Sebastopol

JUSTIFICATION FOR GENERAL PLAN OR TEXT AMENDMENT

Prepared by: Erika Carlstrom Esq.

Property Address: 785 Grovenstein Highway South

Assessor's Parcel Number: 004-11-018

Please give your written response for each of the questions listed below. Use added pages if necessary.

1. Why do you want the General Plan or Zoning Ordinance text changed?

See attached

2. What changes or events have occurred or what new evidence has arisen since the General Plan or Zoning Ordinance was adopted which now warrant a change?

See attached

3. Describe the effect the proposed change will have on the surrounding uses.

See attached

4. Describe how the proposed change will affect achievement of the General Plan goals or the objectives of the Zoning Ordinance in this and the surrounding area.

See attached

**Traditional Living Incorporated,
a California Non-Profit Mutual Benefit Corporation**

Medical Cannabis Dispensary Supplementary Application Checklist

The applicant has read and is familiar with the Sebastopol Medical Cannabis Ordinance and, if the application is approved, the applicant agrees to abide by its provisions.

No exception or modification to the standard requirements of the ordinance are requested, save for Section 17.140.080, and 17.140.100(H), which the applicant hereby requests be amended to read as follows:

17.140.080 Limitations on Number and Size of Dispensaries

(A) The Planning Commission may not grant or cause to be granted more than two permits for medical cannabis dispensaries, in compliance with the provisions of this chapter.

(B) Permits for up to two non-retail patient collectives may be granted in compliance with all provisions of this chapter.

14.140.100 Retail Sales and Cultivation

....

(H)(4) A dispensary shall not cultivate, distribute, or sell medical cannabis for profit except as otherwise provided by California law.

(H)(5) A dispensary may pay its suppliers of medical cannabis in accordance with market or contracted rates.

As more thoroughly described in the application for General Plan Amendment, filed herewith, the conditions and considerations that led the City Council to lower the number of dispensary permits no longer exist. Specifically, widely-acknowledged crime data contradicts the previous Council assertions regarding crime related to dispensaries; the number of dispensaries permitted in Oakland, Berkeley, and San Francisco have dramatically increased; and, the number of permitted dispensaries currently operating in Sonoma County has dropped from twelve to nine. Thus, the needs of Sebastopol and West County's patients are not being met, several rationales earlier adopted by the City Council relating to the ill effects of marijuana and so-called "over-concentration" of marijuana businesses has been disproved, and the population ratios contained within Sebastopol's ordinance no longer compare favorably with other jurisdictions.

AUG 31 2016



Traditional Living, Inc.
Justification for General Plan or Text Amendment
Supplemental Information

1. Why do you want the General Plan or Zoning Ordinance text changed?

Current City Zoning Code Section 17 only permits one dispensary permit. Sebastopol Zoning Code Section 17.140.010 et seq. The conditions which led the City Council to amend the ordinance, restricting the number of permits from two to one, no longer exist. Specifically, the concern over criminal rates relating to dispensaries and cannabis businesses, of over-concentration, and of overall impacts to Sebastopol citizens have dissipated. This application would amend the ordinance, allowing for up to two dispensary permits within Sebastopol.

2. What changes or events have occurred or what new evidence has arisen since the General Plan or Zoning ordinance was adopted which now warrant a change?

On November 1, 2011, the City Council approved an amendment to the Zoning Ordinance, specifically Municipal Code Section 17.140.080 to allow the Planning Commission to grant only one permit for medical cannabis dispensaries. This change was relied upon, in pertinent part, by the following findings:

“WHEREAS,...at least twelve dispensaries now operate... across western Sonoma County; and,...

WHEREAS,... Sebastopol’s 7,600 residents and the approximately 31,000 residents of Zip Code Area 95472 are adequately served by one retail dispensary in the City of Sebastopol; and, further, the County of Sonoma has or may permit additional dispensaries in unincorporated Sebastopol, increasing access for area residents. By comparison, Oakland allows one dispensary per 51, 149 of its residents...and

WHEREAS, the City finds that several California cities and counties have experienced serious adverse public safety impacts associated with...medical cannabis dispensaries...”

In contrast to these earlier findings, as of the date of submission of this application, only nine permitted dispensaries operate in the entire County of Sonoma: one each in the cities of Sebastopol and Cotati, two in Santa Rosa, and five in unincorporated Sonoma County. Thus, the availability of safe, regulated cannabis for the County’s medical patients has diminished by twenty five percent, countywide. The County has declined to permit additional dispensaries in unincorporated Sebastopol.

With the passage of the Medical Cannabis Regulation and Safety Act of 2015, cities and jurisdictions across California are recognizing the need for regulated retail outlets for California’s patients by lifting their outdated caps on dispensaries. For example, Oakland now permits 8 dispensaries, and has made 8 more per year available with no cap on the total number of dispensary permits available.

And, finally, academic studies across California reveal no increase in crime associated with cannabis dispensaries. See, e.g., Kepple, N. and Freisthler, B., Exploring the Ecological Association between Crime and Medical Marijuana Dispensaries, 2012, *Journal of Studies on Alcohol and Drugs*, 73, 523-530. Specifically, the study found no correlation between the density of dispensaries and crime rates. The study further suggests that measures taken to deter crime at dispensaries may have a diminishing impact on overall crime rates. This final result was further corroborated by the authors' 2013 study (in collaboration with Sims and Martin), "Evaluating medical marijuana dispensary policies: Spatial methods for the study of environmentally-based interventions," *American Journal of Community Psychology*, 51, 278-288.

3. Describe the effect the proposed change will have on the surrounding uses.

Current Use:

Currently, the site is a retail shopping center in very good condition occupied by restaurants, beauty salons, a senior center, and a printing store.

Proposed Use:

The Proposed Use will not change the use or condition of the premises, as the Proposed Use is also a retail business and will not require any physical changes to the exterior of the center.

