REPORT TO PLANNING COMMISSION City of Sacramento

9

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
October 13, 2011

To: Members of the Planning Commission

Subject: Abatin Wellness Center (P11-059)
A request to operate a 3,900 square foot medical marijuana dispensary on approximately 0.22 acres in the General Commercial (C-2-SPD) zone and located in the Alhambra Corridor Special Planning District.

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

B. Special Permit to operate a medical marijuana dispensary on .22± acres in the General Commercial (C-2-SPD) zone and located in the Alhambra Corridor Special Planning District.

Location/Council District:

2100 29th Street

Assessor's Parcel Number 010-0124-030

Council District 4

Recommendation: Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A and B above, and its decision is appealable to City Council.

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Stacia Cosgrove, Senior Planner, (916) 808-7110

Applicant: Jeff MacMeekin, Aundre Speciale, Jim Zaun, Abatin Wellness Center, 2100 29th Street, Sacramento, CA 95818 (916) 822-5699

Owner: Jim Thweat, JK/T Enterprise, LLC. 2100 29th Street, Sacramento, CA 95818 (916) 325-9000

P11-059
Vicinity Map
Abatin Wellness Center

Summary: The applicant is requesting to operate a 3,900 square foot medical marijuana dispensary. The project site is located at the southwest corner of 29th and U Streets, and the area is composed of residential and commercial uses. The site is currently developed with an existing commercial building. **At the time of writing this report, staff is aware of outstanding opposition regarding the project and the project is considered to be controversial.**

Table 1: Project Information
General Plan designation: Urban Corridor Low (FAR: 0.30-3.00)
Existing zoning: C-2-SPD, General Commercial
Existing use of site: Retail Building
Property area: 9,657 square feet or approximately .22 acres

Entitlement History: The building at 2100 29th Street was previously used by a chiropractic office. The Abatin Wellness Center project was formally submitted on August 11, 2011.

Background Information: In 1996, California voters passed Proposition 215 (The Compassionate Use Act of 1996) which decriminalized the cultivation and use of marijuana by seriously ill people. The possession, sale, cultivation, or transportation of marijuana is ordinarily a crime under California law, however, Proposition 215 made it possible for seriously ill people to cultivate and use marijuana for medical purposes when recommended by a physician who has determined that the person's health would benefit from the use of marijuana. The Act allows patients and their caregivers to possess and cultivate marijuana upon physician approval.

The Medical Marijuana Program, enacted by the State Legislature in 2003, allows medical marijuana patients ("qualified patients") and their primary caregivers to associate with one another in order to collectively or cooperatively cultivate marijuana for medical use by qualified patients. The co-ops and collectives must require membership applications, verify status as a caregiver or qualified patient and refuse membership to those who divert marijuana for non-medical use. They are to acquire marijuana from and allocate it only to members of the co-op or cooperative. State law allows cities and counties to regulate and tax these co-ops and cooperatives, which are also known as medical marijuana dispensaries.

On November 9, 2010, the Sacramento City Council approved two ordinances which permit "medical marijuana dispensaries", under certain conditions, in the City of Sacramento. A medical marijuana dispensary is defined as a cooperative or collective of four or more qualified patients and their primary caregivers, who collectively or cooperatively cultivate and distribute marijuana exclusively for use by the qualified patient members for medical purposes.

Ordinance 2010-037 enacted the City's regulatory permit requirement for medical marijuana dispensaries (administrated by the Revenue Division) and is found in Chapter

5.150 of the Sacramento City Code. One of the conditions is that only the dispensaries that registered with the City of Sacramento by July 14, 2009 are permitted to apply for dispensary permits with the Revenue Division. These dispensaries were required to apply for their Phase I permit by February 7, 2011. Thirty-five of the 39 eligible dispensaries applied by the deadline and of those, 33 have currently met the Phase I requirements and were invited to continue in the application process. These dispensaries are eligible and must apply for a Phase II application with the Revenue Division by October 11, 2011. One of the requirements of the Phase II application is a copy of a valid special permit (City Code 5.150.070). All dispensary permits must be approved by the Revenue Division by January 7, 2012 or the dispensary must cease operation.

Ordinance 2010-038 amended the Zoning Code (Title 17) to allow dispensaries in specified zones subject to special permit review and approval. The Zoning Code requires a Planning Commission special permit in the C-2 zone and a Zoning Administrator's special permit in the C-4, M-1, M-1S, M-2 and M-2S zones when location criteria has been verified. When the dispensaries were notified in writing that they had completed their Phase I requirements (for the most part in April and May 2011), they were also notified of a planner assigned to their dispensary and encouraged to apply for the special permit. In June a second letter was sent to all dispensaries reminding them of the Phase II deadline and encouraging them to apply for a special permit by July 15, 2011.

The Zoning Code also requires a dispensary to be located a minimum of: 300 feet from a residential zone or use; 600 feet from a park, K-12 school, child care center, child care-family day care home, youth-oriented facility, church/faith congregation, substance abuse center, movie theater/cinema, tobacco store; and 1000 feet from another dispensary; HOWEVER, the location requirements do not apply to a dispensary that registered with the city as of July 27, 2009, is operating and has operated continuously at the location for which the special permit is requested since at least October 26, 2010, is organized as a cooperative or collective, and has not been cited or convicted of maintaining a public nuisance or of a public safety violation relating to the operation of a medical marijuana dispensary. If the registered dispensary location does not meet the location requirements a Planning Commission special permit is required, whether the site is located in the C-2, C-4, M-1, M-1S, M-2, or M-2S zone. In evaluating the special permit, staff and the Planning Commission can take into consideration all surrounding land uses and the proposed dispensary's impact on those land uses whether they are residential, non-residential, one of the land uses listed above or another dispensary.

Abatin Wellness is located in the C-2-SPD zone which requires a Planning Commission Special Permit. Abatin has been operating at the site since February of 2009 and submitted their Special Permit application on August 11, 2011.

Public/Neighborhood Outreach and Comments: An early notice was sent on August 19, 2011 to property owners within 500 feet of the subject site. The project was also routed to the following community associations: Newton Booth, Midtown Neighborhood, Midtown Business, and Sacramento Old City Association.

A public hearing notice was sent to property owners within 500 feet of the subject site and community associations to notify the date and time of the Planning Commission hearing on September 26, 2011.

