

Meeting Date: 1/27/2015

Report Type: Public Hearing

Report ID: 2014-00873

Title: Appeal of the P.S.A.C., Inc. / Marconi Advanced Care (MAC) Medical Marijuana Dispensary Project Denial (P14-013) [Noticed 12/05/2014; Continued from 12/16/2014]

Location: 2149 Marconi Avenue, APN: 266-0170-047-0000, District 2

Recommendation: Conduct a public hearing and upon conclusion, 1) pass a Resolution denying a request for a Conditional Use Permit to operate a medical marijuana dispensary in the General Commercial (C-2) zone thereby denying the applicant's appeal of the Planning and Design Commission's decision.

Contact: Arwen Wacht, Associate Planner, (916) 808-1964; Joy Patterson, Principal Planner, (916) 808-5607; Lindsey Alagozian, Senior Planner, (916) 808-2659, Community Development Department

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

Department: Community Development Dept

Division: Planning

Dept ID: 21001221

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Vicinity Map
- 4-Land Use Map
- 5-Appeal Form from Applicant
- 6-Planning and Design Commission Record of Decision
- 7-Planning and Design Commission Report
- 8-Resolution to Deny Appeal

City Attorney Review

Approved as to Form
Jeffrey Heeren
1/22/2015 10:49:51 AM

Approvals/Acknowledgements

Department Director or Designee: Ryan Devore - 1/12/2015 2:21:49 PM

Description/Analysis

Issue Detail: The applicant is requesting entitlements to operate a medical marijuana dispensary in two existing commercial buildings on 0.42 acres in the General Commercial (C-2) zone. The project site is located at the northwest corner of Marconi Avenue and Howe Avenue. A Conditional Use Permit is required to establish a Title 5 registered medical marijuana dispensary on the subject site. On October 23, 2014, the Planning and Design Commission voted to deny the Conditional Use Permit to operate a medical marijuana dispensary at this location. On November 3, 2014, the applicant submitted an appeal of the Planning and Design Commission's decision to deny the project.

Policy Considerations:

2030 General Plan. The subject site is designated as Suburban Center on the General Plan Land Use and Urban Form Diagram. Sacramento's suburban corridors are envisioned as auto-oriented, moderate-density retail, office and residential corridors that support surrounding suburban neighborhoods. The applicant is not proposing to make any changes to the footprint of the existing buildings with this proposal. The following General Plan Policies apply to the project:

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 proposal is consistent with the intent of the Suburban Corridor designation and applicable general plan policies.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that the denial of the appeal is exempt from review under Section 15270, Projects Which Are Disapproved, of the California Environmental Quality Act (CEQA). CEQA does not apply to projects which a public agency rejects or disapproves.

Commission/Committee Action: On October 23, 2014, the requested entitlements were heard by the Planning and Design Commission. After staff waived their presentation and recommended approval of the proposed entitlements, the applicant also waived their presentation, and no speakers signed up to speak for or against the proposal. After discussion regarding concerns for nearby sensitive uses by the Commissioners, with a majority vote (8 ayes:3 nays:1 absence) the Planning Commission voted to deny the Conditional Use Permit for a medical marijuana dispensary at this location. The Commission made this decision based on the determination that the proposed use and

its operating characteristics would be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and would result in the creation of a nuisance, due to the site's close proximity to sensitive uses (including single family homes, an in-home daycare, parks, and a school). On November 3, 2014, the Planning and Design Commission's decision was appealed by the applicant. In accordance with Section 17.812 of the Sacramento City Code, appeals of Planning and Design Commission decisions are made to the City Council.

Rationale for Recommendation: The project consists of a proposal to operate a medical marijuana dispensary within an existing commercial building on 0.42 acres in the General Commercial (C-2) zone. Staff recommended approval of the proposed project as the proposal is consistent with the General Plan designation of Suburban Center and the General Commercial (C-2) zone, and the proposal was also reviewed and conditioned by the Police Department for the implementation of appropriate security measures. The Planning and Design Commission does not support the proposal's close proximity to sensitive uses (single family homes, an in-home daycare, parks, and a school); has determined that the proposed use and its operating characteristics would be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and would result in the creation of a nuisance; and has denied the proposal.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

Background Information

City Code Requirements for Medical Marijuana Dispensaries: 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 (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 Revenue Division for a medical marijuana dispensary. Marconi Advanced Care is one of the dispensaries allowed to continue in the Revenue permitting process. In addition, the Revenue and Planning and Development Code regulations require that medical marijuana dispensaries file for conditional use permits. The Marconi Advanced Care site is located in the General Commercial (C-2) zone; therefore, the conditional use permit application is required to be reviewed at the Planning and Design Commission level. On October 23, 2014, the Planning and Design Commission voted to deny the Conditional Use Permit to operate a medical marijuana dispensary at this location. On November 3, 2014, the applicant submitted an appeal of the Planning and Design Commission's decision. In accordance with Section 17.812 of the Sacramento City Code, appeals of Planning and Design Commission decisions are made to the City Council.

Conditional Use Permit Evaluation:

Land Use: Marconi Advanced Care proposes to operate a medical marijuana dispensary at the site from 7:00 a.m. to 9:00 p.m., seven days a week. The floor plan of the main dispensary building includes the following: a lobby area; office, vending/sales area; a small meeting room; kitchen/break room area; and restrooms (accessed from the exterior of the building). The second building at the rear of the property will contain a lobby and office area and will be used for transactions with suppliers. There is a covered area (1,184 square feet) to the rear (north) of the main building which will not be used by the dispensary for retail purposes.

The applicant is proposing the following processes for their customers:

All patients will be required to present their doctor recommendation and valid ID to security personnel prior to entering the building. Upon visual inspection of their documentation, they will either be granted access to check in at the front desk or asked to return with proper IDs.

The lobby shall be used for patients to complete paperwork and/or wait for access to the retail sales floor. All new patients are given the code of conduct and a member orientation detailing the policies and procedures. Membership orientations includes discussion of purchase limits, conduct in and around the dispensary, and safeguards to be taken to ensure compliance with local and state regulations.

Upon verification of patient's recommendation and acknowledgement of policies and procedures, the patient is "buzzed" into the retail sales area through a secure door.

In order to address security requirements, the applicant stated that there will be a minimum of two security personnel on the premises during business hours, with an additional one to two more during peak hours of operation. Per Sacramento Police Department recommendations, they will do random perimeter checks at least twice an hour. They are also proposing to install video surveillance equipment along the exterior of the building and surrounding areas, which would be monitored continuously 24-hours a day. The Police Department reviewed the security plan for Marconi Advanced Care and finds that the security measures are appropriate. The measures include items such as security cameras, panic buttons, alarms with motion detectors, and lighting.

Medical marijuana dispensaries are permitted with a conditional use permit in the General Commercial (C-2) zone. The Marconi Advanced Care site is within 300 feet of residentially zoned property and within 600 feet of a licensed in-home child day care and a tobacco retailer. Per section 17.228.780 of the Sacramento City Code, Marconi Advanced Care (a title 5 registered medical marijuana dispensary) may modify the location requirements for their proximity to residentially zoned properties, licensed in-home day care, and a tobacco retailer, through the conditional use permit process. The code requires that a dispensary be located a minimum of 1,000 feet from parks and schools. The site is approximately 1,100 feet from the closest school and 1,800 feet from the closest park.

Staff originally supported allowing the conditional use permit for the dispensary. Staff visited the site on several occasions and observed this is an area in transition from an industrial area to the west of the Interstate 80, to commercial and residential uses east of Interstate 80, and to a predominately commercial area under redevelopment further along Marconi Avenue to the east. This project site is in a high pedestrian and vehicle traffic area, with a lot of littering and loitering in the area. Staff reviewed the crime statistics in the area from the Sacramento Police Department and Sacramento County Sheriff's Department and found that a significant amount of service calls have been made in the last six months in this area.

Staff believes that the operation of a dispensary at this location could assist in improving security in the area, in that the dispensary will provide constant monitoring, which is not currently being done at the existing unoccupied business. The presence of the dispensary's security staff and cameras will further dissuade criminal activity and loitering in the area. The Police Department has evaluated the proposal at this site, and as conditioned, is not opposed to the dispensary at this location. The applicant indicated that they are not opposed to conditions that require litter pick-up onsite and in the immediate areas of the dispensary to address the littering / dumping issues in the immediate area.

Access, Circulation and Parking: The main operations of the dispensary are proposed to be located within the two existing buildings, and there are existing parking spaces on the property. The parking ratio for a medical marijuana dispensary is the same as for a retail store. In the suburban parking district, retail stores require 1 space per 400 square feet of building. The total square footage for the two buildings is 2,021 square feet; therefore six parking spaces are required. With the removal of one parking space (per f Public Works requirements), there are a total 13 parking spaces onsite, which meets the requirement. The applicant can meet development requirements for bicycle parking, which require the addition of two long-term and two short-term bicycle parking spaces onsite.

Site Plan, Building Design and Signage: The existing building was originally constructed in 1965 as a service station with a canopy. The structures (office and covered area) at the rear were added to the site after 2001. No exterior modifications or site improvements are proposed as a part of this project, therefore no Site Plan and Design Review entitlement is required at this time. If the project was approved staff would recommend, however, that the applicant install and maintain landscape planters throughout the parking area (these can be non-permanent planters) along with a minimum of two long term and short term bicycle parking spaces. .

A sign plan is not proposed at this time. There is an existing abandoned pole sign on the site. If the project was approved staff would recommend that this pole sign be removed and any new detached sign should be a non-illuminated monument sign, a maximum four feet in height and meeting all corner clear zone requirements. Any future attached signs should also be non-illuminated, with a maximum of one attached sign per street frontage.

