



CANNABIS PROGRAM

FAQs

Updated March 15, 2018

1. Did the City of Santa Rosa adopt regulations for personal and/or commercial cannabis? Do the regulations address both medical and adult use cannabis?

Yes. And yes. On December 19, 2017, the City adopted Ordinance No. ORD-2017-025 which provides for comprehensive regulations of both medical and adult use cannabis activities.

<https://srcity.org/2512/Comprehensive-Cannabis-Policy>

2. Does the City of Santa Rosa allow for personal cannabis cultivation?

Yes. Each residence is allowed up to a maximum limit of 6 mature plants for personal use cultivation, regardless of the number of residents, and regardless of the reason for cultivation (medical and/or adult use). Only two (2) plants may be grown outdoors; the remainder must be either indoors or in a greenhouse structure. Outdoor cultivation for personal use is prohibited on parcels located adjacent to a K-12 school. See section *Zoning Code 20-46-030 (Personal Cannabis Cultivation)* for more specific locational and operational requirements.

3. Where can I operate a commercial cannabis business?

The City allows several types of commercial cannabis activities in its commercial and industrial zoning districts. You can see which zoning districts allow which cannabis land use classifications by using this land use policy chart <https://srcity.org/DocumentCenter/View/18689> and by looking up the zoning for the site. You can research the zoning of a specific parcel through the City's GIS system, accessible at <https://srcity.org/1263/Find-Your-Zoning-District>

4. Is there a minimum distance required from a school for a non-retail cannabis business?

No. The City does not require setbacks of a cannabis business to another land use for non-retail cannabis businesses. Pursuant to the City's adopted ordinance, the City asserts its right to establish different radius requirements than what is provided by state law, Business and Professions Code Section 26054 (b). See <https://srcity.org/DocumentCenter/Home/View/3111> for more information.

5. Is there a minimum distance required from a school for a retail (dispensary) and delivery cannabis business?

Yes. Cannabis retail must be 600 feet from a K-12 "school" as defined by the Health and Safety Code Section 11362.768. The distance is measured with a straight line from the parcel boundary line of the property on which the cannabis retail is located to the parcel boundary line of the property on which a school is located. <https://srcity.org/DocumentCenter/Home/View/3111>

6. What is meant by “abutting” a residential use or district”?

The term “abut” is defined in the Zoning Code as having property lines, street lines, or zoning district lines in common. <https://srcity.org/DocumentCenter/Home/View/3108>

7. What is involved in the Zoning Clearance or Use Permit application process, now that I have identified a site within an eligible zoning district, have secured owner consent and am ready to file my application?

A process map that identifies the basic steps from land use approval to certificate of occupancy can be accessed here: <https://srcity.org/DocumentCenter/Home/View/3109> Applications for land use approval and for building permits must be filed in person at the Planning and Economic Development permit counter in Room 3, City Hall, 100 Santa Rosa Avenue. Every effort should be made to submit a clear and complete application. This is the most important step to ensuring an expeditious and successful review process.

8. What land use applications and forms must I complete?

Some land uses are permitted by right (no use permit); for these uses you may proceed with the filing of a Medical Cannabis Zoning Clearance - <https://srcity.org/DocumentCenter/View/16639> Other uses will require a Conditional Use Permit. For these, you will submit a Conditional Use Permit application with the appropriate level checked at the top of the form (Minor, Major, and Temporary) - <https://srcity.org/DocumentCenter/View/2632> Additional forms and applications for zoning, site and/or building modifications can be accessed here - <https://srcity.org/DocumentCenter/Index/173>

9. What are the application fees and when are they required?

You must submit application processing fees with the filing of the application. Look for Planning Fees in the Fee Schedule <https://srcity.org/DocumentCenter/View/16129> for the applicable processing fees for land use and development permits. Look for Building fees for Plan Check fees. Examples of typical application processing fees associated with cannabis applications:

- o Neighborhood Meeting - \$1,016
- o Pre-application Consultation Meeting – no charge first hour
- o Concept Design Review – \$1314
- o Cannabis Zoning Clearance (new use) - \$1200
- o Cannabis Zoning Clearance (e.g. operator name change) – No charge
- o Minor Use Permit - \$2607
- o Conditional Use Permit – \$11,381
- o Public Hearing for Conditional Use Permit - \$2177

