

Meeting Date: 8/12/2014

Report Type: Public Hearing

Report ID: 2014-00498

Title: 3015 H Street Rezone (P11-047) [Passed for Publication 07/22/2014; Published 07/24/2014; Noticed 08/01/2014]

Location: 3015 H Street, District 3

Recommendation: Conduct a public hearing and upon conclusion, 1) pass a Resolution determining the project exempt from review under the California Environmental Quality Act; 2) pass an Ordinance to rezone 0.15 acres from Residential Office (RO-SPD) zone to General Commercial (C-2-SPD) zone within the Alhambra Corridor Special Planning District; and 3) pass a Resolution approving a conditional use permit to operate a medical marijuana dispensary in the proposed General Commercial (C-2-SPD) zone within the Alhambra Corridor Special Planning District.

Contact: Arwen Wacht, Associate Planner, (916) 808-1964; Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department; Stacia Cosgrove, Principal Planner, (916) 808-7110

Presenter: Arwen Wacht, Associate Planner, (916) 808-1964, Community Development Department

Department: Community Development Dept

Division: Planning

Dept ID: 21001221

Attachments:

01-Description/Analysis

02-Background Information

03-Land Use Map

04-CEQA Resolution

05-Ordinance - Rezone

06-Exhibit A - Rezone

07-Exhibit A - Rezone

08-Exhibit B - Site Plan and Floor Plan

09-Exhibit C - Lighting Plan

10-Comment Summary and Letters

City Attorney Review

Approved as to Form

Paul Gale

7/24/2014 12:38:26 PM

Approvals/Acknowledgements

Department Director or Designee: Ryan Devore - 7/1/2014 5:35:28 PM

Description/Analysis

Issue Detail: The applicant is seeking approval of a Rezone of 0.15 acres from Residential Office (RO-SPD) zone to General Commercial (C-2-SPD) zone within the Alhambra Corridor Special Planning District and a Conditional Use Permit to operate a Medical Marijuana Dispensary in the proposed C-2-SPD zone. A Therapeutic Alternative (ATA) is currently located in the Residential Office (RO-SPD) zone, which is a restrictive zone that only allows for office and residential uses. A medical marijuana dispensary, retail, or other commercial uses are not allowed in the RO zone. The applicant is requesting to rezone the property to C-2-SPD zoning, which in this zone requires a medical marijuana dispensary to obtain a conditional use permit at the Planning and Design Commission. As the project includes a rezoning request, final action is required by the City Council.

On March 13, 2014, the requested entitlements were heard by the Planning and Design Commission. The Planning and Design Commission voted to forward the requested entitlements to City Council with additional conditions on the conditional use permit - specific to the operation of the dispensary.

Policy Considerations:

2030 General Plan. The subject site is designated as Urban Corridor Low on the General Plan Land Use and Urban Form Diagram. The Urban Corridor Low designation provides for mixed-use corridors throughout the city. Each corridor includes a mix of horizontal and vertical mixed-use development and single use commercial and residential development. Urban Corridor Low includes street corridors that have multistory structures and more-intense uses at major intersections, lower-intensity uses adjacent to neighborhoods, and access to transit service. Building heights for Urban Corridor Low are between two and six stories. The existing two story building was constructed prior to 1910, well before the 2030 General Plan development standards and FAR (Floor Area Ratio) requirements existed. The applicant is not proposing to make any changes to the footprint of the existing building with this proposal. The following General Plan Policies support the project:

Public Health and Safety (PHS) 5.1.7 Healthy Communities. The City shall encourage the planning of new communities and revitalization of existing urban areas to achieve improvements in overall public health by encouraging a healthier living environment that includes walkable neighborhoods, access to recreation and open space, healthy foods, medical services, and public transit.

PHS 6.1.12 Safe and Fair Practices. The City shall maintain safe and fair business operations and ensure the health and safety of the general public through enforcement of State and local health and safety statutes and codes.

PHS 1.1.7 Development Review. The City shall continue to include the Police Department in the review of development projects to adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles.

The Alhambra Boulevard Special Planning District is a mixed use area filled with residential and commercial uses. It is appropriate to rezone the property to C-2-SPD in that it is consistent with and will support goals of the Alhambra Corridor with a continued mix of uses. The C-2-SPD zone is compatible with the Urban Corridor Low designation. Overall, the proposal is consistent with the intent of the Urban Corridor Low designation and policies.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 1, Section 15301, Existing Facilities. The project consists of the operation of an existing facility, involving no expansion of use beyond that which is existing. There would be no additional significant cumulative effect that was not evaluated in the Master EIR for the 2030 General Plan. The project would have no significant effect on the environment.

Commission/Committee Action: On March 13, 2014, the requested entitlements were heard by the Planning and Design Commission. No members of the public spoke in opposition of the proposal. Staff presented a packet of public comments with past opposition and current support for the proposal. With a majority vote (11:2:0), the Planning and Design Commission voted to forward the requested entitlements to the City Council with a recommendation for approval with amended conditions specific to the operation of the dispensary.

Rationale for Recommendation: The 3015 H Street Rezone project has been reviewed objectively with consideration for General Plan and Community Plan policies, Zoning and Development Code standards, comments received from the public, and the proposed conditions of approval. Initially, there were concerns from area neighbors about the dispensary use with regard to parking and interactions with existing uses in the area; however, ATA has held open house meetings in the community and worked to resolve neighborhood concerns. The rezone is appropriate as the site is in a predominately general commercial area and there are no residential uses on the north side of the block where the building is located. Staff's recommendation to approve the project was supported by the Planning and Design Commission with a majority vote to forward the project to the City Council with a positive recommendation. Staff continues to support the project request based on the Findings of Fact and subject to the Conditions of Approval as found in the attached project resolution (Attachment 7).

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

Background Information

Required Project Entitlements: On November 9, 2010, the Sacramento City Council adopted ordinances developing operating regulations in the Revenue Code (Title 5) and a conditional use permit requirement in the Planning and Development Code (Title 17) for medical marijuana dispensaries in the City. The Title 5 regulations allowed only existing dispensaries operating in the City to file an application with the Revenue Division for a medical marijuana dispensary. A Therapeutic Alternative (ATA) is one of the 31 dispensaries permitted to continue in the Revenue permitting process. In addition, Title 5 and Title 17 regulations require that medical marijuana dispensaries file for conditional use permits. Title 17 lists distance requirements from sensitive uses, however, they do not apply if the dispensary qualifies as a registered medical marijuana dispensary as defined by Title 17. A registered medical marijuana dispensary is required to obtain a conditional use permit (CUP). ATA meets the qualifications of a Title 17 registered medical marijuana dispensary, therefore the distance requirements do not apply. Dispensaries are permitted with a CUP in the General Commercial (C-2-SPD) zone but not in the Residential-Office (RO-SPD) zone; therefore the applicant is requesting a rezone to allow the dispensary to continue operating at the site.