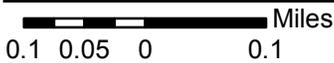
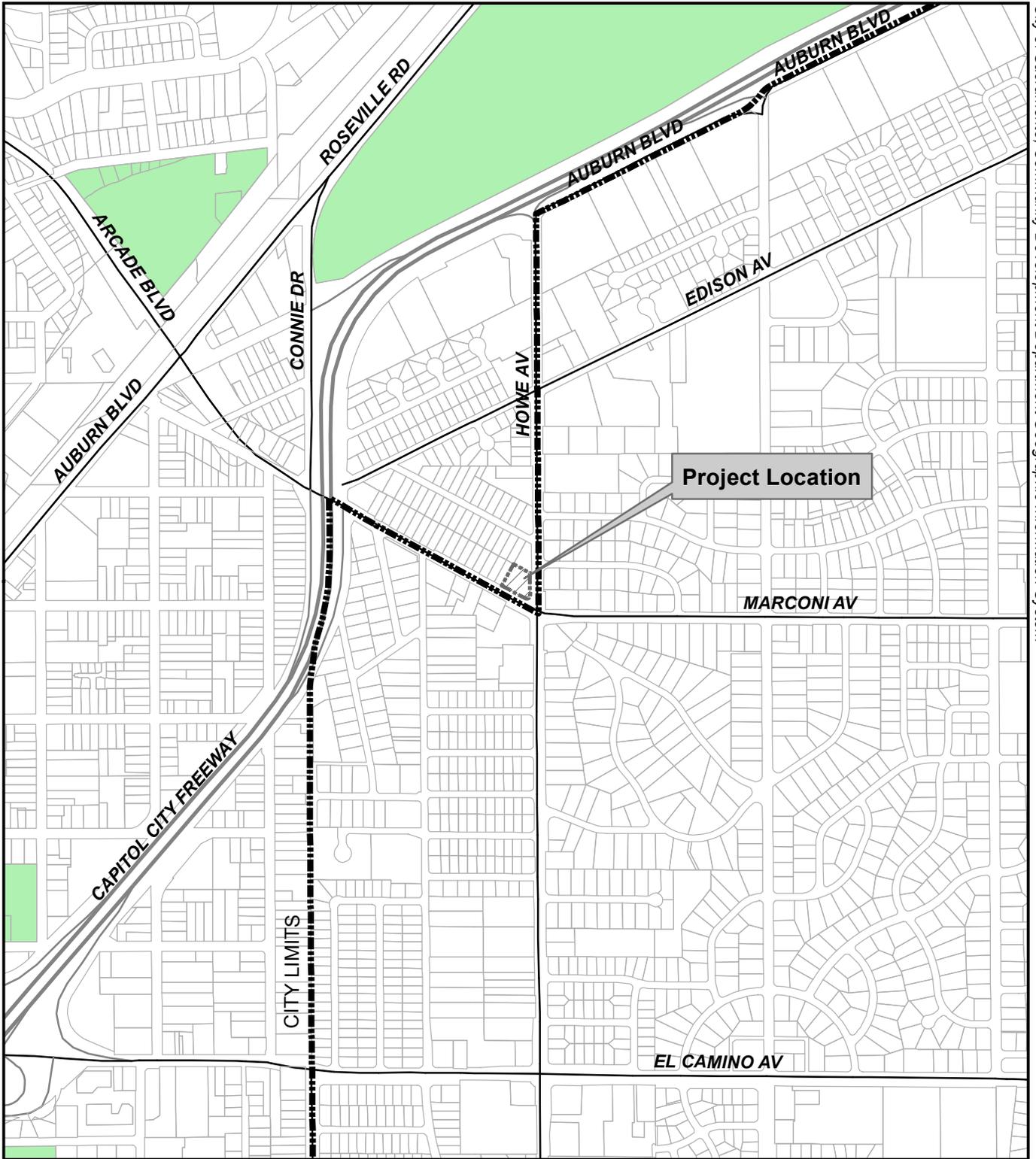
Public/Neighborhood Outreach and Comments: City staff sent out several routings, early notifications, and public hearing notices for this project to nearby property owners and affected neighborhood associations. The applicant has gone house-to-house in the neighborhood to speak with neighbors and hosted an open house at the project site on August 28, 2014. City staff attended the open house and a number of local residents asked questions and generally voiced support for the dispensary at this location. In general, neighbors voiced support for the following reasons: increased security measures the dispensary would provide to the neighborhood and the neighborhood clean-up efforts the applicant has agreed to provide.

As a result of early notification, staff received one e-mail of opposition from a residential property owner with an in-home child day care within 300 feet of the project site. Specific concerns in the e-mail included the concerns that this type of business would negatively impact their business, safety, and property values. The applicant made contact with the concerned property owner through their outreach in the neighborhood. The property / business owner has since verbally retracted their opposition e-mail.

Recommendation: On October 23, 2014, the Planning and Design Commission denied the Conditional Use Permit based on the following findings of fact:

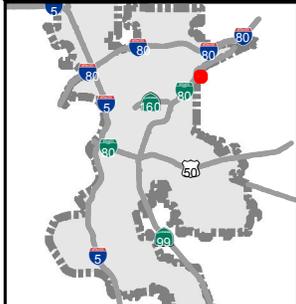
The dispensary site is located in an area in close proximity to sensitive uses, including single family homes, an in-home daycare, parks, and a school; Therefore, the proposed use and its operating characteristics would be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and would result in the creation of a nuisance.

Based on the Planning and Design Commission's findings of fact and denial of the Conditional Use Permit, staff recommends the City Council deny the applicant's appeal of the Planning and Design Commission's denial; thereby denying the location of the dispensary at this site

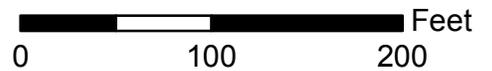


P14-013 Vicinity Map Marconi Advanced Care





P14-013 Land Use Map Marconi Advanced Care



Appeal Decision
City of Sacramento Planning and Design Commission

Date: 11-3-2014

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning and Design Commission on 10-23-2014, for project number P 14-013.
(hearing date)

Granted by the City Planning Commission
 Denied by the City Planning Commission

Property Location: 2149 Marconi Ave.

Grounds For Appeal: (explain in detail, you may attach additional pages)
Applicant maintains community is supportive of the project. Per Staff recommendation project would not be a nuisance to surrounding areas, project NOT close to School / Park as stated in Planning & Design Commission.

Appellant: Corey Travis Daytime Phone: (310) 889-4480
(please print)

Address: PO BOX 254606, Sacramento, CA 95865

Appellant's Signature: 

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY

Filing Fee Received: Applicant (\$4,000) Or Third Party (\$298)
Received By: Arwen Wacht Date: 11/03/2014
Distribute Copies to: Planning Director David Kwong
Principal Planner Joy Patterson Project Planner (original) Arwen Wacht

Submit the Appeal Form to 300 Richards Blvd, 3rd Floor, Community Development Department Public Counter, between 9AM to 4 PM on weekdays.



**CITY OF SACRAMENTO PLANNING AND DESIGN COMMISSION
RECORD OF DECISION
300 Richards Boulevard, Sacramento, CA 95811**

Project Name: P.S.A.C., Inc. / Marconi Advanced Care (MAC)
Project Number: P14-013
Project Location: 2149 Marconi Avenue, Sacramento, CA 95821
Assessor's Parcel No.: 266-0170-047-0000
Applicant: Corey Travis, P.S.A.C., Inc., (310) 889-4480, P.O. Box 2021, Granite Bay, CA 95746
Action Status: Denied Action Date: 10/23/2014

REQUESTED ENTITLEMENT(S):
A. Environmental Determination: Exempt (per CEQA Guidelines Section 15301 – Existing Facilities); and
B. Conditional Use Permit to operate a medical marijuana dispensary on approximately 0.42 acres in the General Commercial (C-2) zone.

ACTIONS TAKEN: On 10/23/2014, the Planning and Design Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Denied entitlements (A) and (B)

Action certified by: Stacia Cosgrove
Stacia Cosgrove, Principal Planner

Sent to Applicant: 10/30/14 By: Auwacht
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 day protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary

entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

APPEALS

Appeals of the Planning and Design Commission decision of this item to the City Council must be filed at 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before 11/03/2014. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

- A. 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 Planning Commission finds that the Project is exempt from review under Section 15270, Projects Which Are Disapproved, of the California Environmental Quality Act, as follows:
 - 1. CEQA does not apply to projects which a public agency rejects or disapproves.

- B. The **Conditional Use Permit** to operate a medical marijuana dispensary on approximately 0.42 acres in the General Commercial (C-2) zone is denied subject to the following Findings of Fact:
 - 1. The dispensary site is located in an area in close proximity to sensitive uses, including single family homes, an in-home daycare, parks, and a school, therefore the proposed use and its operating characteristics would be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and would result in the creation of a nuisance.