Traditional Living is proposing to use an existing 1,900 square foot suite within the existing retail center to operate a clean, secure, and professional medical cannabis dispensary and wellness center. The dispensary will offer cannabis patients the highest quality, lab-tested, sustainably grown cannabis medicine in a warm, safe and open environment. The Proposed Use would allow the 50,000 residents of Sebastopol and West Sonoma County combined a diversity of choice in their medical cannabis options as well as provide significant economic and social benefits to the City of Sebastopol.

Economic Benefits:

Job Creation: The Proposed Use will create 10-15 local jobs that pay a strong living wage and provide medical insurance.

Tax Benefit: The Proposed Use will generate an estimated \$30,000-\$50,000 in tax revenue for the City of Sebastopol per year.

Supporting Local Cannabis Economy: As discussed in the December 15, 2015 Staff Report, there is a large, but mostly underground, medical cannabis economy that currently exists throughout Sonoma County. As the operators of the Proposed Use are committed to sourcing locally grown products, the Proposed Use will provide much needed support for this important sector of the local economy.

Social Benefits:

Youth Access: As acknowledged in the City of Sebastopol's December 15 Resolution regarding the need for medical cannabis regulation throughout Sonoma County, regulated, compliant medical cannabis operators lead to reduced youth access.

Supporting Community Groups: The dispensary operators are committed to working with other local community groups.

Costs:

There are no major costs associated with the Proposed Use.

While there has been a perception that medical cannabis dispensaries need a higher number of calls for police service than other similar businesses, the evidence suggests that well-run dispensaries do not have a major impact on the need for police service. Jeff Weaver, Sebastopol Police Chief, was quoted in the Press Democrat stating that Peace in Medicine, "has not had a major day-to-day impact on the police department...like any business, if it's well run, you'll have less community impacts." See, additionally, the studies on the correlation between dispensary security measures and community crime rates.

4. Describe how the proposed change will affect achievement of the General Plan goals or the objectives of the Zoning Ordinance in this and the surrounding area.

This change is compatible with the general objectives of the General Plan and goals of the Zoning Ordinance in this and the surrounding areas in that the project would be conditionally permitted in a commercial and industrial district, and is similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the uses will be subject to strict review and conditions.

This application is compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries and medical cannabis cultivation address a medical need in the community, and this project and use will be subject to rigorous review and conditions.

This application will not adversely affect the orderly development of property, in that there will continue to be appropriate controls on medical cannabis cultivation, there continue to be absolute limits on the number of dispensaries, and dispensaries continue to be subject to a careful review process, including the imposition of strict operating conditions.

Proposed Ordinance Changes

Chapter 17.140

MEDICAL CANNABIS DISPENSARIES USE PERMIT CRITERIA AND PROCEDURES

Sections:

- 17.140.010 Findings.
- 17.140.020 Purpose and intent.
- 17.140.030 Definitions.
- 17.140.040 Dispensary permit required to operate.
- 17.140.050 Term of permits and renewals required.
- 17.140.060 General tax liability.
- 17.140.070 Imposition of fees.
- 17.140.080 Limitations on number and size of dispensaries.
- 17.140.090 Limitation on location of dispensary.
- 17.140.100 Operating requirements.
- 17.140.110 Application preparation and filing.
- 17.140.120 Criteria for review.
- 17.140.130 Investigation and action on application.
- 17.140.140 Appeal from Planning Commission determination.
- 17.140.150 Effect of denial.
- 17.140.160 Suspension and revocation.
- 17.140.170 Transfer of permits.
- 17.140.180 Time limit for filing applications upon annexation.
- 17.140.190 Cultivation and processing of cannabis for personal use.
- 17.140.195 Violations.
- 17.140.200 Remedies cumulative.
- 17.140.210 Separate offense for each day.
- 17.140.220 Hold harmless.
- 17.140.230 Public nuisance.
- 17.140.240 Criminal penalties.
- 17.140.250 Civil injunction.
- 17.140.260 Administrative remedies.
- 17.140.280 Judicial review.
- 17.140.290 Effective date.

17.140.010 Findings.

The City Council adopts the ordinance codified in this chapter based upon the following findings:

A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled the "Compassionate Use Act of 1996" (Act).

B. The intent of Proposition 215 was to enable persons residing in the State of California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.

C. The State enacted SB 420 in 2004, being Section 11362.7 et seq. of the Health and Safety Code, being identified as the Medical Cannabis Program (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program.

D. To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of medical cannabis dispensaries and the cultivation of medical cannabis.

E. Cannabis plants, as they begin to flower and for a period of two months or more during the growing season, produce an extremely strong odor, offensive to many people.

F. The strong smell of cannabis can create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

G. There have been a number of cannabis dispensing- and cultivation-related incidents in California, some including acts of violence committed by persons without a legitimate medical need or use.

H. The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance. By appropriate land use regulations and procedures, the City anticipates a significant reduction in the complaints of odor and the risks of crime described herein than what would otherwise occur.

I. The City finds that medical cannabis dispensing and cultivation which exceeds the limitations set forth in these regulations will likely result in an unreasonable risk of crime and will likely create offensive odors to persons living nearby.

J. The City further finds that the indoor cultivation exceeding the limits of these regulations may require excessive use of electricity which may create an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation. In addition, the City finds that the indoor cultivation exceeding the limits of these regulations creates a substantial risk of burglary, robbery and armed robbery.

K. It is the City Council's intention that nothing in this chapter shall be deemed to conflict with Federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841, to otherwise permit any activity that is lawfully and constitutionally prohibited under that Act.

L. It is the City Council's intention that nothing in this chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of cannabis for nonmedical purposes; or (3) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal.

M. Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health, through the State's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.

N. California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq.

O. This chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the Council finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment.