Public/Neighborhood Outreach and Comments: In July 2011, a notice regarding ATA's submission of a Planning Commission application was sent to property owners within 500 feet of the subject site and to affected neighborhood associations. ATA hosted community open house meetings in August of 2011 and in July and August of 2013. Over the past several years staff has received communication in support and in opposition to the dispensary. These comments are summarized in Attachment 11. Staff is not aware of any current opposition to the project.

Rezone: The project proposes to rezone one developed 0.15-acre parcel from Residential-Office, Special Planning District (RO-SPD) zone to General Commercial, Special Planning District (C-2-SPD) zone. The RO zone is very restrictive and allows only office or residential uses. The C-2 zone is a general commercial zone which provides for the sale of commodities, or performance of services, including repair facilities, offices, small wholesale stores or distributors, and limited processing and packaging.

Medical marijuana dispensaries are permitted with a conditional use permit in the C-2 zone but not in the RO zone; therefore, the applicant is requesting a rezone of the property to the C-2-SPD zone to allow ATA to continue operating at the site. The property is currently bordered by commercial and residential uses. H Street between 30th and Alhambra on both the north and south sides of the street is entirely commercial except for a single family home at the corner of 30th and H. The closest residential use to the site is north of the site, across the alley on G Street. The existing building began as a residential use, but has been used as a commercial use for the past several decades and has an improved parking lot to the rear of the building (this site has previously been occupied by a Montessori school, a real estate office, and a title company at some time). The proposed (C-2-SPD) zoning will be compatible with the

existing use of the site and will continue to be compatible with the existing Residential-Office and General Commercial zoning surrounding the property. For these reasons, staff supports the requested rezone.

Conditional Use Permit:

Land Use: ATA is a 3,000 square foot registered medical marijuana dispensary currently operating at the project site. Hours of operation are 9:00 a.m. to 9:00 p.m. every day. The dispensary has approximately 5,089 members registered and serves about 70 members per day, predominantly between the hours of 12:30 p.m.-1:30 p.m. and 6:30 p.m.-8:30 p.m.

The first floor of the dispensary includes the following: a patient entrance on the south end of the building; reception and lobby areas; sales area; break room; restrooms; and two service areas. The second floor of the dispensary includes office areas and a restroom.

The Police Department has reviewed the security plan for ATA and finds that they have implemented appropriate security measures for this use. The Police Department has evaluated the number of calls for police service at the proposed address and the calls do not, currently, indicate that the dispensary has generated an excessive number of calls for police service. The interior/exterior lighting for the building provides an added security measure.

A City Zoning Investigator has made numerous visits to the dispensary since December of 2011. During his visits, the Zoning Investigator has found the facility to be in compliance with Title 5 regulations, adequate parking availability, no evidence of loitering by patients around the facility. Planning staff has visited the site on several occasions and has observed that the dispensary's operations do not extend beyond the specific location in which they are located. The dispensary operates such that members (qualified patients and caregivers), as well as prospective members, arrive at the parking lot at the rear or park in front of the facility, walk up to the front door of the facility, notify the staff that they are there by buzzer, and are then allowed into the facility. They are then screened for status of valid identification and if a qualified patient member, the required physician recommendation letter, and a medical marijuana I.D., prior to accessing the sales area.

Access, Circulation and Parking: The dispensary is located within an existing commercial building. The on-site parking area has access from the alley located between G Street and H Street. There are currently four (4) on-site parking spaces.

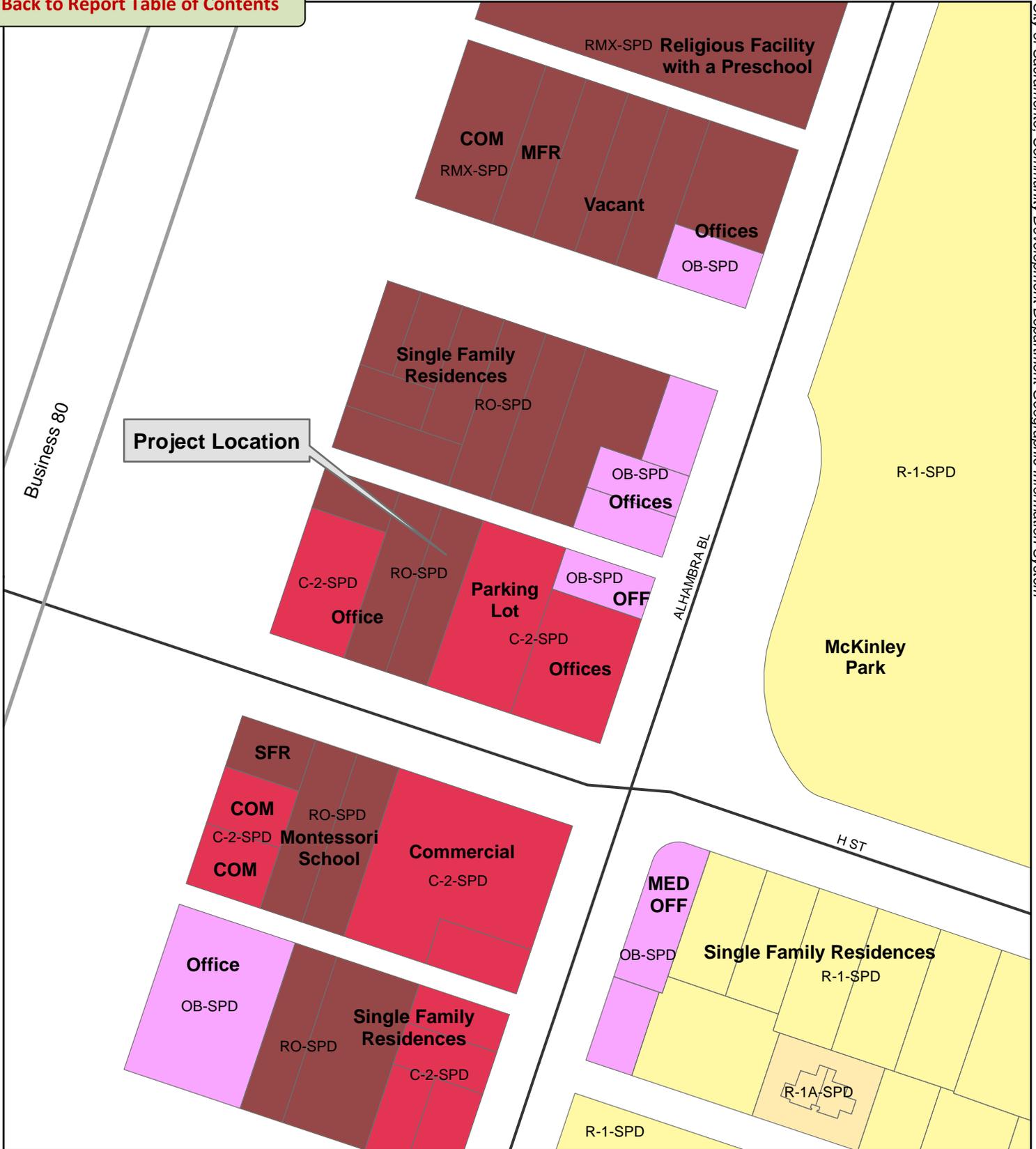
The parking ratio for a medical marijuana facility is the same as for a retail store. In the Urban Parking District, retail stores require 1 space per 2,000 square feet of building. The parking regulations have an exemption for small lots, that off-street parking is not required for nonresidential uses on lots of 6,400 square feet or less. The project site is