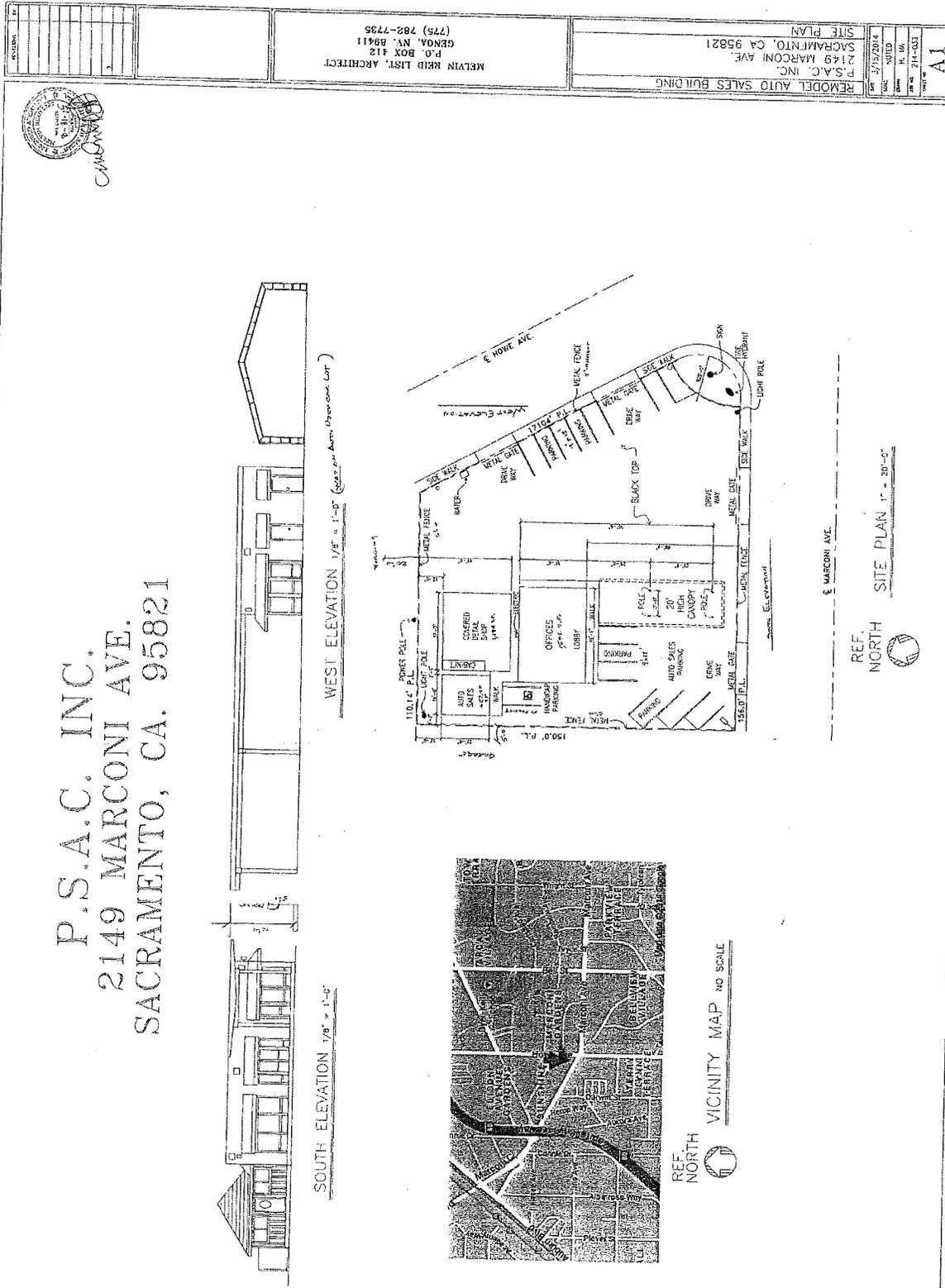
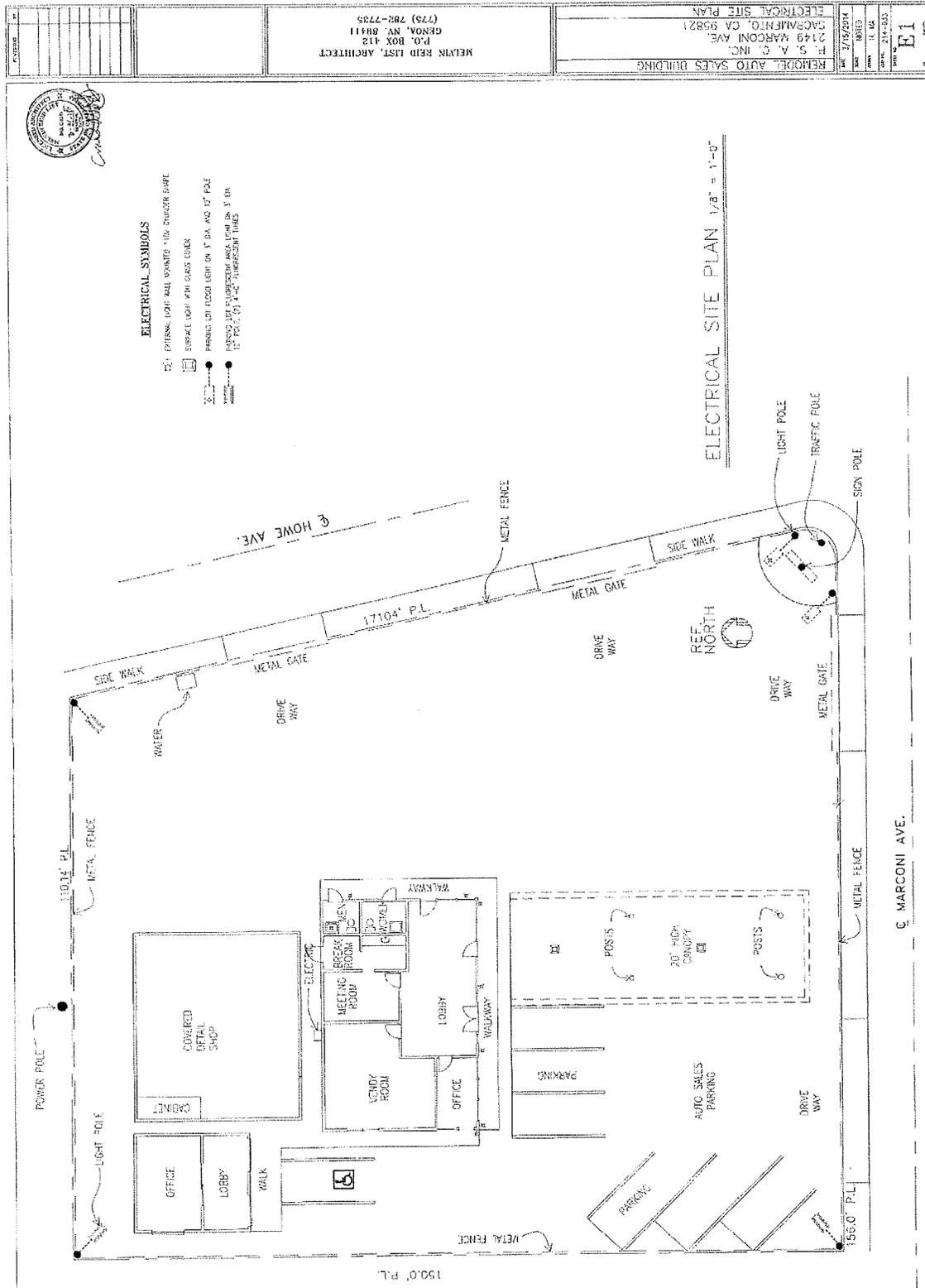


Exhibit 1C

Electrical Site Plan (E1)





REPORT TO PLANNING AND DESIGN COMMISSION City of Sacramento

6

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
October 23, 2014

To: Members of the Planning and Design Commission

Subject: P.S.A.C., Inc. / Marconi Advanced Care (M.A.C.) (P14-013)

A request to operate a medical marijuana dispensary in the General Commercial (C-2) zone.

A. Environmental Determination: Exempt per CEQA Guidelines Section 15301 (Existing Facilities);

B. Conditional Use Permit to operate a medical marijuana dispensary on approximately 0.42 acres in the General Commercial (C-2) zone.

Location/Council District:

2149 Marconi Avenue, Sacramento, CA 95821

Assessor's Parcel Number: 266-0170-047-0000

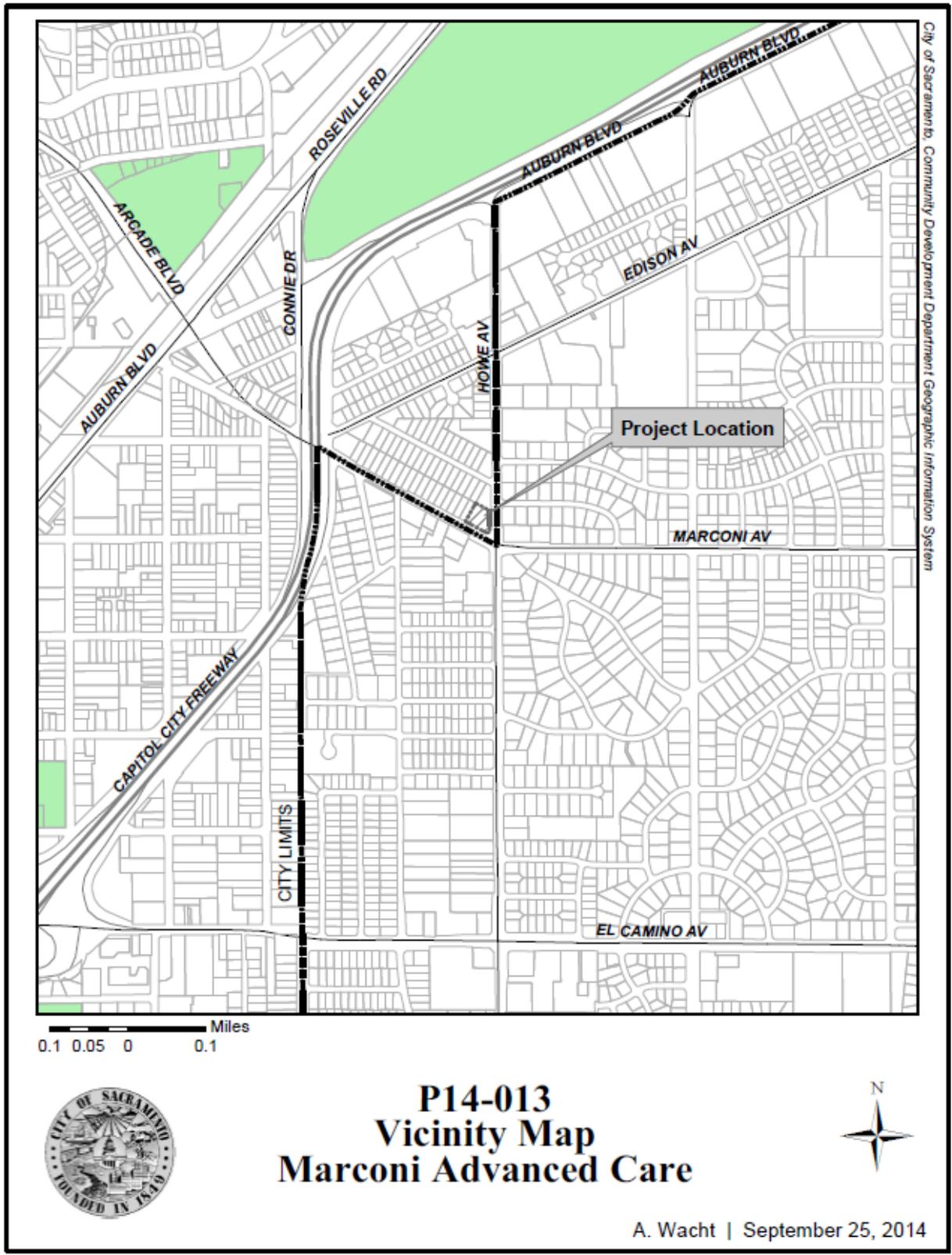
Council District: 2

Recommendation: Staff recommends the Planning and Design Commission approve the project based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision is appealable to City Council. Staff received a telephone call and an e-mail of concern for the proposal from a property / business owner in close proximity to this site (see Attachment 6).

Contact: Arwen Wacht, Associate Planner, (916) 808-1964; Lindsey Alagozian, Senior Planner, (916) 808-2659

Applicant: Corey Travis, P.S.A.C., Inc., (310) 889-4480, P.O. Box 2021, Granite Bay, CA 95746 – P.S.A.C., Inc. involves the following parties: Corey Travis, Vincent Villarreal, and Shane Smith.

Owner: Robert Cameron, Goodrich Partners, LLC, (916) 254-7305, 3031 U Street, Sacramento, CA 95817 – Goodrich Partners, LLC involves the following parties: Robert S. Cameron and Arman Rahbarian.



Architect: Melvin Reid List, (775) 782-7735, P.O. Box 412, Genoa, NV 89411

Summary: The applicant is requesting to operate a medical marijuana dispensary within two existing buildings (428 square feet and 1,593 square feet) and an existing covered area (1,184 square feet) on 0.42 acres in the General Commercial (C-2) zone. The project site is located at the northwest corner of the intersection of Marconi Avenue and Howe Avenue. Staff received a telephone call and an e-mail of concern for the proposal from property / business owners within close proximity to the project site (see Attachment 6).

Table 1: Project Information
General Plan designation: Suburban Center (FAR: 0.25-2.00)
Existing zoning of site: C-2, General Commercial
Existing use of site: Retail Building
Property area: 18,420 square feet or approximately 0.42 acres

Entitlement History: This area was annexed into the City of Sacramento in 1964. The original service station building was constructed in 1965. The property at 2149 / 2151 Marconi Avenue was previously used for auto service and auto sales. There is no record of prior planning applications on this property.

Background Information: 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 (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 Revenue Division for a medical marijuana dispensary. Marconi Advanced Care (formerly known as East Bay Health Solutions / Medizen) is one of the 31 dispensaries permitted to continue in the Revenue permitting process. In addition, the Revenue and Planning and Development Code regulations require that medical marijuana dispensaries file for conditional use permits. The Marconi Advanced Care site is located in the General Commercial (C-2) zone; therefore, the condition use permit application is required to be reviewed at the Planning and Design Commission level.

The map that indicates the location of the 31 dispensaries that have applied for a phase 2 permit with the Revenue Division is attached as Attachment 8.

Surrounding Uses: The proposed Marconi Advanced Care site is within 300 feet of residentially zoned property and within 600 feet of a licensed in-home child day care and a tobacco retailer. Because Marconi Advanced Care is a Title 5 registered medical marijuana dispensary, the applicant can request that location requirements for proximity to residential uses, day cares, and tobacco retailers be modified by the commission through the conditional use permit process. As the conditional use permit application is not for the dispensary's original location (2201 Northgate Boulevard), a dispensary is

not allowed to open and operate at 2149 Marconi Avenue until a conditional use permit for a medical marijuana dispensary at this location has been obtained.

Public/Neighborhood Outreach and Comments: An early notice regarding this project was mailed on May 27, 2014 to property owners within 300 feet of the subject site. The applicant has gone house to house in the neighborhood to speak with neighbors and hosted an open house at the project site on August 28, 2014. City staff attended the open house and a number of local residents asked questions and generally voiced support for the dispensary at this location. In general, neighbors voiced support for the following reasons: increased security measures the dispensary would provide to the neighborhood and the neighborhood clean-up efforts the applicant has agreed to provide. The site was posted more than 10 days prior to the hearing and public notices for this hearing were mailed to property owners within 300 feet of the subject site. As a result of this notification, staff received one telephone call of general opposition to a dispensary at this location.

As a result of the early notification, the city received an e-mail of opposition from a residential property owner with an in-home child day care (see Attachment 6). Specific concerns in the letter include the concern that this type of business would negatively impact their business, safety, and property values. The applicant made contact with the concerned property owner through their outreach in the neighborhood. According to the applicant, the concerned property owner has since declared that they no longer oppose the project. At the time of writing this report, staff has not yet been able to confirm this information.

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, which consists of projects characterized as existing facilities. The project consists of the operation of an existing facility without expansion of use. 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 not significant effect on the environment.

Policy Considerations:

General Plan: The subject site is designated as Suburban Center on the General Plan Land Use and Urban Form Diagram. Sacramento's suburban corridors are envisioned as auto-oriented, moderate-density retail, office and residential corridors that support surrounding suburban neighborhoods. Low-rise buildings line auto-oriented corridors with new development along the corridor contributing to a more compact and consistent pattern, with parking relocated to the side and rear of the buildings. Residential uses are integrated along the corridor, with limited street level frontages that are mixed with retail, neighborhood services, and restaurants. The streetscape is appointed with landscaping, lighting, public art, and other amenities that support and enhance shopping and retail activities. Building heights for Suburban Corridor are between one to four

stories. The applicant is not proposing to make any changes to the footprint of the existing buildings with this proposal.

2030 General Plan Policies:

The following General Plan Policies support the project:

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.*

Overall, the proposal is consistent with the intent of the Suburban Corridor designation and policies.

Land Use: The applicant proposes to establish a medical marijuana dispensary in the General Commercial (C-2) zone. The proposed hours of operation are 7:00 a.m. to 9:00 p.m. every day. The applicant is proposing the following processes for their customers:

All patients will be required to present their doctor recommendation and valid ID to security personnel prior to entering the building. Upon visual inspection of their documentation, they will either be granted access to check in at the front desk or asked to return with proper IDs.

The lobby shall be used for patients to complete paperwork and/or wait for access to the retail sales floor. All new patients are given the code of conduct and a member orientation detailing the policies and procedures. Membership orientations includes discussion of purchase limits, conduct in and around the dispensary, and safeguards to be taken to ensure compliance with local and state regulations.

Upon verification of patient's recommendation and acknowledgement of policies and procedures, the patient is "buzzed" into the retail sales area through a secure door.

In order to address security measures, the applicant has stated that there will be a minimum of two (2) security personnel on the premises during business hours, with an additional 1-2 more during peak hours of operation. Per Sacramento Police Department

recommendations, they will do random perimeter checks at least twice an hour. They are also proposing to install video surveillance equipment along the exterior of the building and surrounding areas, which will be monitored continuously 24-hours a day. The Police Department has reviewed the security plan for Marconi Advanced Care and finds that they will implement appropriate security measures for this use. The measures include items such as security cameras, panic buttons, alarms with motion detectors, and lighting. All security measures have been included as conditions of approval.

Medical marijuana dispensaries are permitted with a conditional use permit in the General Commercial (C-2) zone. The Marconi Advanced Care site is within 300 feet of residentially zoned property and within 600 feet of a licensed in-home child day care and a tobacco retailer. Per section 17.228.780 of the Sacramento City Code, Marconi Advanced Care (a title 5 registered medical marijuana dispensary) may modify the location requirements for their proximity to residentially zoned properties, licensed in-home day care, and a tobacco retailer, through the conditional use permit process. Staff is supportive allowing the conditional use permit to modify the location requirements for these uses for the dispensary at this location for the following reasons:

Staff visited the site on several occasions and has observed this is an area in transition from an industrial area to the west of the Interstate 80, to commercial and residential uses east of Interstate 80, and to a predominately commercial area under redevelopment further along Marconi Avenue to the east. This project site is in a high pedestrian and vehicle traffic area, with a lot of littering and loitering in the area. Staff has looked over the crime statistics in the area from the Sacramento Police Department and Sacramento County Sheriff's Department and there are a significant amount of service calls that have been made in the last six months in this area.

Staff believes that the operation of a dispensary at this location will assist in improving the area, in that the dispensary will provide constant monitoring of the area, which is not currently being done at the existing unoccupied business. The presence of the dispensary's security staff and cameras will further dissuade criminal activity and loitering in the area. The Police Department has evaluated the proposal at this site, and as conditioned, is not opposed to the dispensary at this location. The applicant's commitment (see Attachment 4) and conditions for the project that will require litter pick-up onsite and in the immediate areas of the dispensary will also address the littering / dumping issues in the immediate area.