P. That this chapter is compatible with the general objectives of the General Plan and any applicable specific plan, in that a medical cannabis dispensary use would be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

Q. That this chapter is compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries and medical cannabis cultivation address a medical need in the community, and in that the uses will be subject to rigorous review and conditions.

R. That this chapter will not be detrimental to the public health, safety and general welfare, in that uses will be subject to careful review, that because of the small area and population of Sebastopol, lack of experience with this use, and potential for adverse effects, dispensaries would be limited in number, cultivation would be appropriately controlled, and such uses would be subject to strict operating requirements, limiting potential negative effects.

S. That this chapter will not adversely affect the orderly development of property, in that there would be appropriate controls on medical cannabis cultivation, there would be absolute limits on the number of dispensaries, dispensaries would be subject to a careful review process, and strict operating requirements would be imposed.

17.140.020 Purpose and intent.

A. It is the purpose and intent of this chapter to regulate medical cannabis cultivation and dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use of cannabis.

B. Interpretation and Applicability.

1. No part of this chapter shall be deemed to conflict with Federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, State or Federal law, statute, rule or regulation. The cultivation, processing and distribution of medical cannabis in the City of Sebastopol is controlled by the provisions of this chapter of the Sebastopol Municipal Code. Accessory uses and home occupations where medical cannabis is involved shall be governed by the provisions of this chapter.

2. Nothing in this chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California law.

3. Provided compliance is maintained with this chapter, nothing in this chapter is intended, nor shall it be construed, to preclude a landlord from allowing, limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants as may otherwise be permitted by law.

4. Nothing in this chapter is intended, nor shall it be construed, to exempt any cannabis related activity from any and all applicable local and State construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

5. Nothing in this chapter is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of cannabis that is otherwise prohibited under California law.

6. All cultivation, processing and distribution of medical cannabis within City limits shall be subject to the provisions of this chapter, regardless if the cultivation, processing or distribution existed or occurred prior to adoption of this chapter.

17.140.030 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

“Accessory building” shall have the same meaning as set forth in SMC 17.08.030.

“Applicant” means a person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.

“City” means the City of Sebastopol.

“City Manager” means the City Manager of the City of Sebastopol or the authorized representative thereof.

“Drug paraphernalia” shall have the same definition as California Health and Safety Code Section 11362.5, and as may be amended.

“Identification card” shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.

“Medical cannabis cultivation area,” means the maximum dimensions allowed for the growing of medical cannabis. For purposes of this chapter, the allowable cultivation area shall apply to the outward edge of the vegetative canopy.

“Medical cannabis dispensing collective,” hereinafter “dispensary,” shall be construed to include any association, cooperative, affiliation, or collective of persons where multiple qualified patients and/or primary caregivers, are organized to provide education, referral, or network services, and facilitation or assistance in the lawful, retail distribution of medical cannabis. “Dispensary” means any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician and where medical cannabis is made available to and/or distributed by or to two or more of the following: a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq., or a qualified patient’s or caregiver’s place of residence.

“Medical cannabis patient collective,” hereinafter “patient collective,” shall be defined the same as “dispensary,” but does not operate in a retail capacity. As such, patient collectives are subject to all provisions relating to dispensaries except where specifically indicated.

“Permittee” means the person (1) to whom a dispensary permit is issued, and (2) who is identified in California Health and Safety Code Section 11362.7(c), (d), (e) or (f).

“Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

“Person with an identification card” shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

“Physician” shall include licensed medical doctors (M.D.) and doctors of osteopathic medicine (D.O.) as defined in the California Business and Professions Code.

“Primary caregiver” shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

“Qualified patient” shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

“School” means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including Santa Rosa Junior College and any other college or university.

“Youth-oriented facility” means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility that provides supervision of eight or fewer minor children, or children less than 10 years of age, and shall not include open space areas of the Laguna Wetlands Preserve, or the Town Plaza.

17.140.040 Dispensary permit required to operate.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a dispensary unless the person first obtains and continues to maintain in full force and effect a dispensary use permit from the City as required in this chapter.

17.140.050 Term of permits and renewals required.

A. Use permits issued under this chapter shall expire two years following the date of their issuance.

B. Use permits may be renewed by the Director of Planning for additional two-year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this chapter.

C. Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced herein.

Applications for renewal shall be acted on as provided herein for action upon applications for permits.

D. Applications for renewal made less than 45 days before the expiration date shall not stay the expiration date of the permit.

E. Permits may be revoked or suspended by the City at any time, as provided in this chapter and City Code.

17.140.060 General tax liability.

An operator of a dispensary shall also be required to apply for and obtain a business license and a general City tax certificate or exemption as a prerequisite to obtaining a permit pursuant to the terms hereof, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax consistent with State law.

17.140.070 Imposition of fees.

Every application for a permit or renewal shall be accompanied by an application fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

17.140.080 Limitations on number and size of dispensaries.

A. The Planning Commission may not grant or cause to be granted more than two permits for medical cannabis dispensaries, in compliance with the provisions of this chapter.

B. Permits for up to two nonretail patient collectives may be granted in compliance with all provisions of this chapter.

17.140.090 Limitation on location of dispensary.

A. A dispensary may only be located within commercial and industrial designated areas, i.e., those so designated in the General Plan and Zoning Map. A nonretail patient collective may only be located in an industrial designated area.

B. A dispensary shall be in a visible location that provides good views of the dispensary entrance, windows and premises from the public street.

C. A dispensary shall not be allowed in the following areas at the time of its permitted establishment:

1. Within 500 feet of a youth-oriented facility, a school, a park except for the Laguna Wetlands Preserve and the Town Plaza, a smoke shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary;

2. Within any residentially zoned parcel or primary land use, or any property with an underlying residential or mobile homes General Plan land use designation; or,

3. On a parcel having a residential unit, or on a parcel directly abutting a residentially zoned property, unless there are intervening nonresidential uses between the dispensary and the residential unit or the residentially zoned property that the Planning Commission determines sufficient to provide an appropriate separation.