6,400 square feet and the use is nonresidential, therefore it qualifies for the exemption and no off-street parking is required.

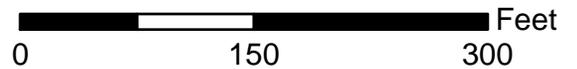
On a site visit, Staff witnessed a dispensary client parking in the handicapped parking space located on the adjacent parcel's property (to the east). Staff also received an e-mail from one of the tenants of the building that uses this parking lot, detailing his interactions with past dispensary clients (see Attachment 15). To assist in avoiding this in the future, staff has conditioned the dispensary to educate their customers on where they can and cannot park and require that their clients either park on-site or on the street. The applicant has stated that although the security guard is stationed inside, they are able to see the adjacent parking lot and keep an eye on it so that people do not park there. Each patient is asked as they enter as to where they parked and are informed that they can park in the dispensary parking lot at the rear or on the street. The dispensary is required to continue to monitor the parking situation in order to ensure that their members are not parking in the adjacent parking lots of neighboring businesses without their permission.

Building Design and Signage: The existing building is comprised of a two story structure with wood siding, finishes, and brick trim, and was originally constructed as a residence. The roof is pitched and has composition shingles. No exterior modifications or site improvements are proposed as a part of this project. The project is conditioned that all signs shall be non-illuminated and any detached sign shall be a monument sign with a maximum height of four feet.

Recommendation: With a majority vote, the Planning and Design Commission voted to forward a recommendation of approval to the City Council for the requested entitlements based on the findings in Attachment 7. Initially there were concerns from area neighbors about the dispensary use in regards to parking and interactions with existing uses in the area; however, the dispensary has held open houses in the community and worked to resolve concerns as they have been made aware of the issues. The rezone is appropriate as the site is in a predominately general commercial area and there are no residential uses on the north side of the block where the building is located. Staff believes that the project, as conditioned, meets the necessary findings of fact and has prepared the appropriate documents for approval (Attachments 4-9).



P11-047 Land Use Map A Therapeutic Alternative



RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
FOR THE PROPERTY LOCATED AT
3015 H STREET (P11-047)
(APN: 003-0212-018-0000)**

BACKGROUND

A. On March 13, 2014 the City Planning and Design Commission conducted a hearing on, and forwarded to the City Council, a recommendation to approve the 3015 H Street Rezone Project.

B. On _____, 2014, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 17.812.030 (b), and received and considered evidence concerning the 3015 H Street Rezone project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

The project consists of an approval of Rezone of the property from Residential Office zone (RO-SPD) to General Commercial zone (C-2-SPD) within the Alhambra Corridor Special Planning District and a Conditional Use Permit to operate a Medical Marijuana Dispensary in the proposed General Commercial (C-2-SPD) zone.

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines as follows:

The project consists of the operation of an existing facility, involving no expansion of use beyond that existing. There are no unusual circumstances that would result in a significant effect, and the cumulative effects of the project have been evaluated in the Master EIR prepared for the 2030 General Plan. The project would not have a significant effect on the environment.

ORDINANCE NO.

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE PLANNING AND DEVELOPMENT CODE) BY REZONING CERTAIN REAL PROPERTY FROM RESIDENTIAL OFFICE ZONE (RO-SPD) TO GENERAL COMMERCIAL ZONE (C-2-SPD) WITHIN THE ALHAMBRA CORRIDOR SPECIAL PLANNING DISTRICT
3015 H STREET (P11-047)
(APN: 003-0212-018-0000) COUNCIL DISTRICT 5**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

SECTION 1

Title 17 of the Sacramento City Code (Planning and Development Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known and referred to as 3015 H Street Rezone (APN: 003-0212-018-0000) and consisting of approximately 0.15 acres, from Residential Office zone (RO-SPD) to General Commercial zone (C-2-SPD) within the Alhambra Corridor Special Planning District.

SECTION 2

The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, is consistent with the applicable general plan land use designation, use, and development standards; the goals, policies, and other provisions of the general plan; and any applicable specific plan; and the amendment promotes the public health, safety, convenience, and welfare of the city.