The City has received a few emails from nearby residents stating opposition to the use of medical marijuana in general and to a dispensary being located on this site. The emails are attached to the staff report, as Attachment 7. Specific concerns from nearby residents related to the operation of the dispensary include loitering, safety, and traffic. Staff has included two conditions of approval that were added by Planning Commission to recent dispensary projects that are within close proximity to residential uses, related to posting contact information and requiring an onsite security guard during business hours. Furthermore, Abatin Wellness Center must comply with the Operation Requirements as set forth in Title 5.15 of the City Code. With respect to potential concerns regarding traffic, the proposed project is considered to be a retail use, an allowed use within the General Commercial (C-2-SPD) zone. The City's Department of Transportation has reviewed the proposed project and determined that there would not be any impacts to local traffic.

Environmental Considerations: The Environmental Services Manager has determined the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15301). Section 15301 consists of existing facilities involving no expansion of use.

Policy Considerations: The subject site is designated as Urban Corridor Low on the General Plan Land Use and Urban Form Diagram. The Urban Corridor Low designation 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 throughout. At major intersections, nodes of intense mixed-use development are bordered by lower-intensity single-use residential, retail, service, and office uses. Street-level frontage of mixed-use projects is developed with pedestrian-oriented uses. The streetscape is appointed with landscaping, lighting, public art, and other pedestrian amenities.

2030 General Plan Development Standards

The minimum Floor Area Ratio (FAR) for the Urban Corridor Low designation is .30. The site is currently developed with a 3,900 square foot building on a 9,657 square foot parcel. Therefore, the FAR is .40 and meets the General Plan Development Standards. The applicant is not proposing to make any changes to the footprint of the existing building 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 statues 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.*

Land Use

The applicant proposes to establish a 3,900 square foot medical marijuana dispensary in the General Commercial (C-2-SPD) zone and located in the Alhambra Corridor Special Planning District. Abatin Wellness Center has been established at this location since February of 2009. This dispensary was properly registered with the city manager pursuant to Ordinance No. 2009-033, and is applying for a special permit for the location from which they have operated continuously since at least October 26, 2010. Abatin is organized as a cooperative or collective, and has not been cited or convicted of maintaining a public nuisance or of a public safety violation relating to the operation of a medical marijuana dispensary. Therefore, this dispensary is exempt from the proximity restrictions that would otherwise apply (Section 17.24.050(85)(d)).

Staff has evaluated the site and has determined that there are many residential uses within 300 feet of the proposed medical marijuana dispensary including apartments directly to the north of the site, and a predominant mix of single family residences and multi-family residences in the surrounding 300 feet. Additionally, a substance abuse center, Group One, is located within 600 feet of Abatin Wellness Center.

It is also important to note, that although the use has not been established, a Special Permit to operate a 500-student private High School by Sacramento Country Day School at the former Newton Booth Elementary School (27th & V Streets), was approved on January 28, 2010. Abatin Wellness Center is located approximately 620 feet away from the school site.

Staff 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, ring a doorbell to be let in the facility, walk through a metal detector at the front entry, are screened for valid identification and if a qualified patient member, the required physician recommendation letter, and a medical marijuana ID prior to accessing the sales area. Furthermore, the building and parking lot is manned by a security guard at all times. The main entrance to the

dispensary is located on 29th Street. Member parking is located at the rear of the building and the parking lot is generally accessed from U Street or 29th Street.

The Abatin Wellness Center facility is set up to operate similarly to a medical clinic, in that all patients check in with the receptionist within the lobby, once cleared are allowed to enter a secured counseling area, and are assessed and counseled upon each visit. Abatin Wellness Center performs an Assessment and Review (A&R) session for each patient, which focuses primarily on the patients' diagnosed medical condition, discussion of previous treatments, discussions of alternative treatment options (other than medicinal cannabis), and the effects of medicinal cannabis on the human body. The A&R also includes a dialogue regarding the delivery and dosage of medicinal cannabis thought to be beneficial in consideration of the medical condition. Once the A&R is complete, the patient may then proceed to the dispensary, where he/she may be allocated a prepackaged form/quantity of medicinal marijuana. Upon completion of the visit, the patient leaves the dispensary area through a secured door, to the lobby area, where he/she is escorted to the front door.

Table 2 below provides specific information regarding sensitive uses in the vicinity of the subject site.

Table 2: Surrounding Uses

Land Use	Location	Distance from Site
Residential Uses	West, East, South, North of Site	Within 300 feet
Group One Substance Abuse Center	28th & T Streets	Within 600 feet

Abtain Wellness Center operates a medical marijuana dispensary within a 3,900 square foot commercial building. The current hours of operation are 10 am to 7 pm, seven days a week. The Abatin Wellness Center currently has about 163 members registered with their dispensary. The facility serves about two to four patients each day and the patient visits are evenly distributed throughout the business operation times. Abatin Wellness Center plans to increase the number of patients to 20-40 a day, by late November, with continued growth in the future. Abatin Wellness Center does not allow on-site consumption of marijuana, which is prohibited under SCC Chapter 5.150.

The floor plan of the dispensary includes the following: a waiting room and reception area; a display/consultation area, an allocation area, and numerous offices and conferences rooms which are not open to the public.

The Police Department has reviewed the security plan for Abatin Wellness Center and finds that they have implemented appropriate security measures for this use. The

measures include items such as security cameras, panic buttons, alarms with motion detectors, and lighting.

In evaluating special permit proposals of this type, the Planning Commission is required to make the following findings:

a. Sound Principals of Land Use. The special permit for the dispensary shall be granted upon sound principals of land use. The dispensary is located in the C-2-SPD zone and is allowed to apply for a special permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and has operated continuously at the subject location since at least October 26, 2010. 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. While there are sensitive uses within the 300-foot and 600-foot radius areas, there is not substantive evidence to suggest that the dispensary will be problematic for the community;

b. Not injurious. The special permit for the dispensary shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance. The dispensary is located in an area surrounded by residential and commercial uses, and operates the business to take into consideration the neighborhood. Rigorous security measures are in place at the dispensary to deter crime and to protect the safety and welfare of patients and the surrounding properties. All exterior signage is very discrete and onsite parking is provided;

c. Must Relate to a Plan. The special permit for the dispensary must comply with the objectives of the general or specific plan for the area in which the dispensary is to be located. The operation of a dispensary (retail) is consistent with the types of uses located in Urban Corridor Low General Plan designation;

d. The 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;

e. 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; and,

f. The proposed location, size and other development standards of the medical marijuana dispensary are consistent with state law, SCC Chapter 5.150, and the Zoning Code. Abatin Wellness Center operates in compliance with the Medical Marijuana Program, and the 2008 Attorney General Guidelines, in addition to the C-2-SPD requirements.