The floor plan of the main dispensary building includes the following: a lobby area; office, vending/sales area; a small meeting room; kitchen/break room area; and restrooms (accessed from the exterior of the building). The second building at the rear of the property will contain a lobby and office area and will be used for transactions with suppliers. There is a covered area (1,184 square feet) to the rear (north) of the main building which will not be presently be used by the dispensary for retail purposes.

Access, Circulation and Parking: The main operations of the dispensary will be located within the two existing buildings, and there is existing parking on the property.

The parking ratio for a medical marijuana dispensary is the same as for a retail store. In the suburban parking district, retail stores require 1 space per 400 square feet of building. The total square footage for the two buildings is 2,021 square feet; therefore six (6) parking spaces are required. With the removal of one parking space (per conditions of Public Works), there are a total 13 parking spaces onsite, which meets the requirement. The applicant shall meet development requirements for bicycle parking, which require the addition of two (2) long-term and two (2) short-term bicycle parking spaces onsite. There is no existing landscaping onsite. Staff recommends the applicant provide non-permanent landscape planters throughout the parking area to further enhance the streetscape and parking lot.

Building Design: The existing building was originally constructed in 1965 as a service station with a canopy. The structures (office and covered area) at the rear were added to the site after 2001. No exterior modifications or site improvements are proposed as a part of this project, therefore no Site Plan and Design Review entitlement is required at this time. Staff, however, is recommending that the applicant install and maintain landscape planters throughout the parking area (these can be non-permanent planters) and a minimum of two long term and short term bicycle parking spaces. The applicant should review the location with staff and install prior to occupancy of the building.

A sign plan is not proposed at this time. There is an existing abandoned pole sign on the site. Staff recommends that this pole sign be removed and any new detached sign should be a non-illuminated monument sign, a maximum four feet in height and meeting all corner clear zone requirements. Any future attached signs shall also be non-illuminated, with a maximum of one attached sign per street frontage.

Required Findings of Fact

In evaluating conditional use permit proposal of this type, the Planning and Design Commission is required to make the following findings:

- A. The proposed use and its operating characteristics are consistent with the general plan and any applicable specific plan or transit village plan;

The operation of a dispensary (retail) is consistent with the types of uses located in Suburban Center General Plan designation.

- B. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it is located, and of all other provisions of this title and this code;

The dispensary will be located in the C-2 zone and is allowed to apply for a conditional use permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and is a Title 5 registered medical marijuana dispensary. 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.

- C. 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, parking facilities, and utility infrastructure are adequate to serve the proposed development.

- D. 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 site is located in an area surrounded by residential and commercial uses, and the dispensary will operate the business in such a manner as to take into consideration the neighborhood. Rigorous security measures will be in place at the dispensary to deter crime and to protect the safety and welfare of patients and the surrounding properties. All exterior signage will be conditioned to be discrete and onsite parking is provided.

In granting a conditional use permit for a medical marijuana dispensary, and in addition to the findings required above, the Planning and Design Commission shall also make the following findings:

- E. 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 dispensary is not currently operating at this location and will not be allowed to until after they are approved for a Conditional Use Permit. Planning staff has evaluated the number of calls for police service in the area (Sacramento Police Department and Sacramento County Sherriff's Department) for the last six months and without this dispensary currently operating in the area, there are a significant number of calls for services in the area. Staff believes the presence of a regulated dispensary at this location will provide additional monitoring in the area, provided through the dispensary and city staff that monitors the dispensary.

- F. 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; and

The dispensary is not currently operating at this location and will not be allowed to operate until a Conditional Use Permit is granted. Staff believes the operation

of a dispensary at this location will not result in any secondary criminal or public nuisance impacts to the surrounding area or neighborhood. The applicant is proposing to continue to clean up litter in the immediate area and provide additional security, which will assist in decreasing the existing criminal and public nuisance impacts in the area.

- G. The proposed location, size, and other development standards of the medical marijuana dispensary are consistent with state law and this code.

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.

Upon review of the site and analysis of the operations employed by Marconi Advanced Care, staff believes that the Planning and Design Commission can make adequate findings as required to approve the project. Staff recognizes that there are concerns related to crime and proximity to sensitive uses; however, staff feels the measures and rules put into place by the operators, in addition to the security measures provided, will minimize these issues. Marconi Advanced Care is required to comply with state law, SCC Chapter 5.150, and the Planning and Development Code. Therefore, staff does not have any objections to the requested entitlements.

Conclusion: Staff recommends that the Commission approve the requested entitlement. The proposal is consistent with the General Plan designation of Suburban Center and the General Commercial (C-2) zone. The proposal has also been reviewed and conditioned by the Police Department for the implementation of appropriate security measures.

Respectfully submitted by: Arwen Wacht
ARWEN WACHT
Associate Planner

Approved by:
Lindsey Alagozian
LINDSEY ALAGOZIAN
Senior Planner

Recommendation Approved:

Joy Patterson
JOY PATTERSON
Principal Planner

Attachments:

- Attachment 1 Recommended Findings and Conditions
- Exhibit 1A Site Plan and Elevations (A1)
- Exhibit 1B Floor Plan (A2)
- Exhibit 1C Electrical Site Plan (E1)
- Exhibit 1D Electrical Floor Plan (E2)
- Attachment 2 Neighborhood Context Map
- Attachment 3 Project Narrative
- Attachment 4 Marconi Advanced Care Handout
- Attachment 5 Photographs
- Attachment 6 Opposition Letter – Daniel Osborne
- Attachment 7 Aerial / Zoning Map
- Attachment 8 Phase 2 Application Locations

Attachment 1
Proposed Findings of Fact and Conditions of Approval
Marconi Advanced Care (M.A.C.) (P14-013)
2149 Marconi Avenue

Findings Of Fact

- A. **Environmental Determination: Exemption** – 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 Planning and Design Commission finds that the Project is exempt from review under Section 15301 (Existing Facilities) of the CEQA Guidelines. The project consists of the operation of an existing facility without expansion of use. 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.
- B. The **Conditional Use Permit** to operate a medical marijuana dispensary in the General Commercial (C-2) zone is approved subject to the following Findings of Fact and Conditions of Approval:
1. The operation of a dispensary (retail) is consistent with the types of uses located in Suburban Center 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 is located, and of all other provisions of this title and this code. The dispensary will be located in the C-2 zone and is allowed to apply for a conditional use permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and is a Title 5 registered medical marijuana dispensary. 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, parking 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 site is located in

an area surrounded by residential and commercial uses, and the dispensary will operate the business in such a manner as to take into consideration the neighborhood. Rigorous security measures will be in place at the dispensary to deter crime and to protect the safety and welfare of patients and the surrounding properties. All exterior signage will be conditioned to be discrete and onsite parking is provided.

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;
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; and
7. 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.

Conditions Of Approval

- B. The **Conditional Use Permit** to operate a medical marijuana dispensary in the General Commercial (C-2) zone **is approved** subject to the following Conditions of Approval:

Planning:

- B1. Development of this site shall be in compliance with the attached exhibits, except as conditioned. Any modifications to the project shall be subject to additional Planning review and may require subsequent entitlements prior to issuance of building permits.
- B2. The applicant/operator of the dispensary shall comply with the security plan on file with the Revenue Division.
- B3. Good neighbor information shall be posted near the front entrance of the dispensary to provide the contact information for the dispensary's Office Manager and the City's Zoning Investigator.
- B4. The existing detached pole sign on the site shall be removed and any new detached sign shall be a non-illuminated monument sign, a maximum four feet in height (measured bottom of base to top of sign) and meet all corner clear zone requirements. Any future attached signs shall also be non-illuminated, with a maximum one attached sign per street frontage. Any

signs for the dispensary shall be required to obtain the necessary sign permits.

- B5. The dispensary operators shall be responsible for the daily removal of all litter on their site and adjacent rights of way, and weekly litter pick-up within 300 feet of the property.
- B6. Two long-term and two-short term bicycle parking spaces shall be provided on-site.
- B7. The applicant shall install and maintain landscaped planters throughout the parking area (non-permanent planters are acceptable).

Police:

- B8. Exterior lighting shall be white light (e.g. metal halide, LED, fluorescent, or induction) using cut off or full cut off fixtures to limit glare and light trespass. Exterior lighting shall be maintained and operational and shall meet IESNA standards.
- B9. All landscaping shall follow the two foot six foot rule. All landscaping should be ground cover, two feet or less and lower tree canopies should be above six feet. This increases natural surveillance and eliminates hiding areas within the landscape. Tree canopies should not interfere with or block lighting. This creates shadows and areas of concealment.
- B10. The landscaping plan shall allow for proper illumination and visibility regarding lighting and surveillance cameras through the maturity of trees and shrubs.
- B11. Business shall be equipped with a monitored burglary alarm system with private security response.
- B12. UL listed central station silent robbery alarm system shall be employed at all points of sale, the manager's office, and near the safe(s). Cellular back-up is recommended.
- B13. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry, and shall remain locked at all times except for emergencies and deliveries.
- B14. Height markers are required on the interior doorway.
- B15. Fences shall be maintained or replaced with fences of tubular steel, no climb type.