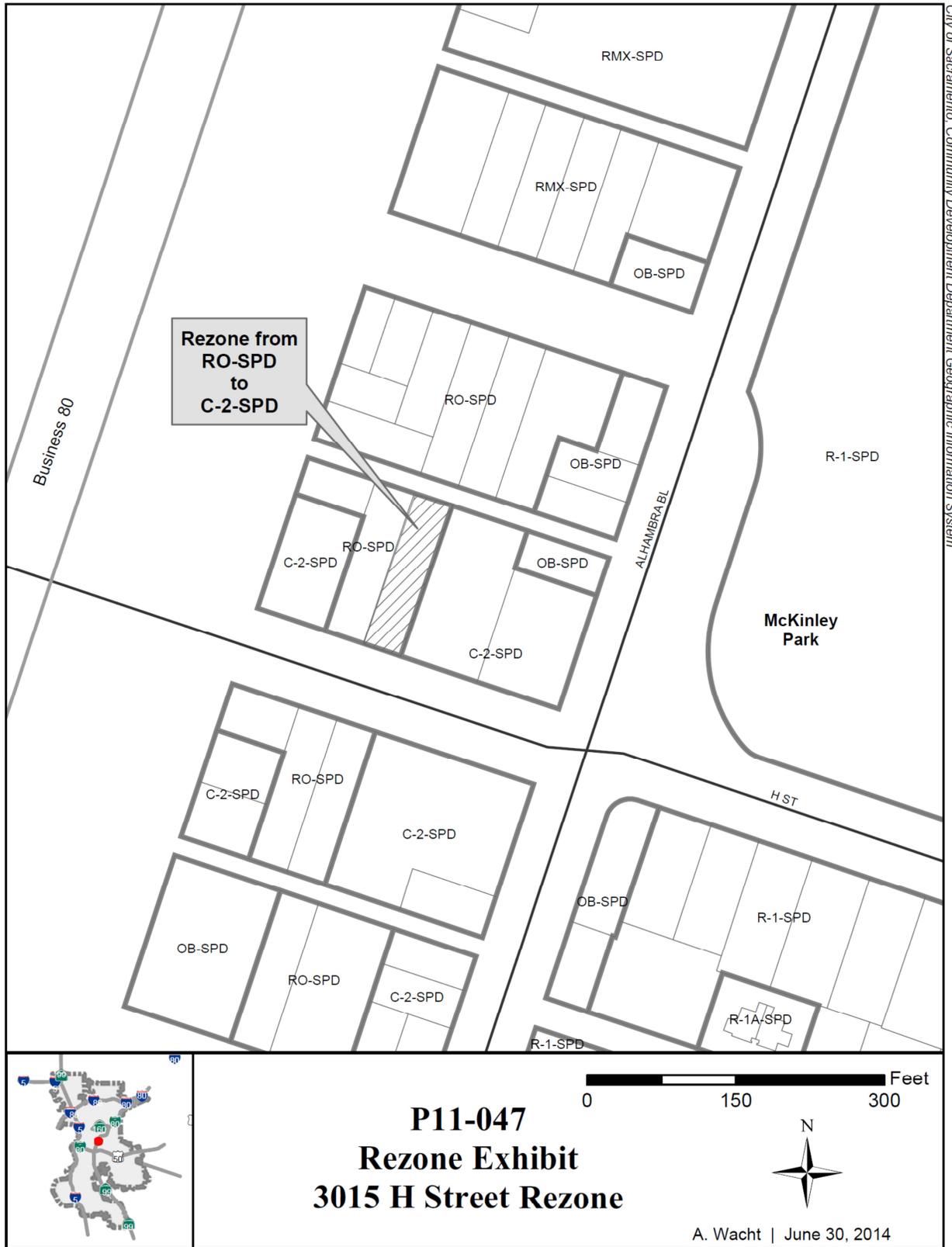
SECTION 3

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps to conform to the provisions of this Ordinance.

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Exhibit A: Rezone Map – 1 Page

Exhibit A – Rezone Map



RESOLUTION NO.

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE A THERAPEUTIC ALTERNATIVE
CONDITIONAL USE PERMIT
(P11-047) (APN: 003-0212-018-0000)**

BACKGROUND

A. On March 13, 2014, the Planning and Design Commission conducted a public hearing on, and forwarded the A Therapeutic Alternative project (P11-047) to the City Council with a recommendation for approval.

B. On _____, 2014, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030 (b), and received and considered evidence concerning the A Therapeutic Alternative project (P11-047).

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. Based on the verbal and documentary evidence received at the hearing on the A Therapeutic Alternative project, the City Council approves the project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the project entitlements based on the following findings of fact:

A. The Conditional Use Permit to operate a Medical Marijuana Dispensary in the proposed General Commercial (C-2-SPD) zone is approved based on the following Findings of Fact:

1. The proposed use and its operating characteristics are consistent with the general plan and any applicable specific plan or transit village plan in that the operation of a dispensary (retail) is consistent with the types of uses located in the Urban Corridor Low General Plan Designation.
2. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it will be located, and of all other provisions of this title and this code. The dispensary will be located in the C-2-SPD zone and is allowed to apply for a conditional use permit because it has been properly registered with the City. The Title 5 dispensary permit subjects the facility to routine monitoring to assure that it is operating consistent with Title 5 requirements and planning conditions of approval.
3. The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities. The project has been analyzed by City departments and it has been determined that all streets and other public access ways and facilities, and utility infrastructure are adequate to serve the proposed development.
4. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or

recreating in the surrounding neighborhood and will not result in the creation of a nuisance. The dispensary is located in an area surrounded by commercial and residential uses, and operates the business to take into consideration the neighborhood. Security measures are in place at the dispensary to deter crime and to protect the safety and welfare of patients and the surrounding properties. Additional measures are in effect to revoke memberships if nuisances including littering are caused by members.

5. The medical marijuana dispensary has not generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary. The Police Department has evaluated the number of calls for police service at the proposed address and the calls do not, currently, indicate that the dispensary has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.
6. The medical marijuana dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct. The dispensary has not resulted in an excessive number of calls and has provided information in support of investigation to law enforcement. The dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.
7. The proposed location, size, and other development standards of the medical marijuana dispensary are consistent with state law and this code (Ord. 2013-0020 § 1; Ord. 2013-0007 § 1). The proposed location, size and other development standards of the medical marijuana dispensary are consistent with state law, SCC Chapter 5.150, and the Planning and Development Code

Section 3. The City Council approves the project entitlements subject to the following conditions of approval:

A. The **Conditional Use Permit** to operate a Medical Marijuana Dispensary in the proposed General Commercial (C-2-SPD) zone within the Alhambra Corridor Special Planning District **is approved** subject to the following Conditions of Approval:

Planning

1. Any modification to the attached plans shall be subject to review and approval by Planning Division staff prior to the issuance of building permits.
2. The applicant/operator of the dispensary shall comply with the security plan on file with the Revenue Division.
3. A minimum of one security guard shall be on duty during business hours.
4. Good Neighbor information shall be posted near the front entrance of the dispensary and visible from the outside, which provides the contact information for the dispensary's Office Manager on a 24 hour basis and the City's Zoning Investigator.

5. Any signs for the dispensary shall be required to obtain the necessary entitlements and permits including site plan and design review and sign permits. All dispensary signs shall be non-illuminated. Any proposed detached sign shall be a monument sign with a maximum height of four feet.
6. The dispensary shall enact a program for educating their customers / clients about where they can and cannot park in the neighborhood and shall require that their customers / clients not park on private off-site property. Information on where clients may or may not park shall be included in the dispensary rules. In addition, the applicant shall modify the dispensary rules that they provide to clients, so that it includes an area where the client places their initials by each rule indicating that they have read, understood, and agree to the rule.
7. The operators shall monitor the parking situation in order to ensure their members are not parking in adjacent parking lots. If permitted by the adjacent property owner to the east, a camera(s) shall be installed to view the adjacent parking lot to the east in order to monitor and/or enforce if dispensary customers / clients are parking in the adjacent privately owned off-site parking lot.
8. Special or large events, not related to the daily operation of the dispensary, shall not be allowed (with the exception of group classes and neighborhood open house events).
9. A dispensary member shall be allowed only one transaction / purchase of products per day.
10. No sales of small quantity items (defined as single marijuana cigarettes or one gram or less of product) are allowed.
11. Dispensary staff shall walk the neighborhood on a daily basis and pick up any litter.