Although there are numerous residents within 300 feet of Abatin Wellness Center, and one sensitive use (a substance abuse center) within 600 feet, staff believes that the Planning Commission can make adequate findings as required to approve the project. This is due to fact that Abatin has been in operation for approximately five years, complies with state law, SCC Chapter 5.150, and the Zoning Code. Furthermore, Abatin Wellness Center is not known to be a nuisance within the immediate area. Therefore, staff does not have any objections to the requested entitlements.

Access, Circulation and Parking

The proposed project site is located within an existing commercial building. The site has driveway access on 29th Street and U Street.

The parking ratio for a medical marijuana facility is the same as for a retail use. Since the project is located within the C-2-SPD zone, the parking required is 1 space per 400 square feet. This building is 3,900 square feet and therefore requires ten parking spaces, and thirteen parking spaces are provided onsite.

Table 3: Parking

Use	Required Parking	Provided Parking	Difference
Medical Marijuana Dispensary	10 spaces (1 space per 400 sqft)	13 spaces	No

Building Design and Signage

The existing building is comprised of a one story structure with stucco/cement plaster exterior and a flat roof. No exterior modifications or site improvements are proposed as a part of this project. Any future signage will require a sign permit.

Conclusion: Staff recommends approval of the project since the proposal: a) is consistent with the General Plan designation of Urban Corridor Low and the General Commercial (C-2-SPD) zone; b) has been reviewed and conditioned by the Police Department for the implementation of appropriate security measures; and c) provides adequate onsite parking.

Respectfully submitted by: _____
HEATHER FOREST
Associate Planner

Approved by:

_____
STACIA COSGROVE
Senior Planner

Recommendation Approved:

_____
GREGORY BITTER, AICP
Principal Planner

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Attachment 1
Proposed Findings of Fact and Conditions of Approval
Abatin Wellness Center (P11-059)
2900 29th Street

Findings Of Fact

A. Environmental Determination: 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 15301 Existing Facilities** of the California Environmental Quality Act because it involves the use of existing facilities without the expansion of use.

B. The **Special Permit** to allow a medical marijuana dispensary is approved subject to the following Findings of Fact:

1. Sound Principals of Land Use. The special permit for the dispensary shall be granted upon sound principals of land use. The dispensary is located in the C-2-SPD zone and is allowed to apply for a special permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and has operated continuously at the subject location since at least October 26, 2010. 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. While there are sensitive uses within the 300-foot and 600-foot radius areas, there is not substantive evidence to suggest that the dispensary will be problematic for the community;

2. Not injurious. The special permit for the dispensary shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance. The dispensary is located in an area surrounded by residential and commercial uses, and operates the business to take into consideration the neighborhood. Rigorous security measures are in place at the dispensary to deter crime and to protect the safety and welfare of patients and the surrounding properties. All exterior signage is very discrete and onsite parking is provided;

3. Must Relate to a Plan. The special permit for the dispensary must comply with the objectives of the general or specific plan for the area in which the dispensary is to be located. The operation of a dispensary (retail) is consistent with the types of uses located in Urban Corridor Low General Plan designation;

4. The 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;

5. 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; and;

6. The proposed location, size and other development standards of the medical marijuana dispensary are consistent with state law, SCC Chapter 5.150, and the Zoning Code. Abatin Wellness Center operates in compliance with the Medical Marijuana Program, and the 2008 Attorney General Guidelines, in addition to the C-2-SPD requirements.

Conditions Of Approval

The **Special Permit** to allow a medical marijuana dispensary 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 sign permit shall be required for all signage.

4. A security guard shall be on duty during business hours.

5. Good neighbor signage shall be posted near the front entrance of the dispensary to provide contact information for the dispensary's Office Manager and the City Zoning Investigator.

Building

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

Police

7. Any door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.

8. All exterior lighting fixtures shall be maintained and operational.

9. No public telephone/pay phone shall be allowed on the premises.

10. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.

11. There shall be no video/arcade machines maintained upon the premises at any time.

12. All dumpsters shall be kept locked.

13. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.

14. Sacramento City Codes prohibit smoking of marijuana in certain locations. All members shall sign a statement showing they understand smoking is illegal in the City of Sacramento:

- Upon or within 1000 feet of the grounds of any school or park;
- In or within 100 feet of any building or facility to which the members of the public have access, except in a health facility or clinic; or
- Within 100 feet of any other person, other than a “primary caregiver” as that term is defined in California Health and Safety Code Section 11362.5(e).

15. Notwithstanding that the Dispensary may be exempt from the City’s entertainment ordinance (i.e., it may be a private club having an established membership where admission is not open to the public) all forms of Entertainment, including but not limited to, Entertainment hosted, promoted, produced or commissioned by the Dispensary or others are prohibited in the “Dispensary building” and “Dispensary area” (as both are defined in SCC section 5.150.020). For purposes of this condition, “Entertainment” means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which members of the dispensary or of the public are invited or allowed to watch, listen, or participate or that is conducted for the purposes of holding the attention of, gaining the attention of or diverting or amusing guests, members, or patrons, including, but not limited to:

A. Presentations by single or multiple performers, such as hypnotists, mimes, comedians; musical song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, festivals, carnival, rodeo or circus acts,

demonstrations of talent; shows, reviews and any other such activity which may be attended by guests, patrons, members of the dispensary or of the public;

B. Dancing to live or recorded music;

C. The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as a "DJ" or "disc jockey." Entertainment does not include ambient music provided through the use of a radio, stereo, juke box, music recording machine or other similar device.

Advisory Notes:

Planning

ADV1. The applicant must apply for a Phase II Medical Marijuana Dispensary Permit with the City Revenue Division by October 11, 2011. The Phase II Medical Marijuana Dispensary Permit must be obtained by, and the dispensary be in operation on January 7, 2012 or the special permit shall be automatically revoked (Section 17.24.050(85)(m)(ii)(E)).