10. What is necessary to approve a Minor or Major Conditional Use Permit?

The review authority for the use permit (Zoning Administrator for a Minor Use Permit and the Planning Commission for a Conditional Use Permit) may require conditions of approval to address impacts associated with the proposed use and must make the following findings to approve the permit:

- a. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the CityCode;
- b. The proposed use is consistent with the General Plan and any applicable specific plan;
- c. The design, location, size, and operating characteristics of the proposed activity

- would be compatible with the existing and future land uses in the vicinity;
- d. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- e. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- f. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

11. How long will it take to review my application?

Timeframes will vary from application to application, depending on the complexity of the proposal, site or environmental constraints, and the public process. Following the Tubbs/Nunns Fires, timeframes for processing cannabis applications have substantially increased. Plans for additional staffing to address the demand are in process. In the meantime, current average timeframes for cannabis applications are as follows: Zoning Clearance – up to 30 days; Minor Use Permit – 12 to 14 weeks; Conditional Use Permit – 6 to 12 months to first hearing, depending on the environmental determination.

12. When do I need to get my State Operator License?

All Cannabis Operators shall diligently pursue and obtain a state cannabis license at such time as the state begins issuing such licenses, and shall comply at all times with all applicable state licensing requirements and conditions. Cannabis Businesses which have received land use permit approval by the City prior to or within 10 months of date the state begins issuing state licenses shall be considered “operators in good standing”. Operators in good standing shall be allowed to obtain building occupancy permits and commence operations in compliance with City permit approvals while diligently pursuing all necessary state licenses and subject to any deadlines established by the state.

13. Can I have multiple cannabis land uses at one location?

Yes. Multiple Cannabis Businesses may be approved on any one site or parcel if all of the proposed Cannabis Businesses and their co-location are authorized by both local and state law. Cannabis Operators issued permits for multiple license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by local and state law.

14. How do I obtain “local authorization” by the city to be considered for a state license?

Local authorization for an Cannabis Business comes in the form of an approved land use permit. This would include approval and issuance of a Cannabis Zoning Clearance, Minor use permit, or Conditional Use Permit. Local authorization is granted to the state only if the applicant name, site address, land use and associated license type match our records exactly. Local authorization approves the land use; it is not a certificate of occupancy.

15. How do I change or add an operator or business name associated with the use to my approved permit?

The applicant can update the City records for the site with a new or additional business name by obtaining a Cannabis Zoning Clearance at our Planning Counter. The clearance will require the property owner’s consent and signature.

16. How do I add “Adult Use” to my previously issued “Medical Cannabis” permit?

The applicant can update the City records for the use permit by submitting a clarifying statement that the use is for “Adult Use” and/or for “Medical Use”. The process to clarify/update the permit is by obtaining a Cannabis Zoning Clearance at our Planning Counter. The clearance will require the property owner’s consent and signature.

17. Does the zoning clearance or use permit give me the right to occupy the site and begin to operate?

No. There are subsequent steps to complete prior to initiation of use. The land use clearance approves the use on the site subject to compliance with local and state regulations, conditions of approval, building and fire codes, and/or any necessary building or site improvements. Subsequent to the issuance of a Cannabis Zoning Clearance or Use Permit the applicant must then submit for and obtain a building permit to confirm compliance with building and fire code occupancy standards, conditions of approval, and applicable Zoning Code Chapter 20-46 (Cannabis) requirements. This confirmation of building occupancy is required even if the applicant is not proposing tenant improvements. In addition, all cannabis land use permits must be followed by the filing of a business tax certificate.

18. Is there an annual renewal process for a Cannabis business zoning clearance or use permit?

No. The Zoning Clearance or use permit will run with the land and remain valid so long as the use remains active and in compliance with local and state law and with any conditions of approval.

19. Will there be annual or regular inspections by the City?

Yes. The operation will be subject to an annual fire inspection. If extraction is part of the operation, there will be additional inspections associated with the equipment and processes. In addition, depending on the use, there may also be inspections conducted by the Sonoma County Department of Health and/or the Department of Agriculture/Weights & Measures.