Building

12. A building permit will be required for all work being proposed or work that has been previously done without a permit and all work must comply with the 2010 California Code of Regulations, Title 24.

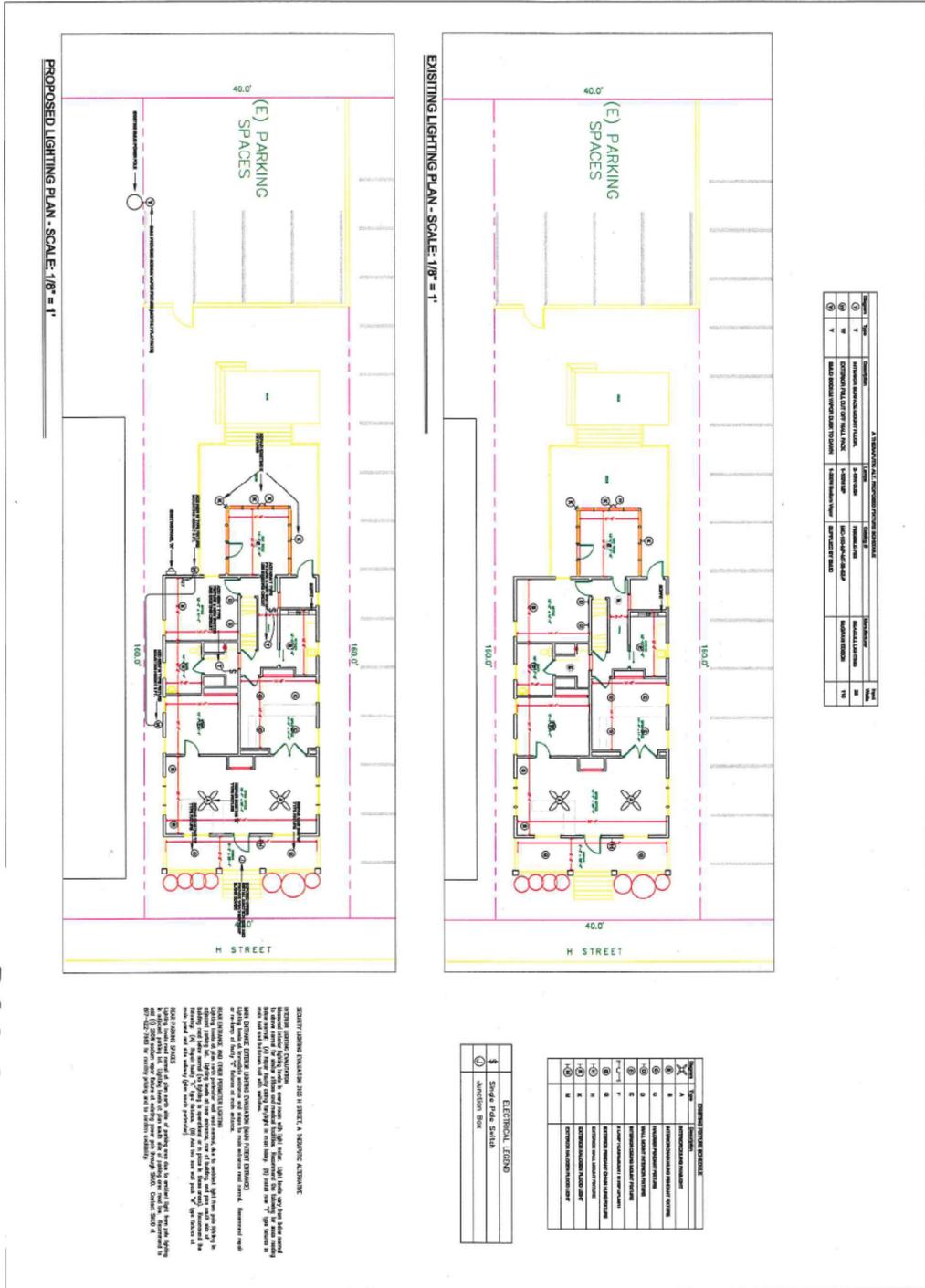
Police

13. Retail sales hours shall be limited to the hours between 9:00 a.m. and 9:00 p.m.
14. The main cashier shall be equipped with a central station silent robbery alarm system and telephone.
15. The facility shall be alarmed with a monitored burglary alarm.
16. Recorded, closed-circuit color video (CCTV) cameras shall be employed to monitor the cash registers, entrances and parking lot.

17. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 30 days of activity. DVR shall have the capability to transfer recorded data to another medium (i.e. external hard drive or DVD).
18. The DVR must be kept in a secured area that is accessible only to management. In the event of a crime on the premises there shall be at least one member of the managerial staff on-site that can assist law enforcement in viewing and harvesting recorded footage.
19. Television style monitors should be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they enter through the front door.
20. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
21. Height markers which display height measurements are required on the interior doorway of the business.
22. No public telephone/pay phone shall be allowed on the premises.
23. No coin operated games or video machines shall be allowed on the premises.
24. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the Sacramento Police Department to prosecute all violators.
25. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.
26. Exterior lighting shall meet IESNA minimum standards.
27. All exterior lighting fixtures shall be maintained and operational.
28. All dumpsters must be kept locked.
29. The applicant shall be responsible for the daily removal of all litter from their site.

Table of Contents:

Exhibit B	Site Plan / Floor Plan
Exhibit C	Lighting Plan



A THERAPUTIC ALTERNATIVE PROJECT					
NO.	DATE	DESCRIPTION	BY	REVISION	SCALE
1		EXISTING LIGHTING PLAN	AS		1/8" = 1'
2		PROPOSED LIGHTING PLAN	AS		1/8" = 1'

NO.	TYPE	DESCRIPTION
1	1	EXISTING LIGHTING SYMBOLS
2	2	PROPOSED LIGHTING SYMBOLS
3	3	EXISTING LIGHTING SYMBOLS
4	4	PROPOSED LIGHTING SYMBOLS
5	5	EXISTING LIGHTING SYMBOLS
6	6	PROPOSED LIGHTING SYMBOLS
7	7	EXISTING LIGHTING SYMBOLS
8	8	PROPOSED LIGHTING SYMBOLS
9	9	EXISTING LIGHTING SYMBOLS
10	10	PROPOSED LIGHTING SYMBOLS

NO.	DESCRIPTION
1	ELECTRICAL LEGEND
2	SINGLE POLE SWITCH
3	MOTION SENS

SECURITY LIGHTING EVALUATION - 3015 H STREET, A THERAPUTIC ALTERNATIVE

EXISTING LIGHTING EVALUATION: The existing lighting system for the building and parking spaces is evaluated based on the current lighting layout and fixture types. The existing lighting system is found to be inadequate for security purposes, particularly in the parking areas and around the building perimeter. The existing lighting system is found to be inadequate for security purposes, particularly in the parking areas and around the building perimeter.