ADV2. This medical marijuana dispensary is subject to Footnote 85 (m)(ii)(D) through and including (H) due to their exemption from the location requirements. The applicable text is included below for the reader's convenience:

> *(D) The special permit shall be deemed automatically revoked if the medical marijuana dispensary ceases operation at any time, voluntarily or involuntarily, for thirty (30) consecutive days.*
>
> *(E) The special permit shall be deemed automatically revoked if the medical marijuana dispensary fails to obtain a medical marijuana dispensary permit under Chapter 5.150 and commence operation within ninety (90) days of the date of approval of the special permit.*
>
> *(F) The special permit shall be deemed automatically revoked upon transfer of ownership or management control of the dispensary to another person.*
>
> *(G) The special permit shall be deemed automatically revoked upon revocation of the medical marijuana dispensary permit issued under Chapter 5.150.*
>
> *(H) A special permit modification may not be approved to allow an expansion of the registered medical marijuana dispensary.*

ADV3. A dispensary shall have a separate and secure area designated for distributing medical marijuana to its members (5.150.130)

Exhibit A: Site Plan

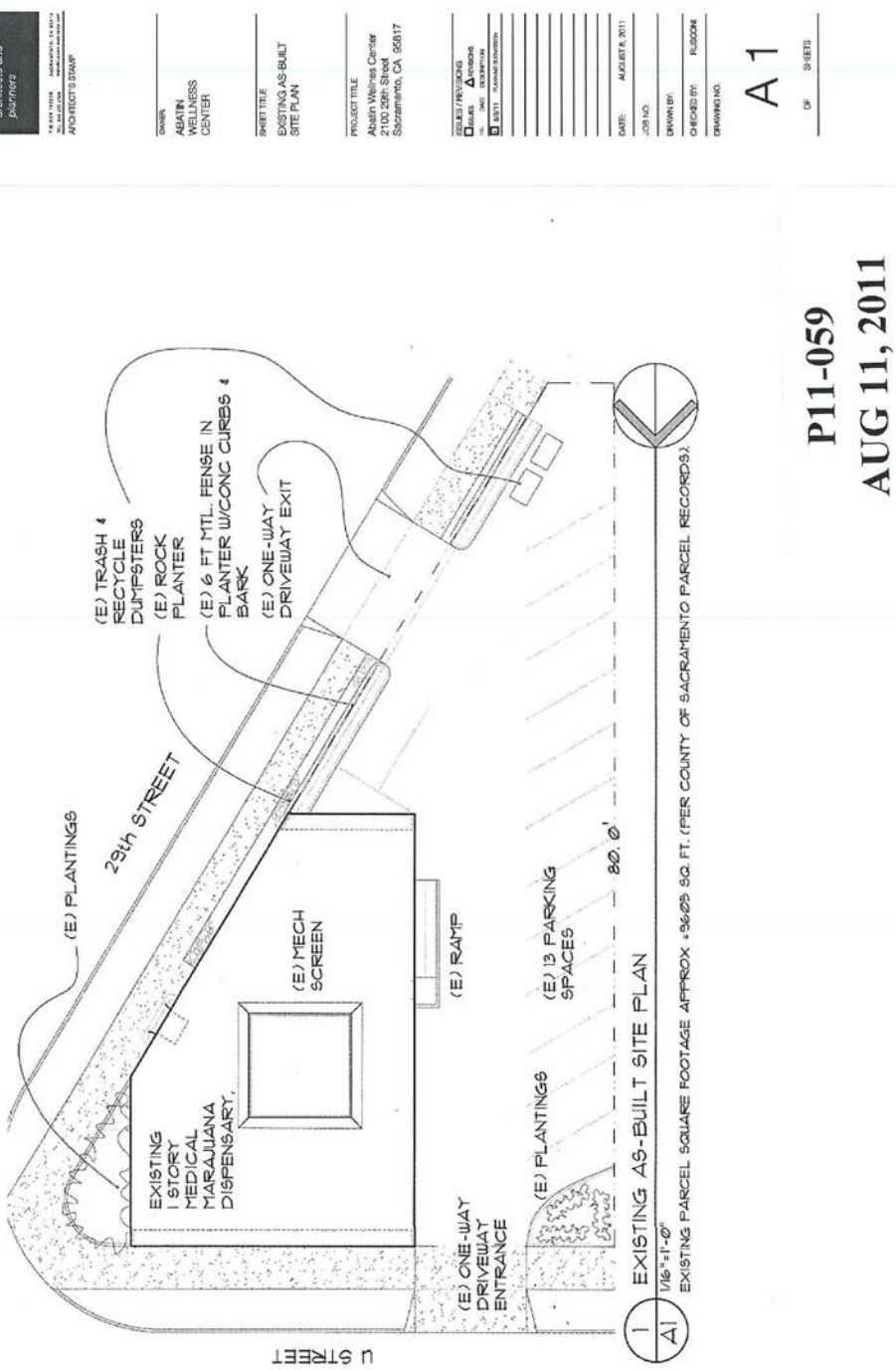

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Exhibit B: Floor Plan

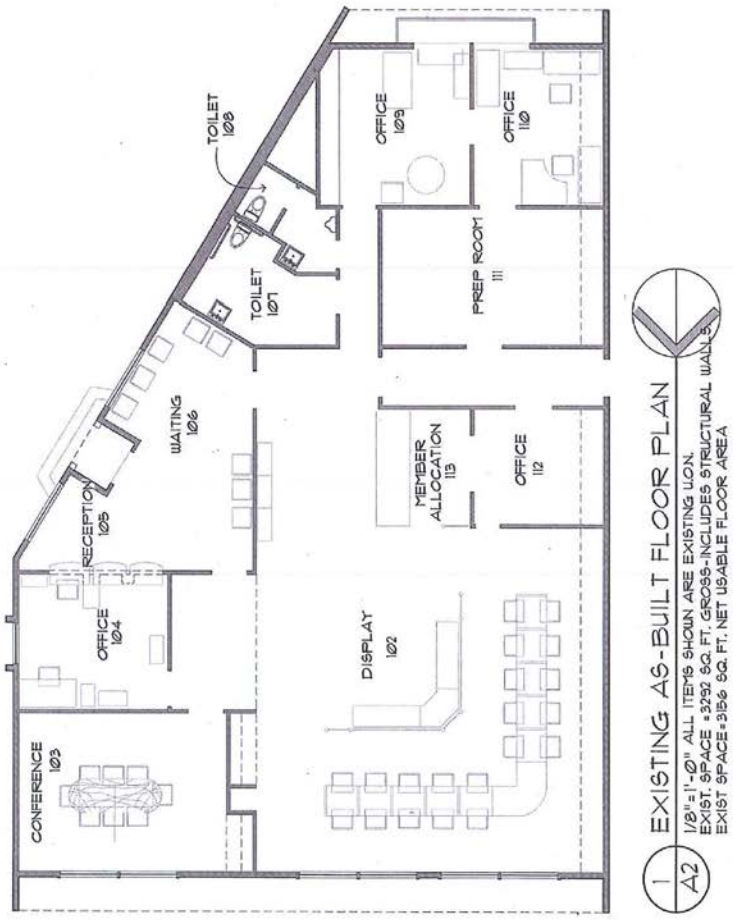

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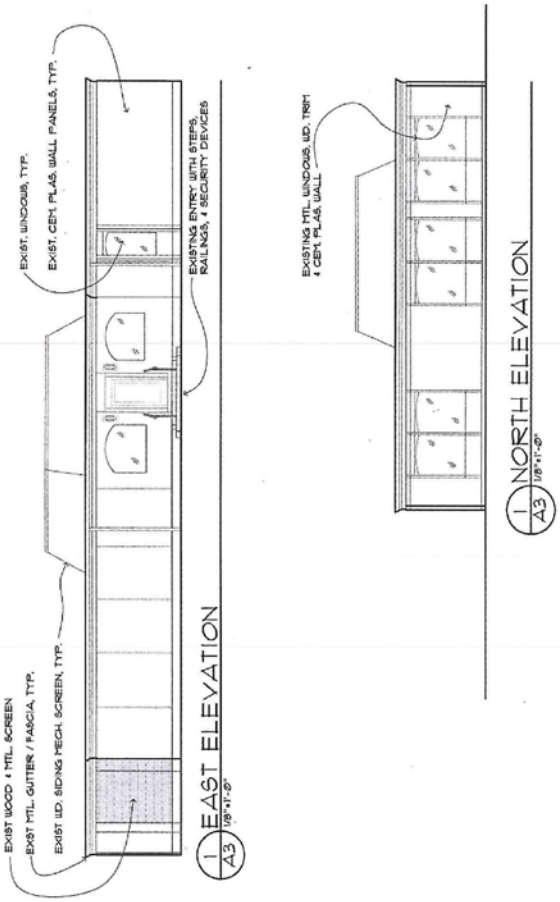
Exhibit C: Exterior Elevations