D. The distance between a dispensary and above listed uses shall be made in a straight line from the boundary line of the property on which the dispensary is located to the boundary of the property on which the facility, building or structure, or portion of the building or structure, in which the above listed use occurs or is located.

E. A waiver of the provisions in subsection C of this section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or similar condition exists which achieves the same purpose and intent as the distance separation requirements established herein.

17.140.100 Operating requirements.

Dispensary operations shall be established and managed only in compliance with the following standards:

A. Criminal History. Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or is on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

B. Minors.

1. It is unlawful for any permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age.

2. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian for the first visit, or as otherwise allowed by California law.

3. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian for the first visit.

C. Operating Hours. Unless the reviewing authority imposes more restrictive hours due to specific considerations for a particular application, a dispensary shall only be operated within the following days and hours:

1. Sunday through ~~Thursday: 7:00 a.m. to 9:00 p.m.~~
2. ~~Friday and Saturday: 9:00 7:00a.m. to 9:00 p.m.~~
3. ~~Christmas Day, New Year's Day, Memorial Day, Labor Day, July 3rd and 4th and Apple Blossom Parade day: closed.~~

D. Dispensary Size and Access.

1. ~~The dispensary size shall not exceed 1,000 square feet exclusive of restroom facilities, unless specifically authorized by the approving authority.~~ Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services.
2. A dispensary shall not be increased in size (i.e., floor area or number of patients) without a prior approval amending the existing dispensary permit.
3. The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
4. Dispensary personnel shall monitor site activity, control loitering and site access.
5. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted at a dispensary.
6. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.
7. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.
8. Restrooms shall remain locked and under the control of management.

E. Dispensary Supply. A dispensary may possess no more than eight ounces of dried cannabis per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.

F. Dispensing Operations.

1. A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.

2. A dispensary shall only dispense to qualified patients or caregivers with:

a. A currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. and valid official identification, such as a Department of Motor Vehicles driver's license or State identification card; or

b. A currently valid California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

3. For qualified patients or caregivers without a California Medical Marijuana Identification Card or a Patient ID Center Identification Card, prior to dispensing medical cannabis, the dispensary shall obtain verbal, online, or signed verification from the recommending physician's office personnel that the individual requesting medical cannabis is a qualified patient.

4. A dispensary shall not have a physician on site to evaluate patients or provide a recommendation for medical cannabis.

5. Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy unless the patient has provided a California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

6. Information on prior year's operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address issues.

G. Consumption Restrictions.

1. Cannabis shall not be consumed by patients on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees and registered volunteers who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs via oral consumption or vaporization, not smoking.

2. Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, State or City codes.

H. Retail Sales and Cultivation.

1. Except for immature nursery stock cannabis plants, not more than 750 square feet of the interior area of the dispensary shall be used for medical cannabis cultivation, or as otherwise in compliance with Health and Safety Code Section 11362.5 et seq. With approval of a use permit,

greater on- or off-site cultivation square footage may be permitted. Each permitted dispensary may operate no more than one off-site cultivation facility. Nonretail patient collectives shall not be permitted to have off-site cultivation facilities. Cultivation shall be limited to interior areas of buildings. Any off-site facility shall comply with all provisions of this chapter, except that retail dispensing shall not be permitted at off-site dispensary cultivation facilities, and any off-site cultivation facilities may only be located in the M Industrial District.

a. Except for immature nursery stock cannabis plants, cannabis plants grown by the dispensary shall only be utilized for production of processed cannabis to dispense to members of the collective.

b. If cannabis plants other than immature nursery stock plants are to be grown at the dispensary, a security plan for the growing area shall be submitted to the Sebastopol Police Chief for review and approval. Such plan shall include security alarms and surveillance systems, physical measures to prevent access to the area by anyone other than dispensary staff, and physical measures to prevent vehicle access to the growing area.

c. If required by the Building Official, the cultivation area shall include a one-hour firewall assembly, shall be ventilated with odor control, and shall not create excessive humidity or mold conditions. The medical cannabis cultivation area shall be in compliance with the current, adopted edition of the California Building Code as regards natural ventilation or mechanical ventilation.

d. Cultivation facilities are strongly encouraged to utilize the most water-efficient and environmentally responsible cultivation practices available. The City reserves the right to require annual reports on cultivation facility practices, including but not limited to cultivation mediums and water use methods.

e. The cultivation use shall comply with applicable stormwater, wastewater, and Building Code requirements.

f. Plants in the permitted medical cannabis cultivation area shall not exceed 10 feet in height.

2. With the approval of the Planning Commission a dispensary may conduct or engage in the commercial sale of specific products, goods or services in addition to the provision of medical cannabis and other items permitted by these regulations on terms and conditions consistent with this chapter and applicable law. Nonretail patient collectives shall not engage in the commercial sale of products.

3. Up to 150 square feet may be utilized for display and sales of devices necessary for administering medical cannabis, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers. Such devices may only be provided to qualified patients or primary caregivers and only in accordance with California Health and

Safety Code Section 11364.5. Nonretail patient collectives shall not engage in the display and sales allowances referenced herein.

4. A dispensary shall not cultivate, distribute or sell medical cannabis for a profit, except as otherwise provided by law.

5. A dispensary shall not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation.

6. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq., or any California law which may supersede it.

7. The provision of locally grown and organic cannabis is encouraged.

I. Operating Plans.

1. Floor Plan. A dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. Storage. A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

3. Minimum Staffing Levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.

4. Odor Control. A dispensary shall have an air treatment system that ~~ensures~~ limits off-site odors ~~shall not result~~.