20. Should I first apply for a Development Review Pre-Application Staff Meeting?

Not necessarily. Proposals that just involve re-tenanting of an existing building with an occupancy classification that matches the classification of an existing occupancy (eg. retail to retail, manufacturing to manufacturing, warehousing to cultivation/distribution) may simply proceed with the filing of a use or building permit. Projects that involve site, building and/or public improvements, however, may benefit from this step prior to submitting for a permit. Requests for a pre-application meeting may be considered by filing a request at <https://srcity.org/2435/Development-Review-Pre-Application-Meeti>

21. When is a Pre-Application Neighborhood Meeting required?

A pre-application neighborhood meeting is required for proposals that will require a discretionary permit (such as a Conditional Use Permit), a public hearing (such as with the Planning Commission) and that may affect a residential neighborhood (such as the site is within 300 feet of a residential use or district). The purpose of the neighborhood meeting is to exchange information with surrounding residents regarding the project and to identify any issues that may need to be addressed through the process. The meeting is facilitated by City staff.

22. When is a concept design review meeting required?

Conceptual Design Review is an optional first step that is highly advised for major new construction projects that exceed 10,000 square feet in size. Concept Design Review is with the City’s Design Review Board and provides an applicant with the review authority’s tentative reaction to the general design concept of a proposed project. The review does not include a formal decision. Concept Design Review is optional except within an -H (Historic Districts Combining) District, where it is required.

23. When can I file for a retail cannabis permit?

Application intake for retail (dispensary) and delivery cannabis businesses will begin in January with a Pre-Application Phase in which applicants may become familiar with the City’s new comprehensive cannabis regulations for retail uses. In this timeframe, applicants may choose to file for a pre-application neighborhood meeting, staff consultation, and/or concept design review. This initial phase will be followed by an Application Intake Phase which is currently proposed as a two-week period in March (dates to be determined) for submittal of the Conditional Use Permit application.

24. What will be required of a retail cannabis permit application? Is there a checklist to follow?

In anticipation of competing land use permit applications within the same retail cannabis concentration area, staff is working with the Medical Cannabis Policy Subcommittee to develop a merit based approach for scoring, ranking and recommending which of the competing applications move forward to the Public Review Phase of the process. In addition, staff is producing a completeness checklist to assist applicants in preparing complete conditional use permit applications and compliance with local cannabis regulations.

25. What is the permit needed for a microbusiness?

The process for land use approval of a Microbusiness is explained within 20-46.060 (Cannabis Commercial Cultivation) under subsection C. “Microbusiness. In addition to compliance with permit and operating requirements set forth in this Chapter for Cannabis Cultivation, a Cannabis Microbusiness which includes cultivation, manufacturing distribution and/or retail within one state license shall comply with all permit and operating requirements set forth in this Chapter for Cannabis Manufacturing, Distribution, and/or Retail (Dispensary) and Delivery *as applicable to the combination of uses within the license*. Meaning if the microbusiness includes cultivation greater than 5,000 sq. ft. then the use be proposed on a site zoned to allow cultivation and must obtain the level of permit required of this scale of use. If the microbusiness also includes retail then the use must be located on a site eligible for cannabis retail and a Conditional Use Permit is required.

26. Is cannabis retail allowed on a site with Planned Development (PD) zoning?

It depends. If the Policy Statement is silent on allowable land uses (OR if it is specifically referencing deference to a standard district such as IL (Light Industrial) or CG (General Commercial), then one can look to the relevant zoning district land use tables found in the Zoning Code. However, if the Policy Statement specifically lists out permitted and/or conditionally permitted land uses - and “cannabis retail” or “cannabis cultivation” is not included in that list, then the cannabis use is not allowed unless and until a Rezoning occurs to amend the text of the PD or to rezone to a standard (non-PD) district. See Zoning Code Section 20-26.060 (PD zoning district standards) subsection C.

27. How do I use the Potential Retail Dispensary Map – does it show all possible locations and/or all

schools?

The title of the map is “potential” so the map is meant to be used as a starting point from which to conduct more research. As more “schools” are identified, the City will make an effort to update the map.