mark rusconi
architects and planners

ARCHITECT'S STAMP

OWNER:
ABATIN WELLNESS CENTER

SHEET TITLE
EXISTING AS-BUILT EXTERIOR ELEVATIONS

PROJECT TITLE
Abatin Wellness Center
2100 20th Street
Sacramento, CA 95817

ISSUES / REVISIONS
ISSUE
REVISIONS
NO. DATE DESCRIPTION
1 09/11 PLANNING SUBMISSION

DATE: AUGUST 8, 2011
JOB NO.
DRAWN BY:
CHECKED BY: RUSCONI
DRAWING NO. A3
OF SHEETS

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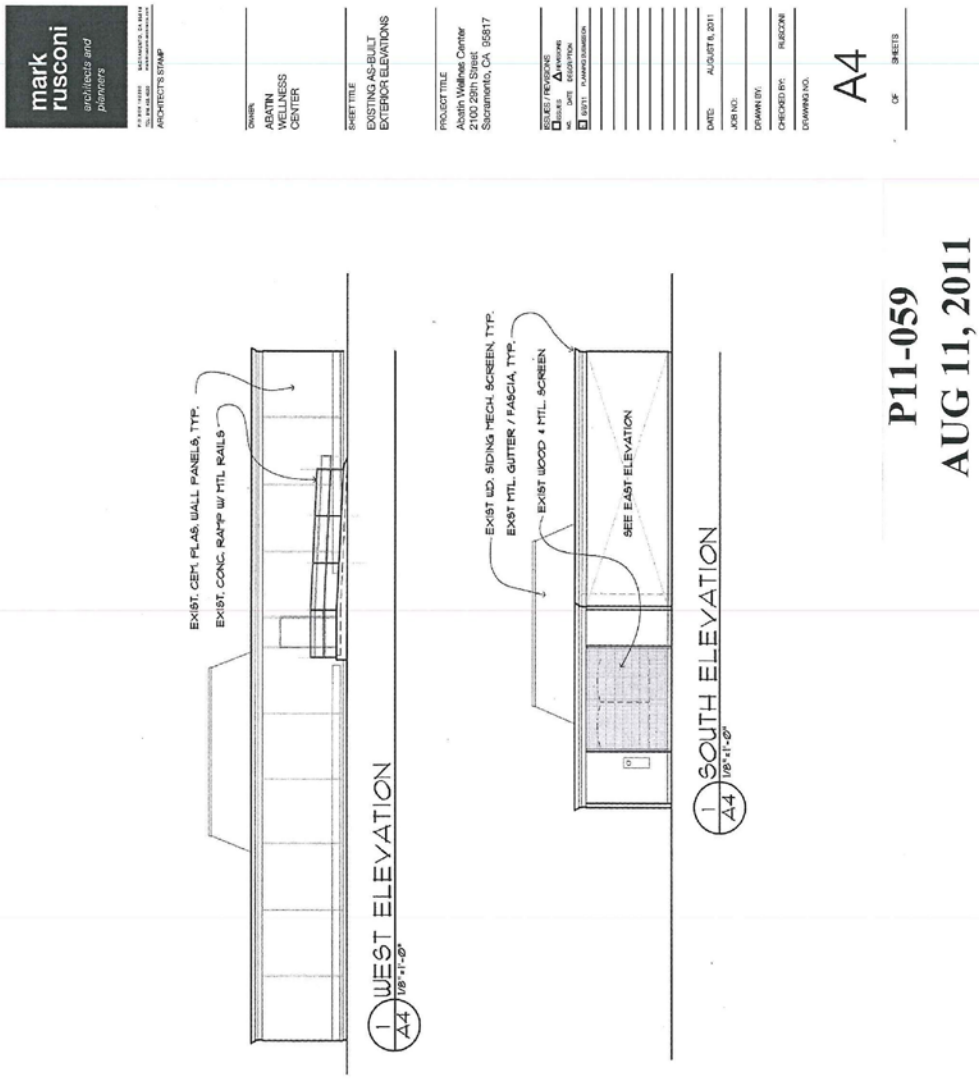
Exhibit D: Exterior Elevations



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Attachment 2: Neighborhood Context Map

Project Narrative for 2100 29th St Sacramento, CA 95818

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 Abatin Wellness Center of Sacramento, a cooperative corporation. The context for this specific project is, and will remain, our broader goal of helping relieve chronic or persistent pain and other debilitating symptoms suffered by those in our community with serious illness or affliction.

Our members purchase membership into the cooperative and thereby become owner-patients of Abatin Wellness. This approach involves our members not only in the collective but in the community surrounding us at large, legitimizing the patient-cooperative relationship and inspiring a sense of community. 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 require that our members use our own parking lot, that no medical marijuana may be smoked or consumed within 100 feet of the Center, and that no loitering occurs on our or surrounding properties.