5. Security Plans. A dispensary shall provide adequate security on the premises, as approved by the Chief of Police and reviewed by the Planning Commission, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

6. Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.

7. Security Video Retention. Security video shall be maintained for 72 hours.

8. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition.

9. Emergency Contact. A dispensary shall provide the Chief of Police with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

J. Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

2. Signs on the premises shall not obstruct the entrance or windows.

3. Address identification shall comply with Fire Department illuminated address signs requirements.

~~4. Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less. Signs shall comply with all City ordinances and not contain any logos or information that identifies, advertises or lists the services offered.~~

K. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

L. Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the County, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis. Such records may be maintained on or off site, and shall be made available for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

M. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with State and local law, and properly trained or professionally hired security personnel.

N. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject dispensary.

a. "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

b. "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

3. The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.

4. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

O. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

P. Compliance with Other Requirements. The operator shall comply with all provisions of all local, State or Federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

Q. Confidentiality. The information provided for purposes of this section shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

R. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

S. Reporting and Payment of Fees. Each permittee shall file an annual statement with the Planning Department indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual permit fees.

T. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

U. Dispensaries shall be considered medical office uses relative to parking requirements.

17.140.110 Application preparation and filing.

A. Application Filing. A complete major use permit application submittal packet shall be submitted including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Planning Department, using forms provided by the City, and accompanied by the applicable filing fee. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use.

C. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30 days the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

E. Effect of Other Permits or Licenses. The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

F. Submittal Requirements. Any application for a use permit shall include the following information:

1. Applicant(s) Name. The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

2. Applicant(s) Mailing Address. The address to which notice of action on the application is to be mailed;

3. Previous Addresses. Previous addresses for the past five years immediately prior to the present address of the applicant;
4. Verification of Age. Written proof that the applicant is over the age of 18 years of age;
5. Physical Description. Applicant's height, weight, color of eyes and hair;
6. Photographs. Passport-quality photographs for identification purposes;
7. Employment History. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;
8. Tax History. The dispensary business tax history of the applicant, where available, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation subsequent to such action of suspension or revocation;
9. Management Information. The name or names and addresses of the person or persons having the management or supervision of applicant's business;
10. Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
11. Employee Information. Number of employees, volunteers, and other persons who will work at the dispensary;
12. Statement of Dispensary Need. A statement and/or information to establish the need for the additional dispensary to serve qualified patients in the area;
13. Plan of Operations. A plan of operations describing how the dispensary will operate consistent with the intent of State law and the provisions of this chapter, including but not limited to:
 - a. Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit.
 - b. Controls that will assure medical cannabis will be dispensed to qualifying patients or caregivers only.
 - ~~c. Controls that will ensure limitations on numbers of patients are adhered to.~~
 - c. Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers;

14. Written Project Description. A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent;

15. Written Response to Dispensary Standards. The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically, the limitation on number and size, limitation on location, and operating requirements sections;

16. Written Response to Criteria for Review Section. The applicant shall provide a written response indicating how each of the criteria for review has been satisfied;

17. Security Plan. A detailed security plan outlining the proposed security arrangements for ensuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

18. Floor Plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;

19. Site Plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six inches;

20. Accessibility Evaluation. A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements;

21. Neighborhood Context Map. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the dispensary, all properties and uses within 500 feet of the boundaries of the property on which the dispensary permit is requested, and (a) the property line of any dispensary within 500 feet of the primary entrance of the dispensary for which a permit is requested, (b) the property line of any smoke shop within 500 feet of the primary entrance of the dispensary, and (c) the property lines of any school, park, or residential zone or use within 500 feet of the primary entrance of the dispensary;

22. Lighting Plan. A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation;

23. City Authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

24. **Statement of Owner's Consent.** A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a dispensary at the location;

25. **Applicant's Certification.** A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;

26. **Other Information.** Such other identification and information as deemed necessary by the City Manager to demonstrate compliance with this chapter and City codes, including operating requirements established in this chapter.

G. **Renewal.** Applications for two-year renewal shall be accompanied by the following minimum information:

1. The operator shall report the number of patients served and pay applicable fees, as required by this chapter.

2. The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in dispensary operations to address issues or comply with laws.

3. The operator shall identify any problems encountered during operations and how they have been addressed.

4. The operator shall identify how the dispensary has managed its operations to comply with the operating requirements of this chapter and with State law.

17.140.120 Criteria for review.

The Planning Commission shall consider the following criteria in determining whether to grant or deny a dispensary permit, and renewals:

A. That the dispensary permit is consistent with the intent of Proposition 215 and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.

B. That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting district/statistics as maintained by the Police Department).

C. That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing dispensary location.

D. That an applicant or employee is not under 18 years of age.

E. That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.

- F. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.
- G. That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter.
- H. That issuance of a dispensary permit for the size requested is justified to meet needs of residents.
- I. That issuance of the dispensary permit would serve needs of residents at this location.
- J. That the location is not prohibited by the provisions of this chapter or any local or State law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or resulted.
- K. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.
- L. That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.
- M. That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference of the operation of another business.
- N. That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.
- O. That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

P. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

Q. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

R. That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

S. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

T. That adequate parking will be provided.

17.140.130 Investigation and action on application.

After the making and filing of a complete application for the dispensary permit and the payment of the fees, the Police Department shall conduct a background check of the applicant and all employees and conduct an investigation of the application, and take action as follows:

A. The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

B. Following provision of complete application materials and interdepartmental review, the Planning Department shall schedule the use permit for Planning Commission review. The Commission shall either grant or deny the application in accordance with the provisions of this chapter.

C. In approving a dispensary permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this chapter.

D. The Planning Department shall cause a written notice of the Commission decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

17.140.140 Appeal from Planning Commission determination.

An applicant aggrieved by the Planning Commission's decision to issue or deny a permit may appeal such decision to the City Council by filing an appeal pursuant to Chapter 17.320 SMC.