- B16. Recorded Video Assessment and Surveillance System (VASS) shall be employed.
- B17. Cameras and VASS storage shall be digital high definition or better.
- B18. VASS storage shall be kept off-site or in a secured area accessible only to management.
- B19. VASS shall support standard MPEG formats.
- B20. VASS shall be capable of storing no less than 30 days worth of activity.
- B21. Manager with access to VASS storage shall be able to respond within 30 minutes during business hours.
- B22. Manager shall have the ability to transfer recorded data to another medium (e.g. DVD, thumb drive, etc.).
- B23. VASS shall provide comprehensive coverage of:
- all points of sale
 - safe
 - managers office
 - areas of ingress and egress
 - marijuana placement areas
 - parking lot
 - loading areas
 - areas not clearly visible from public streets
 - coverage of all four (4) exterior sides of the property
 - adjacent public rights of way
 - at least one camera shall be positioned to get a front face shot (e.g. height strip camera)
- B24. Cameras shall be equipped with low light capability, auto iris and auto focus.
- B25. Television style monitors shall be mounted in a visible location near the entrance so that patrons can clearly see that their activities are being monitored.
- B26. An armed and properly permitted security officer shall be on site at all times during operation.
- B27. Windows shall remain uncluttered with no advertising to allow for natural surveillance.

- B28. The name of the store shall be printed on any receipts.
- B29. No public pay phones/telephones shall be allowed on the premises.
- B30. No coin operated games or video machines shall be allowed on the premises.
- B31. The applicant shall post the property No Trespassing / No Loitering. The applicant shall designate a properly permitted and approved private patrol company as agent for trespass.
- B32. The applicant is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.
- B33. All dumpsters shall be kept locked.
- B34. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over within 72 hours of being applied.
- B35. The applicant shall be responsible for the daily removal of all litter from the site and adjacent rights of way.
- B36. No manufacturing of Butane Honey Oil (BHO) or other, similar substances on the premises.

Building:

- B37. A building permit will be required for all work being proposed or work that has been previously done without a building permit and all work must comply with the 2010 California Code of Regulations, Title 24 and comply with ADA requirements.

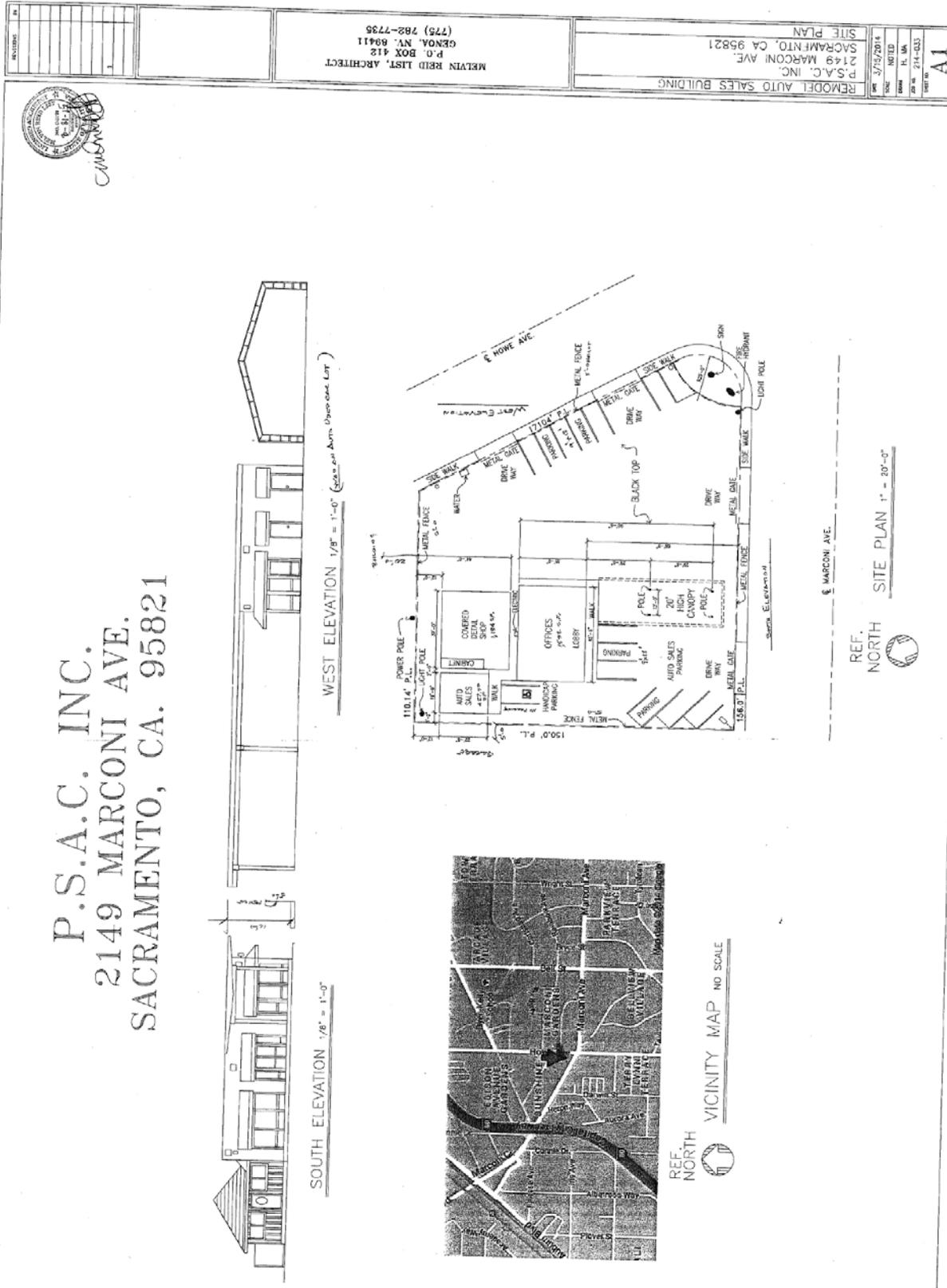
Public Works:

- B38. Construct standard public improvements as noted in these conditions pursuant to Title 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Section 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property per City standards to the satisfaction of the Department of Public Works.

- B39. The site plan shall conform to the parking requirements set forth in City Code 17.608.040 (Development standards for off-street parking facilities, Zoning Ordinance).
- B40. The entrance gate along Howe Avenue shall remain open during operating hours of business (DRV14-0038).
- B41. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

Exhibit 1A

Site Plan and Elevations (A1)

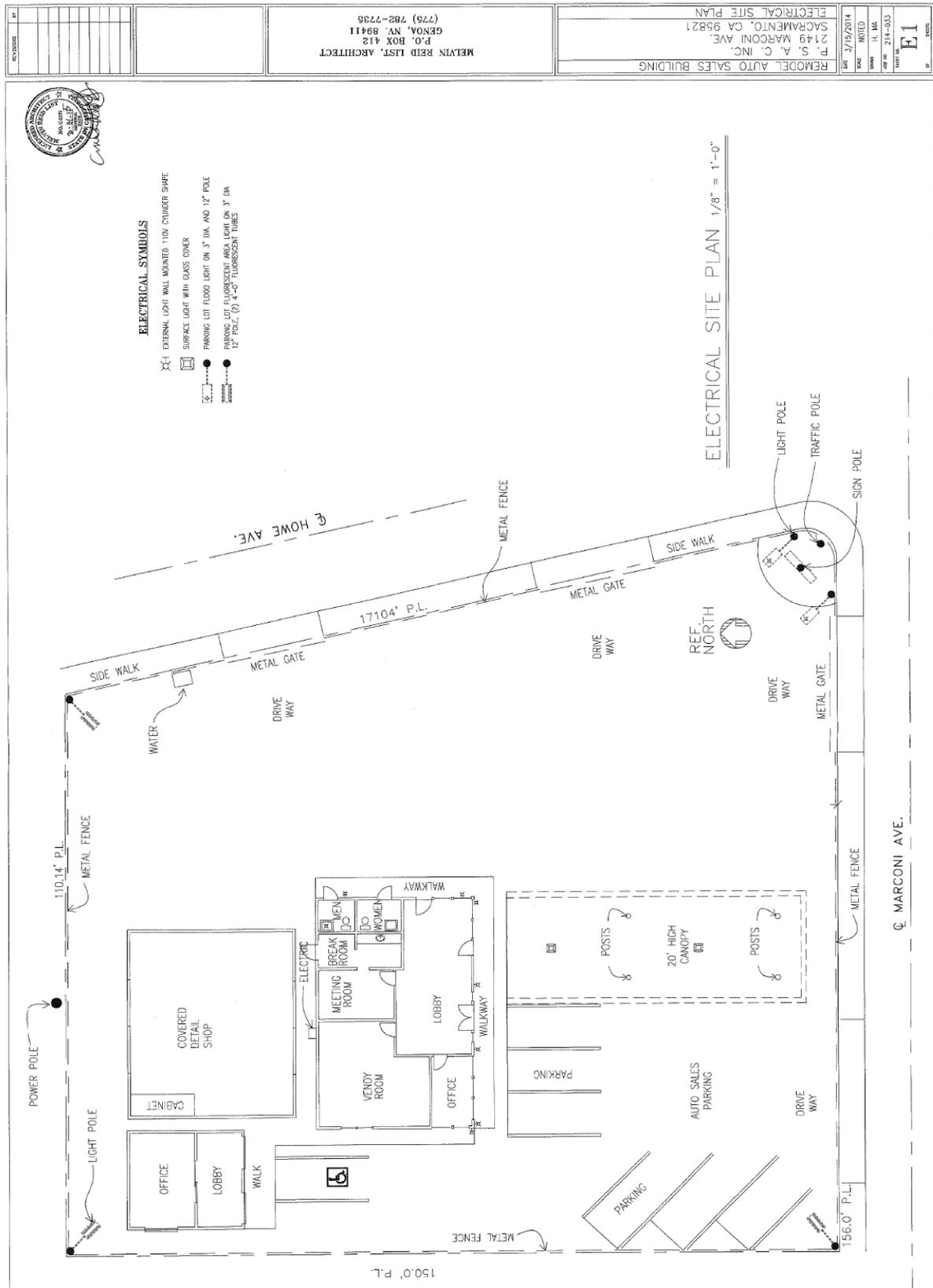


P.S.A.C. INC.
 2149 MARCONI AVE.
 SACRAMENTO, CA. 95821

MELVIN REID LIST, ARCHITECT
 P.O. BOX 412
 GENOA, NY, 12424
 (775) 782-7735

REMODEL AUTO SALES BUILDING
 P.S.A.C. INC.
 2149 MARCONI AVE
 SACRAMENTO, CA 95821
 SITE PLAN

Exhibit 1C Electrical Site Plan (E1)