To meet our aim of transparency, we take several preventative measures in avoiding situations that could result in a negative impact on our local community. To eliminate the potential of diversion of medication to non-physician recommended patients, we enforce a strict chain of custody and limitations on amounts of medication allocated per day. In our goal to be proactive against any potential negative effects on the community, we have at least two safety specialists on duty at all times. One greets our patients at our secure entrance and the other patrols the surrounding lot and neighborhood. We maintain positive, communicative relationships with our neighbors, who have expressed gratitude for the added security of our safety team. Our safety

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team improves the safety of our neighborhood by alerting authorities to suspicious behavior and activity.

We have reached out to several neighborhood associations/groups in our area, including but not limited to: The Newton Booth Neighborhood Association, Midtown Business Association, Midtown Neighborhood Association, and the Sacramento old City Association. We invited each association's representatives to inform us of questions or concerns regarding our operations and presence in their neighborhoods in the hopes that we can prevent any issues that may arise.

In addition to these on-going neighborhood outreach efforts we also have a strong relationship with the Sacramento Police Department. We have been assigned a specific officer to act as a liaison between Abatin Wellness Center, our safety team and the department.

We feel that this holistic and highly interactive approach provides many benefits not only to our member-patients, but to the community as a whole. Our member support groups and educational seminars help to extend our reach and positive impact on the community. In short, our project helps to promote healthy productive members of our community in a safe, well regulated environment.

Attachment 4: Facility/Member Flow

Abatin WELLNESS CENTER

FACILITY / MEMBER FLOW

Facility Access

Facility access is controlled in several ways. **Administrative controls** ensure compliance with state and local laws and ordinances regarding qualified admittance. **Physical controls** ensure proper safety screening and admittance into the reception, counseling and dispensary areas.

Reception / Registration

All new member-patients must complete registration and membership documents. A brief medical history and questionnaire may also be requested. Documents are filed on site for reference and future visit clearance. Returning member-patients will check in with the reception desk and request clearance to enter the inner facility. Reception personnel will perform appropriate verification protocols for new or returning M-P's. Once verified the member-patient will receive clearance to enter the inner facility.

Clearance

Upon verification of documentation the member-patient receives clearance to enter the inner facility . Reception personnel will verbally inform security while pushing the door lock release button. Security will allow only cleared M-P's through the door.

Greeting and Guidance

A Counselor Host will greet the patient and guide them to the appropriate counseling or service area.

Assessments and Reviews

All member-patients' are provided an assessment and review (A&R) session focused on healthy living and on the use of medical cannabis. A&R sessions will focus primarily on the patients' diagnosed medical condition, previous treatment regimen, effects and results of previous treatment, discussions of alternative treatment options other than medicinal cannabis, the effects of medicinal cannabis on the human body, etc. A&R sessions will vary in duration depending on the nature of the member patients' condition and existing knowledge of medicinal cannabis.

Assessment and Review sessions will also include a discussion of available medications and delivery systems. This discussion, and a brief assessment may result in any of the following; suggestions for healthy diet and exercise regimen. a suggestion on types of cannabis and profiles available, suggestion for delivery and dosage of medicinal cannabis, suggestions for medical cannabis delivery apparatus, suggestions of pertinent literature, information of available community services and support groups, information on Abatin Wellness support programs and educational services. Member-patient may now go to the check out area in front of the dispensary.

Check out

Allocation of Medicine & Services

All medicine is allocated from the dispensary. The dispensary is a secure area where the prepackaged quantities of medicine are stored and passed to the check out personnel as requested. Check out personnel will confirm allocation, and follow up on any additional services requested and close out the visit of the member-patient.

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Attachment 5: Abatin Wellness Center Approach

THE ABATIN WELLNESS APPROACH:

Abatin Wellness Center ("AWC") focuses on medical cannabis as a single component within a wellness strategy to improve quality of life when coping with serious medical conditions. To accomplish this strategy, AWC has adopted a new model. This new model has three parts: ownership of the cooperative, counseling, and allocation of medical cannabis at actual production cost.

AT ABATIN WELLNESS, YOU BECOME AN OWNER:

Abatin Wellness Center of Sacramento operates as a statutory cooperative under California law. The cooperative is the corporate form favored by the California Attorney General's guidelines for medical cannabis. As a cooperative, AWC requires its members to purchase a membership in AWC and become an owner-member. The first-time membership fee at AWC is $45.00. Purchasing this owner-membership at AWC is completely separate from reimbursing AWC for the cooperative's expenses associated with cultivating and allocating cannabis medicines.

ABATIN LISTENS:

At Abatin, serving your needs begins by understanding those needs. After securing a membership, you'll meet with a trained AWC counselor for a confidential assessment of your medical cannabis usage and needs. This initial assessment enables your counselor to provide personal guidance on using cannabis as medicine, including any cautions on potential drug interactions. All members receive this initial medical history and assessment at no charge.

ABATIN LEARNS:

Each subsequent time you visit AWC, you'll meet with an independent counselor. In these counseling sessions you develop an ongoing personal wellness strategy and fine-tune the actual formulation of your medicinal cannabis. You learn which ingredients in cannabis varieties are most effective for you. Your ability to predict the effectiveness of your medicine improves after each session. The cost for this session is $40/visit. Alternatively, the owner-member can do this counseling with their personal physician and bring the required information to AWC. This counseling and allocation of up to five grams of medicinal cannabis will total no more than $57.88 per visit (including tax).

ABATIN LEADS:

Abatin's laboratory screening of medicinal cannabis is the best in California, testing for both cannabinoid and essential oil potency, while also screening your medicine for pesticide residues, pathogenic molds and bacteria. Additionally, Abatin's team of physicians, chemists and botanists is embarking on an innovative research program to better understand the medicinal uses of the cannabis plant and its preparations. Towards this goal, Abatin is underwriting the first scientific monograph on herbal cannabis as a medical treatment, since its removal from the United States Pharmacopeia in 1942. Abatin is currently pursuing the development of the next generation of herbal cannabis medicines and delivery, intended for ease of use by all patients.

Our screened and tested medicinal cannabis is currently allocated to members in 5 gram allotments per visit. The reimbursement for cultivation, overhead and allocation expenses is currently $16.00 for 5 grams, plus sales tax.

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WELCOME:

Thank you for your interest in Abatin Wellness Center of Sacramento, a Cooperative Corporation (AWC). AWC is a not-for-profit cooperative established for the mutual benefit of its members suffering from chronic or persistent medical symptoms associated with a serious illness by facilitating safe and legal access to medical cannabis for its members in accordance with the laws of the State of California and the City of Sacramento. Under California law, qualified patients and such persons' primary caregivers may associate within California to collectively or cooperatively cultivate marijuana for medical purposes.