17.140.150 Effect of denial.

When the Planning Commission shall have denied or revoked any permit provided for in this chapter and the time for appeal to the Council shall have elapsed, or, if after appeal to the Council, the decision of the Planning Commission has been affirmed by the Council, no new

application for a permit shall be accepted from the applicant and no such permit shall be issued to such person or to any corporation in which he shall have any beneficial interest for a period of three years after the action denying or revoking the permit.

17.140.160 Suspension and revocation.

A. Consistent with Chapter 17.250 SMC, any permit issued under the terms of this chapter may be suspended or revoked by the Planning Commission when it shall appear to the Commission that the permittee has violated any of the requirements of this chapter or the dispensary is operated in a manner that violates the provisions of this chapter, including the criteria for review and operating requirements sections, or conflicts with State law. The Planning Director shall place the matter of use permit suspension or revocation on the Commission agenda at the direction of the City Attorney.

B. Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this section until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least five days prior to the date set for such review. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a permit.

C. If any person holding a permit or acting under the authority of such permit under this chapter is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the City Manager may revoke such permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

17.140.170 Transfer of permits.

A. A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit.

B. A permittee shall not transfer ownership or control of a dispensary or transfer a dispensary permit to another person unless and until the transferee obtains a use permit.

C. No permit may be transferred when the Planning Director has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

17.140.180 Time limit for filing applications upon annexation.

Any dispensary that was legally established in the County and which is subsequently annexed into the City must apply for and obtain a dispensary permit in compliance with the provisions of this chapter within 90 days from date of annexation. Continued operation of a dispensary

without a permit more than 90 days after annexation shall constitute a violation of this chapter, unless an extension of the 90-day period is approved by the Director of Planning upon the applicant's demonstration of reasonable grounds to do so.

17.140.190 Cultivation and processing of cannabis for personal use.

A. It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises within any incorporated area of the City to cause or allow such premises to be used for the outdoor or indoor cultivation of cannabis plants for medicinal purposes, or processing thereof as described herein or to process, cultivate or allow the cultivation of cannabis plants for medicinal purposes in excess of the limitations imposed in these regulations.

B. Nothing in this section shall be construed as a limitation on the City's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

C. Cultivation or Processing Exceeding the Limits of These Regulations Is Declared a Public Nuisance. Cannabis cultivation or processing exceeding the limitations of these regulations, either indoors or outdoors, regardless of whether the person growing or processing the cannabis is a qualified patient or primary caregiver, is a public nuisance.

D. Medical Cannabis for Personal Use. An individual qualified patient shall be allowed to cultivate and process medical cannabis within his/her private residence. A primary caregiver shall cultivate or process medical cannabis only at the residence of a qualified patient for whom he/she is the primary caregiver, or at the primary caregiver's residence. Medical cannabis cultivation and processing for personal use shall be in conformance with the following standards:

1. The medical cannabis cultivation area shall not exceed 100 square feet per residence;
2. Only medical cannabis cultivated at the residence in conformance with this chapter shall be allowed to be processed at the residence;
3. Any medical cannabis cultivation lighting shall not exceed 1,200 watts unless specifically approved by the Building Official;
4. All electrical equipment used in the cultivation or processing of medical cannabis (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired; the use of extension cords to supply power to electrical equipment used in the cultivation or processing of medical cannabis is prohibited;
5. The use of gas products (CO₂, butane, etc.) for medical cannabis cultivation or processing is prohibited;

6. Medical cannabis cultivation, processing and sale is hereby prohibited as a home occupation under Chapter 17.210 SMC. Per the definition of “accessory use types” in SMC 17.08.030, medical cannabis cultivation, processing and sales shall not be considered an accessory use. No sale or dispensing of medical cannabis for personal use is allowed;

7. Cultivation or processing of medical cannabis for personal use is limited to:

a. The interior of residential dwellings or to a garage or self-contained outside accessory building that is secured, locked, and fully enclosed; or

b. Exterior areas which are enclosed by a secure, opaque, solid fence or wall at least six feet in height. The fence or wall shall include a lockable gate or gates that are locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence or wall shall not violate any other ordinance regarding height and location restrictions, and shall not be constructed or covered with plastic or cloth;

8. Cannabis plants must be screened from exterior view. If located in a garage, the cultivation or processing use shall not result in a reduction of required off-street parking for the residence;

9. From a public right-of-way, there shall be no exterior evidence, including but not limited to odor, view, or other indication of medical cannabis cultivation or processing on the property;

10. The qualified patient or primary caregiver shall reside in the residence where the medical cannabis cultivation occurs;

11. The qualified patient shall not participate in medical cannabis cultivation in any other residential location within the City of Sebastopol except as may be permitted under subsection E of this section;

12. If cultivation or processing is to be conducted by a primary caregiver, documentation of the legally required relationship shall be maintained at the cultivation premises;

13. A copy of documentation of qualified patient status consistent with SMC 17.140.100(F)(1) and (2) shall be maintained on site;

14. For the convenience of the qualified patient or primary caregiver, to promote building safety, to assist in the enforcement of this chapter, and to avoid unnecessary confiscation and destruction of medical cannabis plants and unnecessary law enforcement investigations, the qualified patient or primary caretaker growing medical cannabis pursuant to this chapter may notify the City of Sebastopol regarding the cultivation site. The names and addresses of persons providing such notice, or of cultivation sites permitted under these regulations shall not be considered a public record under the California Public Records Act;

15. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for medical cannabis cultivation or processing;

16. The medical cannabis cultivation and processing area shall be in compliance with the current, adopted edition of the California Building Code as regards mechanical ventilation;

17. The medical cannabis cultivation and processing area shall not adversely affect the health or safety of the nearby residents in any manner, including but not limited to by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes; and

18. The medical cannabis cultivation or processing shall not adversely affect the health or safety of the occupants of the residence or users of the accessory building in which it is cultivated or processed, or occupants or users of nearby properties in any manner, including but not limited to creation of mold or mildew.