PROPOSED LIGHTING EVALUATION: The proposed lighting system for the building and parking spaces is evaluated based on the current lighting layout and fixture types. The proposed lighting system is found to be adequate for security purposes, particularly in the parking areas and around the building perimeter. The proposed lighting system is found to be adequate for security purposes, particularly in the parking areas and around the building perimeter.

P11-047
 Received 07/18/2011

A THERAPUTIC ALTERNATIVE
CITIZEN SECURITY
E1.1
3015 H STREET SACRAMENTO, CA
SECURITY LIGHTING EVALUATION

A Therapeutic Alternative Comment Summary

Summary of Supporting / No Position Comments

- Dale Kooyman (e-mail)
 - Has had past experiences with medicinal marijuana dispensaries. Have not had issues with this dispensary or three others being proposed.
- Paul Noble, East Sacramento Improvement Association (ESIA) (e-mail)
 - Do not oppose with the following conditions: 1) no new or additional signage; 2) maintain current low number of clients; 3) conditional use permit shall be specific to this applicant only; and 4) upon revocation of conditional use permit, the zoning shall revert back to RO-SPD.
- Jami Benavides (letter); Adam Pana (letter); Dennis Grey (letter); Faith De Bonilla (letter), Mike Smith (letter)
 - Several residents of the general area have stated that they have not had issues with the existing dispensary and would not have a problem with the dispensary continuing at this location.
- Lisa J. Berg (e-mails)
 - Originally had concerns with the dispensary. After visiting the dispensary and talking with the applicant, she has since withdrawn her concerns.
- Florence Claypoole (letter)
 - Dispensary has been a good neighbor. No noticeable negative effects since they opened in 2009. Property is clean and maintained. Staff is friendly and fit into the neighborhood.
- Rebecca Judge and Kathleen Galvan, McKinley Montessori School
 - Have been in business on this block since 1981. Have toured the facility and find them to be an asset to the area. Supportive of the dispensary at this location.

Summary of Opposing Comments:

- Judy Ashley, Ashley & Associates (e-mail)
 - Dispensary is too close to the middle school. If a liquor store cannot be that close to a school, a dispensary should not be able to.
- Rita Bermudez, Bermudez Family Trust (e-mail)
 - Not supportive of rezone and reducing parking spaces for this use. Parking is already limited in this area, especially between 10:00 a.m. and 3:00 p.m.
- Anonymous (telephone call)
 - Against rezone and conditional use permit. Dispensary is too close to kids (Sutter Middle School and McKinley Park).
- Anonymous (e-mail)

- Neighbor does not want this use in the neighborhood. How is this permissible with two elementary schools less than a block away?
- Claudia Bordin (e-mail)
 - Not supportive of rezone, which will allow more uses in an area that has parking issues. Not supportive of conditional use permit: the use will attract drug sales and more homeless people. The building has been an office for the last 12 years. Against any dispensary in East Sacramento and close to any school.
- Mike Lippi, Coldwell Banker (e-mail)
 - Neighboring business has had issues and confrontations with dispensary clients that park in their business' parking lot. Concerned with dispensary's proximity to their clients and the Montessori school across the street. Would like them to relocate away from their business, schools, and parks.
- John Home, McKinley East Neighborhood Association (MENA) (e-mail)
 - Concerned with dispensary clients parking and interactions with surrounding businesses. The alley is already full of homeless at night. Concerns with the co-op purchasing back marijuana from clients. Concerned with the site's proximity to middle school, Montessori school, and McKinley Park.
- Michael C. Meneni (e-mail)
 - Concerned about the clientele the dispensary will attract and its proximity to Sutter Middle School, McKinley Montessori School, and McKinley Park. Concerned about how this use will affect the area's home values. Concerned with the dispensary's effect on McKinley Park. As a property owner, he has not been contacted by the dispensary to discuss their proposal, as the applicant stated in their application.
- Armond M. Noble (telephone call); Helen L. Noble (telephone call)
 - Not supportive of any Medical Marijuana Dispensary.

Arwen Wacht

From: Judy Ashley [judithlashley@gmail.com]
Sent: Tuesday, August 02, 2011 3:10 PM
To: Arwen Wacht
Subject: Application for a Medicinal Marijuana Dispensary

Mr. Wacht,

I usually don't oppose business applications, new business is good for a variety of reasons. However, I think the Application #P-11-047, for A Therapeutic Alternative at 3015 H Street is just too close to the middle-school across and down the street. If liquor stores can't have a license this close to a school, I don't think a marijuana shop should either.

Thank you.

--

Judy Ashley
Ashley & Associates
820 Alhambra Blvd
Sacramento, CA 95816
916-444-9806

Arwen Wacht

From: Greg Sandlund
Sent: Wednesday, August 03, 2011 10:32 AM
To: Evan Compton; Antonio Ablog; Arwen Wacht
Cc: Stacia Cosgrove
Subject: FW: Medical Marijuana dispensary applications

An email below from Dale Kooyman, who supports the four proposed dispensaries we are processing.

From: dale kooyman [<mailto:kooyman801@gmail.com>]
Sent: Wednesday, August 03, 2011 8:07 AM
To: Greg Sandlund
Subject: Medical Marijuana dispensary applications

The following was forwarded to me by a neighbor. I own property and live within a block of Green Door and walk by J Street Wellness frequently.

I see that the applications for these four business are assigned to three different planners. I believe that I emailed you previously that I supported the city's granting Green Door's application. Please let Ablog and Wacht know that I have no opposition to the others as well. You may forward this email to them.

My support is based on our many months experience that these businesses and their patients are very good neighbors. They are open only for limited hours--closing by 8 p.m.

Personally, based on our past experience with them, I prefer them over than the alcohol clubs, bars and those that call themselves "restaurants" but are open the hours of bars/club. The reason, of course, is that they and their patient customers are far better neighbors

Neither the businesses nor their patient customers have ever caused us neighbors any problems such as loitering near or around the dispensary, noise, vandalism, littering, fighting, arguing, screaming, shouting, cursing, over parking our neighborhoods, stomping on or breaking our lawn sprinkler heads, staggering and falling into our flower, beds and shrubbery, ALL of which the drunken customers of the many alcohol dispensaries in Midtown are guilty of repeatedly, sometimes starting on some evenins as early as 10 p.m and lasting until 3:00 a.m.

If you have any resident objecting to these businesses, I would like to know, so please email me such information.

I have heard that a couple people have stated opposition among neighbors but both these are rabid supporters and customers of the over concentrated number of alcohol clubs and bars in Midtown, so their opposition is hardly objective.