To ensure that AWC is able to successfully carry out its mission of providing safe and legal access to medical cannabis without diversion of marijuana for non-medical purposes while simultaneously setting a new standard for patient care, we depend on our members to assist us in operating in the strictest compliance with California law. We have set a very high standard for regulatory compliance and thank you in advance for your patience and cooperation.

DISCLOSURE:

This information is being provided pursuant to Section 12401(b) of the California Corporations Code.

Abatin Wellness Center of Sacramento is a cooperative corporation organized under the State of California's Consumer Cooperative Corporation Law. A copy of the corporation's articles and bylaws will be provided without charge to a member or prospective member upon written request sent to: AWC, P.O. Box 162225, Sacramento, California 95817. Information on (i) any restrictions on the transfer of a membership, (ii) any conditions under which the corporation may levy dues, assessments or membership fees, (iii) the amount and nature of any services required to be contributed to the corporation, (iv) the conditions under which a membership may be redeemed, and (v) the rules by which voting power and proprietary rights of members are determined, will be provided without charge to a member or prospective member upon written request sent to: AWC, P.O. Box 162225, Sacramento, California 95817. The corporation's office address is 2100 29th Street, Sacramento, California 95817, however, information requests will not be responded to unless mailed to the address indentified above.

Attachment 6: Photographs

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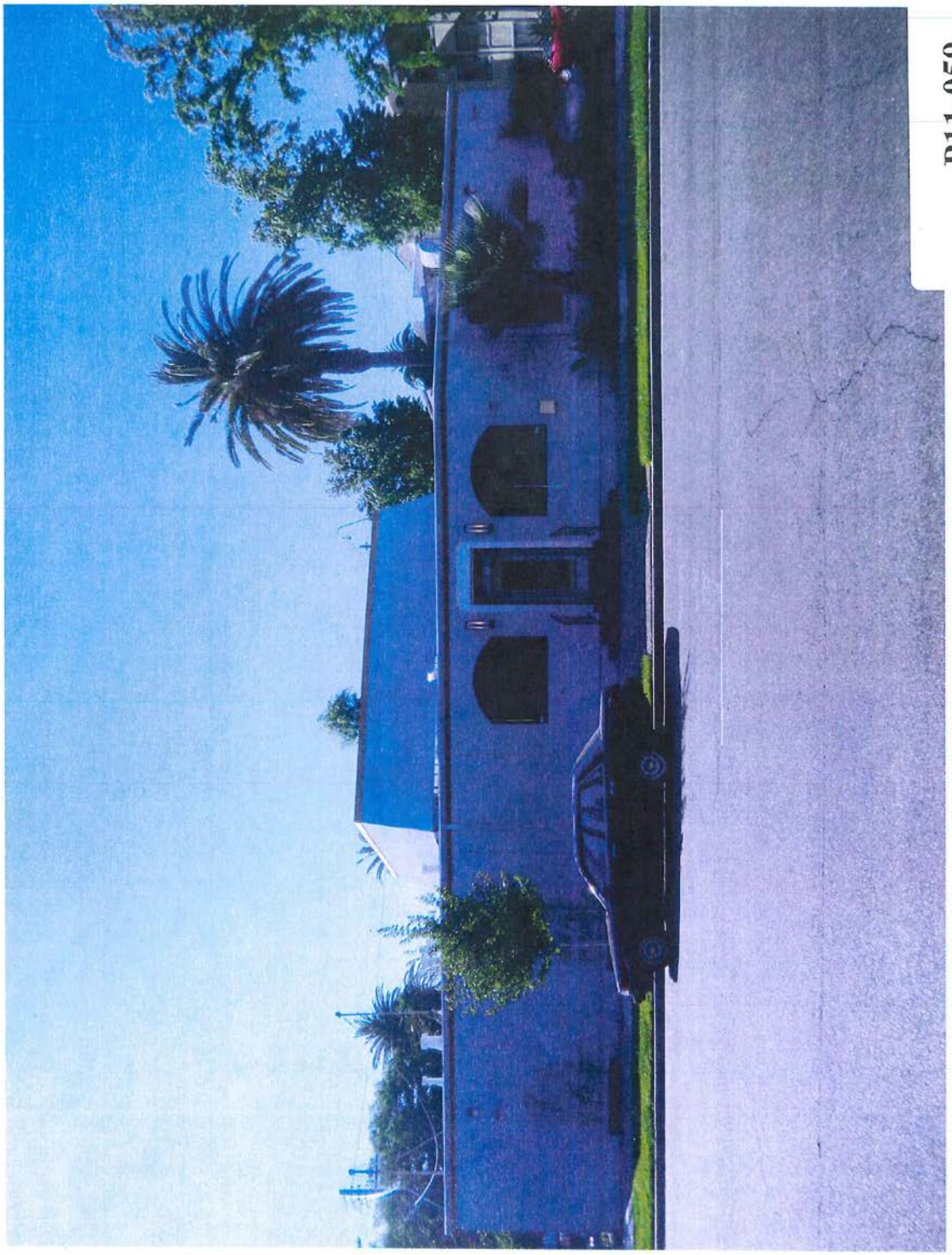

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2100 29th street: Exterior of East facing side of building.

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2100 29th street: North side of building.

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2100 29th street: South side of building.

2100 29th street: West side of building and parking lot

Heather Forest

From: norm [norma.yee@sbcglobal.net]
Sent: Saturday, September 03, 2011 11:37 AM
To: Heather Forest
Subject: objection to marijuana dispensary

hello heather

we are proprerty owners very close to the proposed marijuana dispensary and oppose the installation at the location noted below:

Project Name: Abatin Wellness Center (File # P11-059)
Property location 2100 29th Street. Sacramento, CA 95818.

we fear that although there are many legitimate folks who require the marijuana medication, it can also lead to lingering outdoor illegal usage in the neighborhood. thus changes the feelings of safety and desirable nature of the area. we dont want people and families leaving the neighborhood

also many of the people who use the dispensary do not have a real 'prescription' which was actually signed by the noted doctor.

I know all of the above because I live in sf in a neighborhood which tried to implement a marijuana dispensary and are aware of the neighborhood problems where the dispensaries were put in place in sf.

I get my prescription from a regulated pharmacy. all prescriptions should be filled in the same manner.

thank you,
Norma
sent from mobile

1

Heather Forest

From: Joanne Tin [joanne@thetins.com]
Sent: Saturday, September 03, 2011 1:41 PM
To: Heather Forest
Subject: Abatin Wellness Center (File # P11-059) - OBJECTION

Hello Ms. Forest,

RE: Project Name: Abatin Wellness Center (File # P11-059)
Property location 2100 29th Street. Sacramento, CA 95818.