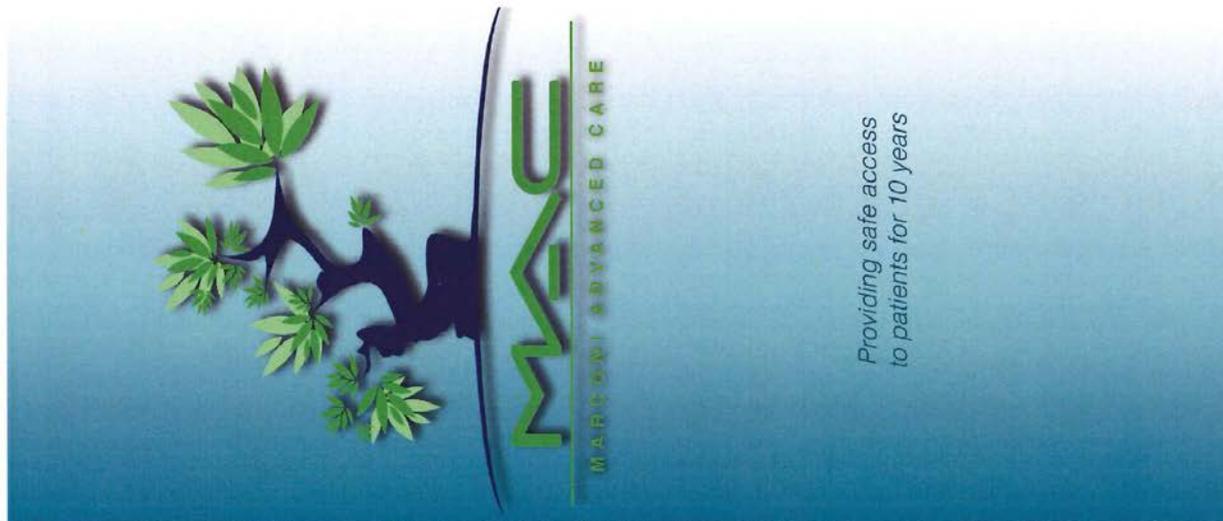
Attachment 3 Project Narrative

Project Narrative for 2149 Marconi Ave., Sacramento CA

Our specific project goal is to facilitate and coordinate safe, reliable, and legal access to medicinal marijuana by Qualified Patients and persons who possess a valid Identification Card (as such capitalized terms are defined in Sections 11362.7(f) and (g) respectively of the California Health and Safety Code, who are also current constituent members, in good standing, of Marconi Advanced Care hereinafter M.A.C, dba of P.S.A.C., Inc., a mutual benefit corporation organized in California. The context for this specific project is, and will remain, our broader foal of helping to relieve chronic or persistent pain and other debilitating symptoms suffered by those in our community with serious illness or affliction.

Our members purchase medicine from a collective group of other members thereby becoming part of our collective family of patients. We aim to provide the highest level of patient care based on exceeding expectations and requirements in several areas, including: confidentiality, neighborhood safety, and regulatory compliance. Our membership privileges are contingent upon respect of our surrounding neighborhood; we will require our members use our own parking lot, and that no medical marijuana may be smoked or consumed within 100 feet of the center. Our safety personnel will ensure patients are safe from the time they arrive at the collective until their departure.

We believe being able to provide Medical Cannabis to Patients under state law is a privilege, as such we treat the ability to serve a select patient / client base with the utmost of care. Protecting property owners' interests and neighborhood relations are key components of our collective, they are essential to long term viability. As such, many key operating decisions, including capping the maximum number of members, having a strict code of conduct policy, and fostering a helpful, supportive Care environment help to ensure positive community relations. We are members of the community in which we serve, and having a two-way dialogue with our neighbors is a priority. Monthly meetings will be held and a phone line set up for surrounding property owners to address potential concerns or suggestions regarding the operation and/or its members.



Community Charities

- 15,000 in free medication every month to seriously ill patients. (AIDS/HIV, Crohn's/Colitis, Epilepsy and Cancer)
- 10% off Senior Citizens and Veterans
- Free Therapeutic Services for our patients (One free massage, chiropractic adjustment and acupuncture treatment) – Off Site
- Free Educational Classes Monthly
- Food Closet for families in need
- Fully Belly Backpacks: A Weekend Hunger Prevention Program
- Individual Resource Management and Support (Legal services to free transportation services)
- Birthday Wish Project
- Donations to Boys/Girls Clubs

Current Foundations

- WEAVE (Women Escaping A Violent Environment)
- Crohn's and Colitis Foundation of America
- UC Davis Cancer Peer Navigator Program
- Autism Speaks
- Safe Ground Sacramento Inc.
- Mercy Housing
- Head Start Program

Volunteer Programs

- Graffiti abatement for all buildings within 1,000ft.
- Weekly litter pick-up within 300ft
- Free Produce and vegetables monthly
- Community Art/Beautification projects
- Basic landscape repairs/modifications within 300ft
- Community Movie Night

Have an idea for a foundation we may want to donate to? Call or email us.

2149 Marconi Ave
Sacramento, CA
95828

(916) 410-7555
MACdispensary@gmail.com

*Providing safe access
to patients for 10 years*



**PERSONAL MESSAGE
TO DAYCARE PARENTS**

HERE AT MARCONI ADVANCED CARE, we want to assure our daycare parents that we have the utmost regard for the privacy and safety of children living and being cared for in the communities in which we serve. We are very aware of the activities of our staff, patients, and passerby, and take appropriate measures to ensure our presence in the neighborhood has a positive effect on the community.

Our goal at Marconi Advanced Care is to keep drugs out of reach and view from children. Discrete signage, improvement of property aesthetics, and NO visible product or advertisements to the public are just part of how we present ourselves. Today, our children whether we know it or not begin to take notice of their surroundings and develop a sense of the world much earlier than prior generations. At an early age, some kids have their own cell phone, iPads, and are exploring the world in early stages of development. It is our responsibility to educate them in safe access and the responsibilities that go with it. We offer group seminars to parents who wish to further understand the implications of medical cannabis and how it is used to responsibly treat illness.

Marconi Advanced Care makes it a goal to keep drugs off the streets and out of view from children, along with providing any such service that promotes our children to stay in school. A comforting fact, in Colorado, statistics show that once the legalization of marijuana in 2010 the teen use dropped by 20% within just a 30 day review and a lifetime drop of 39%.

Children find it no longer the thing to do because it has become legal and regulated. We encourage parents to participate in our community involvement so we may better serve our children. We look forward to showing you first-hand how a regulated facility can positively impact your community.

Sincerely, Owner

**MARCONI
ADVANCED CARE**

Despite what you may have believed medical marijuana to be, the fact is cannabis in all forms help patients relieve themselves from hundreds of illnesses. Also strong studies from around the world show how cannabis can be used to wring people of opiates and other strong pharmaceutical drugs.

THANKS TO COLORADO for taking the first steps in legalizing cannabis, statistics show that neighborhoods that contain dispensaries detour crime. That is right, unlike liquor stores medical marijuana facilities are held to the highest regulated standards in community safety.

We at MAC understand the responsibilities that go along with operating facilities such as this and we will continue to support our neighbors and show a great deal of interest in revitalizing the communities in which we operate in. Call (800#) and/or email us at MACdispensary@gmail.com so we may hear from our neighbors on how we can help today. We suggest homeowners, parents and local businesses to participate in helping our community become stronger and safer.

MARCONI ADVANCED CARE (MAC) is comprised of industry experts who have formed multiple premier retail medical marijuana facilities licensed throughout the US and have strived to become the most proactive community involved dispensaries in California.

The owners take true pride in providing safe access for patients to receive medication in the most friendly and secure environment; with armed security personnel patrolling around the dispensary. Neighborhood businesses and community members can feel assured by the acknowledgement of our security team that crimes that take place within the area will not be ignored.

The dispensary's security personally will report any suspicious activity in the area and will assert law-abiding community intent. With the establishment of the dispensary, the community will gain a watchful security presence and eliminate the black market already consumed within streets of the community. We ask all surrounding neighbors to participate in cleaning up the streets by calling (800#) to report any suspicious activity; you may choose to remain anonymous.

Attachment 5 Photographs



View from Marconi Avenue (facing north)



View from Howe Avenue (facing west)



View from Howe Avenue (rear of the property - facing southwest)



View from Howe Avenue (front of the property - facing west)



Front of two commercial building onsite (facing north)



Front of main commercial building onsite (facing northeast)

Attachment 6 Opposition Letter – Daniel Osborne

 Email

From: [Daniel Osborne](#)
To: [Arwen Wacht](#)
Subject: Concern regarding Early Notice for P14-013

Sent: 6/19/2014 5:15:12 PM



We spoke on the phone regarding an application for 2149 Marconi Avenue.

My wife runs a state licensed in-home child day care (lic #343619663).

We are concerned that this type of business (Medical Marijuana Dispensary) will negatively impact not only our business, but our safety and property values as well.