E. Any proposed medical cannabis cultivation by an individual qualified patient or primary caregiver that does not meet the cultivation square footage area or height standard shall require approval of a medical cannabis administrative exception. Documentation, such as a physician's recommendation, information regarding space limitations, or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area, height or locational standard is not feasible. The Planning Director shall review the submitted information and act on the exception application in accordance with this chapter. The Director's action on the application shall be subject to appeal pursuant to Chapter 17.320 SMC. The names and addresses of persons making such application, or of cultivation sites permitted under these regulations shall not be considered a public record under the California Public Records Act. A medical cannabis administrative exception permit shall conform to the following standards:

1. The approval shall be in compliance with subsections (D)(1) through (17) of this section, except as modified in the exception approval;

2. For an increase in cultivation area, the following provisions shall apply:

a. The medical cannabis cultivation area shall not exceed an additional 100 square feet, for a total of 200 square feet per residence;

b. At a minimum, any interior medical cannabis cultivation area shall be constructed with a one-hour firewall assembly if required by the Building Official;

c. For interior cultivation, the Building Official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers and code-compliant electrical systems.

17.140.195 Violations.

A. It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever

form or character to violate any provision or fail to comply with any of the requirements of this chapter.

B. A violation of this chapter shall be subject to the enforcement and penalties specified in Chapter 17.340 SMC.

17.140.200 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

17.140.210 Separate offense for each day.

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

17.140.220 Hold harmless.

As a condition of approval of any permit for medical cannabis cultivation, processing, or distribution, the permittee shall indemnify, defend and hold harmless the City of Sebastopol and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to permitted uses or operations, and in the case of dispensaries, for any claims brought by any of the permittee's clients or employees for problems, injuries, damages, or liabilities of any kind that may arise out of the permitted activities.

17.140.230 Public nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is declared a public nuisance and may be summarily abated by the City.

17.140.240 Criminal penalties.

Any person who violates, causes, or permits another person to violate any provision of this chapter shall be subject to the penalties set forth in Chapter 17.340 SMC.

17.140.250 Civil injunction.

The violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of City Manager, create a cause of action for injunctive relief.

17.140.260 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies as set forth by the Sebastopol Municipal Code.

17.140.280 Judicial review.

Judicial review of a decision made under this chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6 which shall be applicable for such actions.

17.140.290 Effective date.

The ordinance codified in this chapter shall take effect 30 days after its adoption.



October 20, 2016

Sebastopol Planning Commission

Commissioner Doyle
Commissioner Douch
Commissioner Fernandez
Commissioner Fritz
Commissioner Jacob
Commissioner Kelley
Commissioner Pinto
Commissioner Skinner

Sebastopol City Council

Mayor Gurney
Council Member Eder
Council Member Glass
Council Member Jacob
Council Member Slayter

RE: TRADITIONAL LIVING, INC. dba Sol Sebastopol, Zoning Code Amendment and
Conditional Use Permit Application
File No. 2016-68/69

Members of the Planning Commission and City Council,

On behalf of the applicant, Traditional Living, Inc., we write to introduce the above-entitled project and the applicant.

As you will read in the staff's recommendation for approval, and as contained in the application itself, the project complies with the general plan and zoning requirements for the intended use, and the applicant has adequately addressed all of staff's concerns and questions. We ask that the Commission pay particular attention to this last point: an expansion of an existing use within the City has received a recommendation of approval. This reflects the quality of the application, the qualifications of the applicant, and the extraordinary diligence of the staff working on this project.

In light of its completeness and the staff's recommendation for approval, we ask for your support of the Zoning Code Amendment and Conditional Use Permit application.

Traditional Living, Inc., a California nonprofit Mutual Benefit Corporation, proposes to lease and occupy an existing 1,900 square foot commercial building in the south central part of the City. Employing between ten and fifteen full time employees in head-of-household jobs, Traditional Living, Inc. seeks a conditional use permit to engage in the dispensing of medical cannabis in compliance with both state and local laws.

As the Planning Commission is aware, on September 11, 2015, the California Legislature passed a suite of bills, collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA," formerly "MMRSA"), to create a system of seventeen licenses for operators in the medical cannabis industry. Of particular importance is the requirement, now codified in Business

and Professions Code Section 19320(a), that any operator seeking licensure by the State must possess “both a state license and a local permit, license, or other authorization.” It is just such a local permit that Traditional Living, Inc. seeks through this application.

The City has a long, positive history with its existing dispensary, Peace in Medicine. PIM provides excellent service to some of Sebastopol and West County’s patients, and Traditional Living, Inc. looks forward to a healthy and supportive relationship with PIM and its proprietors. Traditional Living Inc. firmly believes in collaborating to the highest extent possible to support the patients and community of Sebastopol and West Sonoma County.

On November 1, 2011, the City Council approved an amendment to the Zoning Ordinance, specifically Municipal Code Section 17.140.080 to allow the Planning Commission to grant only one permit for medical cannabis dispensaries. The ordinance previously allowed for two dispensary permits, although only the permit for Peace in Medicine had at that time been granted.

This reduction in available permits was relied upon, in pertinent part, by the following findings:

“WHEREAS,...at least twelve dispensaries now operate... across western Sonoma County; and,...

WHEREAS,... Sebastopol’s 7,600 residents and the approximately 31,000 residents of Zip Code Area 95472 are adequately served by one retail dispensary in the City of Sebastopol; and, further, the County of Sonoma has or may permit additional dispensaries in unincorporated Sebastopol, increasing access for area residents. By comparison, Oakland allows one dispensary per 51, 149 of its residents...and

WHEREAS, the City finds that several California cities and counties have experienced serious adverse public safety impacts associated with...medical cannabis dispensaries...”