As an owner of a property just 2 blocks away from this proposed marijuana dispensary location, I wish to voice my objection for the passing of this project.

If the reason to build the dispensary is to treat it the same as a drug store, it is very odd to have such a huge facility along a residential neighborhood. This facility would also lower the desirability of our very quiet neighborhood. I am very concerned regarding future traffic, safety risks with people lingering outside the dispensary and influence on the young children/teenagers living very close by.

Thank you for your consideration,
Joanne Tin

Heather Forest

From: May Wong [cecmay1@gmail.com]
Sent: Tuesday, September 06, 2011 7:17 PM
To: Heather Forest
Subject: Re: Abatin Wellness Center

Ms. Forest,

I am a property owner within 2 blocks of this proposed project and am **vehemently against** the city allowing a medical marijuana dispensary in our neighborhood. Thank you.

Project Name: Abatin Wellness Center (File # P11-059)
Property location 2100 29th Street. Sacramento, CA 95818

--
May Wong

itn
INTERNATIONAL
TRAVEL NEWS

To: Arwen Wacht
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95814

September 15, 2011

Re: "Medical" Marijuana Dispensary application for 2900 29th Street, Sacramento, CA 95818

Dear Sir,

We received notification from the city that the above address was being considered for the establishment of a medical marijuana dispensary.

As owner of the business on this letterhead, I am concerned about the safety of our employees, some of whom work late into the evening. The establishment of a business that dispenses marijuana would attract unsavory characters into this area. Our employees, and those of other businesses and residents in the area should be afforded every opportunity to be safe.

The legality of the California medical marijuana law is questionable as it conflicts with federal drug law, and I would hate to see the city put at risk for such a decision should the federal government pursue contesting the law.

Please deny this application.

Armond M. Noble

Armond M. Noble, President
Martin Publications, Inc.
2114 28th Street
Sacramento, CA 95818
916/457-3643

To: Arwen Wacht
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95814

Re: "Medical" Marijuana Dispensary application for 2900 29th Street, Sacramento, CA 95818

September 15, 2011

Dear Sir,

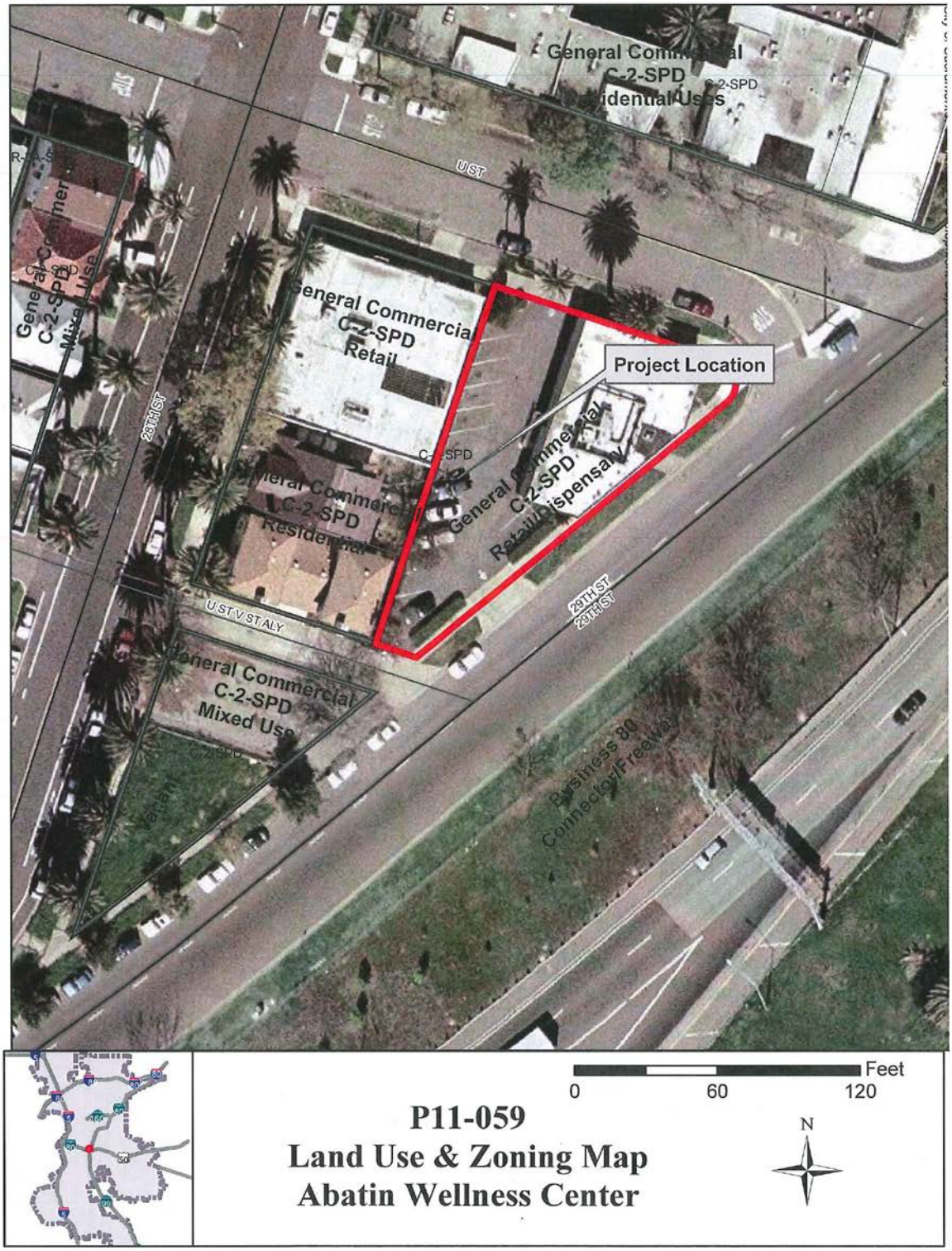
We received a notification from the city that the above address was being considered for the establishment of a medical marijuana dispensary.

The whole "medical" marijuana issue is an excuse for potheads to feign some flimsy ailment so as to enable them to get marijuana under the guise of legality, plus the whole legality of the California law is questionable as it defies federal drug law.

We don't need more problems in this neighborhood. We have enough with the alcohol/drug abuse clinic up on T Street. We have graffiti "artists", vagrants coming on our property, sleeping on it, going through our garbarge, etc. , and we do not need to have the area further degraded with such an establishment.

Please deny this application.

Helen L. Noble

Helen Noble
2116-2122 28th Street
Sacramento, CA 95818
916/457-3643

Attachment 8: Land Use and Zoning Map