- A Therapeutic Alternative (Project Planner: Arwen Wacht)
- J Street Wellness (Project Planner: Antonio Ablog)
- All About Wellness (Project Planner: Antonio Ablog)
- The Green Door (Project Planner: Greg Sandlund)

Arwen Wacht

From: Rita Bermudez [rbmb@earthlink.net]
Sent: Wednesday, August 03, 2011 8:34 AM
To: Arwen Wacht
Subject: Re Application number P11-047

Hello Mr. Wacht,

I am writing in regards to Application number P11-047, APN 003-0212-018 at 3015 H street.

I would *not* recommend approving a special permit to reduce the number of required parking spaces for this project. The parking is already limited in this area around the park. There is a church nearby that has several functions which can take up all the parking during weekdays. There are multiple offices in the area. My concern is that a medicinal marijuana dispensary is going to bring in a significant increase in traffic and need for parking. These dispensaries are very popular and serve numerous patrons during the day. There is already difficulty parking in this area. I can affirm this because I have a building in the area and I often have to go around the park several times in order to find a place to park if I try to park during the hours of 10:00 to 3:00. My patrons make similar complaints. Therefore, I am asking that this special permit for a rezone and for a reduction in the number of parking spaces *not* be granted.

Thank you,

Bermudez Family Trust
00302110080000
Alhambra Blvd
Sacramento, Ca.

Arwen Wacht

From: Paul Noble [noblep5@comcast.net]
Sent: Thursday, August 04, 2011 1:43 PM
To: Arwen Wacht
Subject: Re: P11-047 - A Therapeutic Alternative

Dear Mr. Wacht:

The ESIA Board does not oppose the requested use permit and zoning change so long as the following conditions and restrictions are expressly incorporated into any grant of approval:

- (1) No new, additional, or different signage shall be allowed, i.e., the signage for the dispensary shall be limited to that which was in use as of the July 29, 2011 application date.
- (2) The current, low-intensity use of the facility should be maintained, i. e., there should not be a significant increase above the number of patients currently served.
- (3) Any special permit granted to the applicant shall expressly provide: "The special permit shall be revoked automatically upon the transfer of either management control of, or a controlling ownership interest in, the dispensary to any other person or entity."
- (4) Upon revocation of the permit, or should the operation of "A Therapeutic Alternative" cease for any other reason at 3015 H Street, the zoning for the parcel shall revert to RMX-SPD, under the special regulations and restrictions applicable within the Alhambra Corridor SPD. Additionally, the revocation of any special use permit granted to "A Therapeutic Alternative" shall not qualify as a "removal" under section 17.103.030 of the City Zoning Code.

Thank you for giving us the opportunity to comment on this application.

Paul Noble, President
East Sacramento Improvement Association

Arwen Wacht

From: Claudia Bordin [cbdesign@surewest.net]
Sent: Tuesday, August 09, 2011 2:35 PM
To: Arwen Wacht
Subject: P11-047
Attachments: Claudia.vcf

Arwen -

Why is the property in operation - already dispensing marijuana without a **PRIOR** use permit?
Is this a scam to get in the door and THEN ask for what they require once they are in operation?
Why is there a business in there operating as a "store" when *it is zoned RO*?
Who let this happen?

I am against the property being rezoned from RO-residential office to C2 – commercial

Once it is rezoned, many other types of operations can use this building. There is hardly any parking, and people park all over the alley way as it is. If this use permit is allowed - the alley will turn into a drug reselling spot and attract more homeless than it already has. When I rented the house behind this on G Street, I would come to work with men sleeping on my front porch! and I was afraid to walk to my car at night when it was dark because of the homeless who hang around there. This "business" will attract more undesirable people to this block.

This building has been an *office* for the last 12 years that know of when I was renting an office behind it. It was never a commercial establishment as stated in the application. Ask the landlord, Hobbs, specifically who was the previous tenant/s.

I am against a marijuana dispensary in East Sacramento.

I am against a marijuana dispensary being close to a school – of any age child!
-Claudia Bordin

Arwen Wacht

From: Lippi, Mike [MLippi@cbnorcal.com]
Sent: Friday, August 12, 2011 4:50 PM
To: Arwen Wacht
Cc: Steve Cohn
Subject: Marijuana Dispensarie

To whom it may concern:

As the managing broker of the Coldwell Banker office at 730 Alhambra Blvd, I have watched, firsthand, the growing business across our parking lot. The Marijuana Dispensarie business had a very quiet beginning and frankly I did not know just who the tenant was until months later when coming and going from the building began to affect our parking situation. I have given notification to curtail using our parking lot to the point of our agents feeling threatened by occasional patrons of this business. I have had children on many occasions attend meetings with there parents here at our office and I'm aware of Montessori preschool just across the street from this business. It is my understanding and we were not notified by anyone that the business has applied for a special permit to continue to operate. I want to stand firm that this Dispensary needs to relocate away from park a school and business that is right next store.

Mike Lippi

Arwen Wacht

From: John Home [John_Home@rsconst.com]
Sent: Monday, August 15, 2011 4:04 PM
To: Arwen Wacht
Cc: Nancy Cornelius
Subject: RE: P11-047

Hi Arwen,

MENA has reviewed the application. We are also in receipt of ESIA's comments on this application and are in general agreement with these comments. Some additional comments we would ask be considered, please:

1. parking from the dispensary is currently a problem for CB as confirmed with CB. One of our board members spoke with Mike Lippe, manager of the Coldwell Banker office next door, and he said this business has been there for 1-1/2 to 2 years and has been a nuisance, as people park in their parking lot, and when asked to move, swear and give them "lip service". Also, per Mike, Coldwell Banker was never notified by the city of these permits requests! And, the app was "new news to Mike". We question if all adjacent neighbors have indeed been notified.
2. The alley corridor is already full of homeless at night.
3. We are concerned about the comments their employee made to MENA about being a co op where they buy marijuana back from growers (presumably prescription holders). This does not seem healthy or professional and could endanger some clients. Not sure if this is a currently permitted activity or legal.
4. it is very close to a middle school, a private school (Montessori) immediately across the street, and a highly used city/regional park, so we are concerned about the perception a marijuana dispensary creates for our family oriented community, grandfathered in or not.

Thank You,
John Home
MENA

Arwen Wacht

From: Mike Meneni [mmeneni@surewest.net]
Sent: Friday, August 19, 2011 2:13 PM
To: Arwen Wacht
Cc: Steve Cohn
Subject: Opposition to application P11-047; Mariuana dispensary at 3015 H street
Attachments: dispensary P11-047.doc

Dear Ms. Wacht and Council Member Cohn:

I'm writing to protest the re-zoning of 3015 H Street (Application Number P11-047) to permit a medicinal marijuana dispensary.