In contrast to these earlier findings, as of the date of submission of this application, only nine permitted dispensaries operate in the entire County of Sonoma: one each in the cities of Sebastopol and Cotati, two in Santa Rosa, and five in unincorporated Sonoma County. Thus, the availability of safe, regulated cannabis for the County’s medical patients has diminished by twenty five percent, countywide. The County has declined to permit additional dispensaries in unincorporated Sebastopol. Indeed, as of the date of this application, the County’s draft ordinance pertaining to MCRSA implementation does not contemplate any additional dispensaries.¹ It should also be noted that no other community, with the exception of Santa Rosa, has addressed patient access to dispensaries. Thus there is very little indication that patient access in Western Sonoma County will improve appreciably in the near future.

The findings which justified the 2011 reduction in permits from two to one no longer hold true. Traditional Living Inc. respectfully submits that the patients of Sebastopol and Sonoma

¹ Draft Sonoma County Ordinance Section 26-88-126(e) “No more than nine (9)... dispensaries shall be permitted within the unincorporated county at any one time.” Published for public review September 30, 2016.

County would be better served through the availability of the previously-authorized two dispensary permits.

Additionally, with the passage of the Medical Cannabis Regulation and Safety Act of 2015, cities and jurisdictions across California are recognizing the need for regulated retail outlets for California's patients by lifting their outdated caps on dispensaries. For example, Oakland now permits 8 dispensaries, and has made 8 more per year available with no cap on the total number of dispensary permits available. Santa Rosa currently has no cap on the number of dispensaries that may operate in its boundaries, preferring to regulate through its land use authority. These communities have acknowledged that the needs of their community, both patients and the public, tend towards increasing the number of dispensary outlets.

Furthermore, with full implementation of MCRSA, Sonoma County and Sebastopol's patients will no longer have the same opportunities to avail themselves of the collective model (whereby membership in a private cannabis collective could meet the patient's medical needs, or in which a primary caregiver could cultivate and make that medicine available, all under the limited protection of Health and Safety Code Section 11362.775). Even with limited personal cultivation protections, many patients will be unable to cultivate the quantity, quality, and type of products necessary to meet their medical needs. They MUST, then, have access to a dispensary which can meet those needs. This market shift, from loose associations of patients, to a formally regulated marketplace, obviates the need for additional retail establishments in Sebastopol.

As the Commission will read, in the letter from Martin Hamilton, many thousands of Sonoma County residents, in Sebastopol and the surrounding unincorporated communities, support themselves and their families through their work as farmers in the cannabis industry. While the County may not formally recognize cannabis as an agricultural commodity, we would be remiss as a community if we did not acknowledge the work of these farmers in caring for their land and our community's patients. Many of these farmers are able to keep possession of their farms only through supplementary cannabis income. Just as Sonoma County's patients must utilize a regulated retail outlet under MCRSA, so, too, must these farmers vend their medicine through regulated channels, and ultimately through a licensed dispensary. By making an additional, permitted retail outlet available to these farmers, the City of Sebastopol can further its commitment to local, sustainable, organic agriculture.

Turning, then, to the applicant itself, Traditional Living, Inc. seeks the privilege of operating the second permitted dispensary in Sebastopol. Led by Miguel Molina, of KPFA's "420 Report" and Jonathan Melrod, a local Civil Rights attorney, Traditional Living, Inc.'s team is unparalleled in its commitment to patient access, quality medicine, local cannabis culture, and cementing diversity of leadership in the industry.

Environmental impacts from the dispensary operations will be minimal. The dispensary itself will be a warm, safe, and inviting space, where each patient's medical needs will be addressed by knowledgeable, compassionate staff. Established patients will have the opportunity to order ahead, while new patients will be offered appointments during off-peak hours to avoid traffic impacts to the commercial center's lot. Bike parking will be made available to reduce parking and environmental impacts. No noise, or odor impacts will occur as a result of dispensary operations.

Not only will the center prove no nuisance to the surrounding neighbors, the project has the overwhelming support of both the property owner and the surrounding tenants. As the Commission will read in the letter of support signed by 60% of the shopping center's tenants, Traditional Living Inc. has been welcomed by the existing tenants. In addition to providing commercial activity for the neighboring tenants, the center will create 10 to 15 well-paying, full time jobs for local residents, and the medicine provided will be sourced from local, organic, sun-grown farms.

The dispensary would allow the 50,000 residents of Sebastopol and West County a diversity of choice in their medical cannabis options, and would provide significant economic and social benefits to Sebastopol.

In light of the confluence of issues and opportunities, Traditional Living, Inc. seeks to restore the Zoning Code to its former status; namely, by allowing two dispensary permits to be issued. Commensurate with that effort, Traditional Living Inc. seeks to be awarded that second dispensary permit. The project and application meet all zoning and general plan requirements of the ordinance, and the parcel is located more than 600 feet from any school in the vicinity. The nearest residential use is at a distance of almost 500 feet. The project will produce no odors or wastewater discharge, and will provide additional security to surrounding buildings through on-site personnel, security cameras, lighting and activity.

The project and application have received support from City staff. The applicant has worked closely and diligently with City staff from all departments, providing thorough, thoughtful, and educational responses. That transparency and cooperation led staff to bring the project forward for the Commission's consideration with a recommendation for approval.

The applicant recognizes the importance of this application and the broader policy questions associated therewith. The Commission and Council will undoubtedly have many nuanced and significant questions and we are prepared to address them. We invite you to join us at the site for a tour and discussion of the project at your convenience.

Sincerely,



Erin Carlstrom
Rogoway Law Group
Attorneys for the Applicant