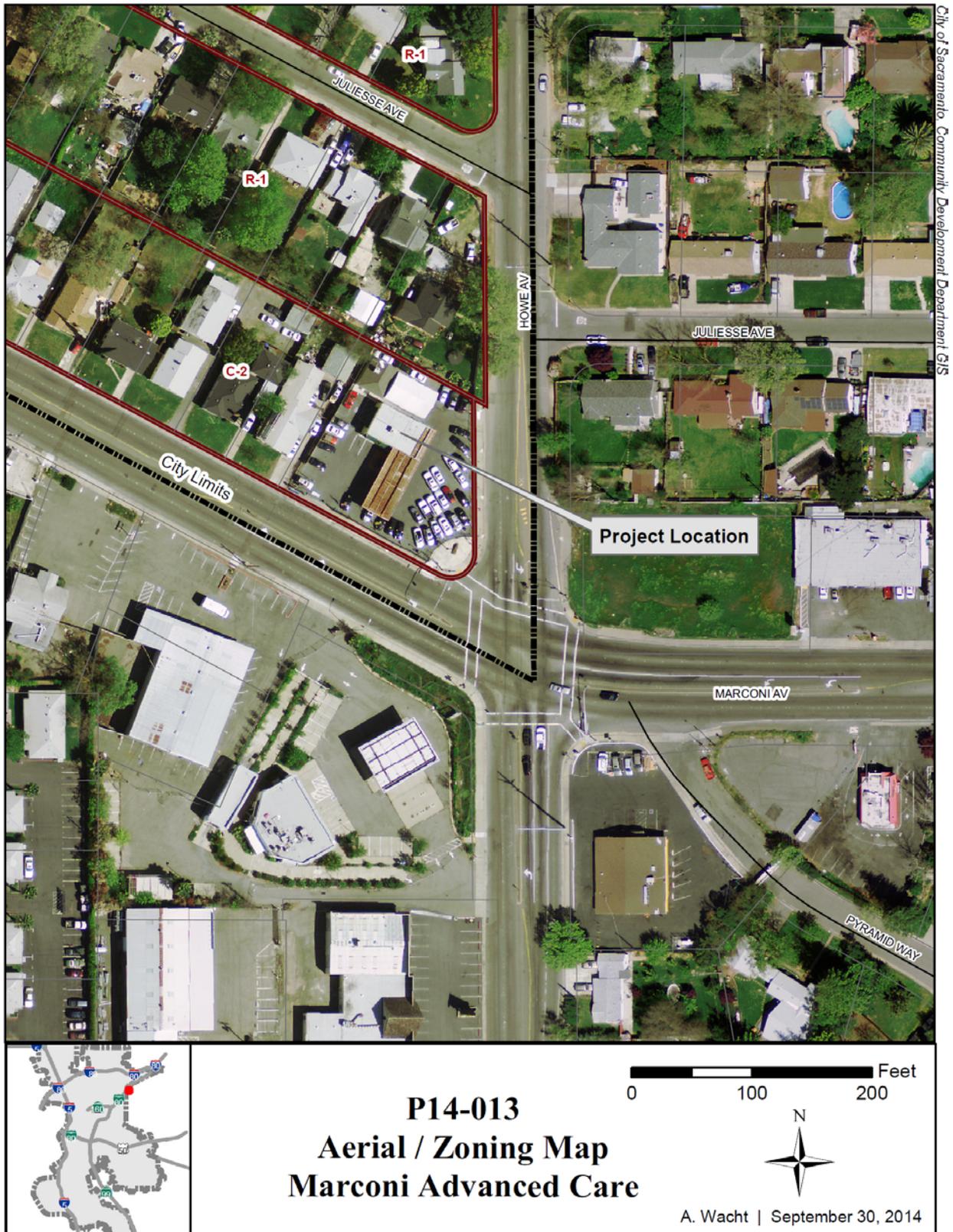
We live nearby, less than 300ft from the specified property (Parcel 266-0170-047-0000). It is visible from our property, and as such will be visible to our clients.

With that type of facility, we are also concerned with an increase in crime rates in the immediate area. This has a two-fold issue of not only reducing our safety and the safety of the children under our care, but decreasing the property values of our area due to the increase in crime.

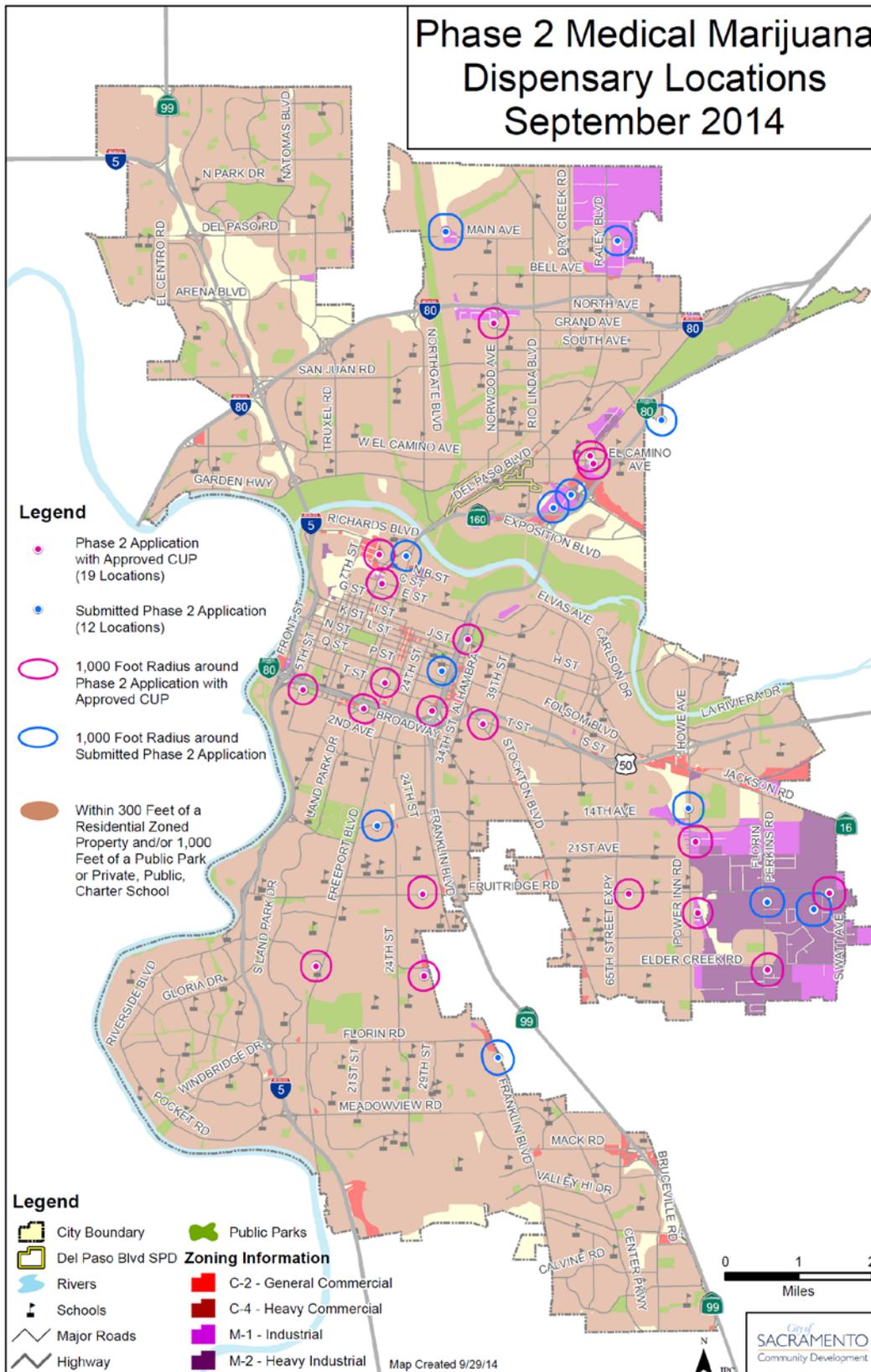
I thank you for allowing us to voice our concerns. I am interested in more information regarding this application in the future, to the extent allowed.

Daniel Osborne

Attachment 7 Aerial / Zoning Map



Attachment 8 Phase 2 Application Locations



RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND DENYING THE APPEAL OF THE P.S.A.C., INC. / MARCONI ADVANCED CARE (M.A.C.) CONDITIONAL USE PERMIT (P14-013) (APN: 266-0170-047-0000)

BACKGROUND

A. On October 9, 2014, the Planning and Design Commission conducted a public hearing on, and voted to deny the Conditional Use Permit to operate a medical marijuana dispensary at 2149 Marconi Avenue for the P.S.A.C., Inc / Marconi Advanced Care (M.A.C.) project (P14-013).

B. On November 3, 2014, the applicant submitted an appeal of the Planning and Design Commission's decision to deny the Conditional Use Permit for the P.S.A.C., Inc. / Marconi Advanced Care (M.A.C.) project (P14-013).

C. On _____, 2015, 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 P.S.A.C., Inc. / Marconi Advanced Care (M.A.C.) project (P14-013).

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 P.S.A.C., Inc. / Marconi Advanced Care (M.A.C.) project, the City Council denies the appeal of the Planning and Design Commission's denial of the project entitlements based on the findings of fact as set forth below.

Section 2. The City Council denies the appeal of the Planning and Design Commission's denial of the project entitlements based on the following findings of fact:

A. 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 the review under Section 15270, Projects Which Are Disapproved, of the California Environmental Quality Act, as follows:

1. CEQA does not apply to projects which a public agency rejects or disapproves.

- B. The **Conditional Use Permit** to operate a Medical Marijuana Dispensary on approximately 0.42 acres in the General Commercial (C-2) zone **is denied** based on the following Findings of Fact:
1. The dispensary site is located in an area in close proximity to sensitive uses, including single family homes, an in-home daycare, parks, and a school, therefore the proposed use and its operating characteristics would be detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and would result in the creation of a nuisance.