While I believe there are potential benefits for those with chronic conditions to have access to such a dispensary, I think having a dispensary at this location is a greater detriment than benefit to the community, for several critical reasons:

- I'm concerned with the traffic and clientele this business will attract, considering its close proximity to a public elementary school (Sutter Middle School, less than a block away), a preschool/kindergarten (McKinley Montessori, across the street) and an established and popular family park (McKinley Park). A majority of the clientele may be there for legitimate purposes, but with any dispensary there's an element that should make any parent, citizen, city official, resident and homeowner wary.
- I'm very concerned about home values, and the willingness of people to buy homes near a dispensary, especially in the McKinley Park area.
- The McKinley Park area is jewel of this city, and we should all protect it. This dispensary should not have been allowed to open in this area in the first place.

To that end:

- I'm truly alarmed that such an operation can open without the community being made aware. I was never informed that this operation opened on my block. What's interesting is that when a new parking lot or home construction is proposed, I receive appropriate letters and notifications; however, a marijuana dispensary somehow slipped in with no one being the wiser. Even the City of Sacramento is unaware of where all of the dispensaries exist within Sacramento.
- After reading the proposal, it mentions that the Business Owner would contact each of the adjacent property owners and discuss this proposal; this has not happened.

I hope you please take into consideration my concerns as you decide over this matter.

Sincerely,
Michael C. Meneni

cc. Steve Cohn; Council Member for District 3

To the City of Sacramento

I am a neighbor of A Therapeutic Alternative, a medical cannabis dispensary located at 3015 H Street.

I have am aware of their location and have no problem with them continuing to operate in the neighborhood.

Please approve their application.

Jamiprenavides

08/29/11
Date

5302 H St.

Address

To the City of Sacramento

I am a neighbor of A Therapeutic Alternative, a medical cannabis dispensary located at 3015 H Street.

I have am aware of their location and have no problem with them continuing to operate in the neighborhood.

Please approve their application.

Adam Pava

8-30-11
Date

5301 H St 95829
Address

To the City of Sacramento

I am a neighbor of A Therapeutic Alternative, a medical cannabis dispensary located at 3015 H Street.

I have am aware of their location and have no problem with them continuing to operate in the neighborhood.

Please approve their application.

Dennis Huey

8/30/2011
Date

3012 G St
Address Soc 95816

To the City of Sacramento

I am a neighbor of A Therapeutic Alternative, a medical cannabis dispensary located at 3015 H Street.

I have am aware of their location and have no problem with them continuing to operate in the neighborhood.

Please approve their application.

Faith De Bonilla
Faith De Bonilla

8-30-2011
Date

3031 I St. Sac CA 95816
Address

To the City of Sacramento

I am a neighbor of A Therapeutic Alternative, a medical cannabis dispensary located at 3015 H Street.

I have am aware of their location and have no problem with them continuing to operate in the neighborhood.

Please approve their application.

Mike Smith

8/30/2011

Date

2514 1/2 I. St.

Address

Arwen Wacht

From: Lisa J. Berg <mail@ljbfduciary.com>
Sent: Wednesday, February 26, 2014 1:46 PM
To: Arwen Wacht
Subject: RE: A Therapeutic Alternative at 3015 H Street (P11-047)

Dear Arwen,

I went to the open house there and my concerns were abated. They had excellent security, a membership criteria, a policy of not accepting script from doctors who prescribed to everyone, etc. Most of their product were edibles as they do not believe smoking marijuana is a healthy pursuit. They have enough parking in back so the street is not impacted. I have actually found them to be a good neighbor.

Thank you for your notice.

Lisa

*Lisa J. Berg,
Private Professional Fiduciary
Ph. 916-706-0482
Fax 916-706-0531
P.O. Box 161653
Sacramento, CA 95816*

Arwen Wacht

From: Lisa J. Berg [mailto:ljb@fiduciary.com]
Sent: Tuesday, August 02, 2011 2:01 PM
To: Arwen Wacht
Subject: P11-047, 003-0212-018, 3015 I Street, Sacramento, CA 95816

Arwen Wacht,

I was dismayed when I saw the early notice of planning commission application for a medicinal marijuana dispensary three doors down from my fiduciary business. I manage commercial trust properties and have been approached several times for just such a business to rent space. I contacted a property management business as well as a property owner who rents to a medical marijuana dispensary. Some of his comments included:

- *150 clients a day coming in for scrip
- *People waiting in cars for the clients who have obtained their prescription to purchase a portion of their prescription
- *Guard on duty for security due to large amounts of cash being on the premises
- *Attracts unsavory crowd

So I am very concerned because this one block street of I Street on the south side of the freeway does not have room for that many people parking. I had to get a variance for 2 clients a day coming to my office. My staff and I park in my long driveway. Plus when school is in session we have people parking on this block besides the pick up and drop off of students at the middle school.

I also do not believe it is appropriate for such a dispensary to be less than a block from a middle school.

I work all hours and frequently leave at 8:00pm and would not wish to have clients coming at all hours so that I am then concerned about my safety. In addition this Alhambra corridor has a lot of transient folks. I frequently come to work and find my hose has been used for a shower and I am picking up hazardous waste. I have had people sleep on my porch who I am then asking to leave in the morning. I do not wish to exacerbate substance abuse in this area.

Sincerely,

Lisa J. Berg
Lisa J. Berg,
Private Professional Fiduciary
Ph. 916-706-0482
Fax 916-706-0531
P.O. Box 161653
Sacramento, CA 95816

Renewal Therapeutic Massage
3101 I Street #203
Sacramento, CA 95816
916-447-7981

To Whom It May Concern,

A Therapeutic Alternative has proven itself to be a good neighbor. As a neighboring business I have not noticed any negative effect since their April 1, 2009 opening. In fact I wasn't even aware they were a medical marijuana facility until very recently. The property is clean and well maintained. The staff is very friendly and I believe they are a perfect fit for the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Florence Claypoole". The signature is written in black ink and is positioned above the printed name.

Florence Claypoole, CMT



McKinley Montessori School

Rebecca Judge and Kathleen Galvan
Owners and Directors



January 30, 2014

To: City of Sacramento
Planning Commission

We want to voice our support of the permit application for A Therapeutic Alternative to do business at 3015 "H" Street. We have been in business on this block since 1981, and own the two buildings across the street.

We have had an opportunity to tour the building, meet the Director and staff and security guard, and learn about the programs and goals and clientele. We have been very impressed with their professionalism, their compassion, and the growth-oriented atmosphere they have created. We feel that their work is an asset to the community, and their presence is an asset to our neighborhood.

If you have any questions, please do not hesitate to contact us at any time.

Sincerely,


Rebecca Judge and Kathleen Galvan
Co-Owners and Co-Directors

3008 H Street Sacramento, California 95816 (916) 447-5331