



CANNABIS RETAIL APPLICATION PROCESS GUIDE - 2019

RETAIL (DISPENSARY) AND DELIVERY (TYPE 10) MICROBUSINESS w/ RETAIL (TYPE 12)

Updated April 11, 2019

The intake, analysis and public hearing process for Cannabis Retail (Dispensary) and Delivery and for Microbusiness w/ Retail applications includes the following steps (and timeframes):

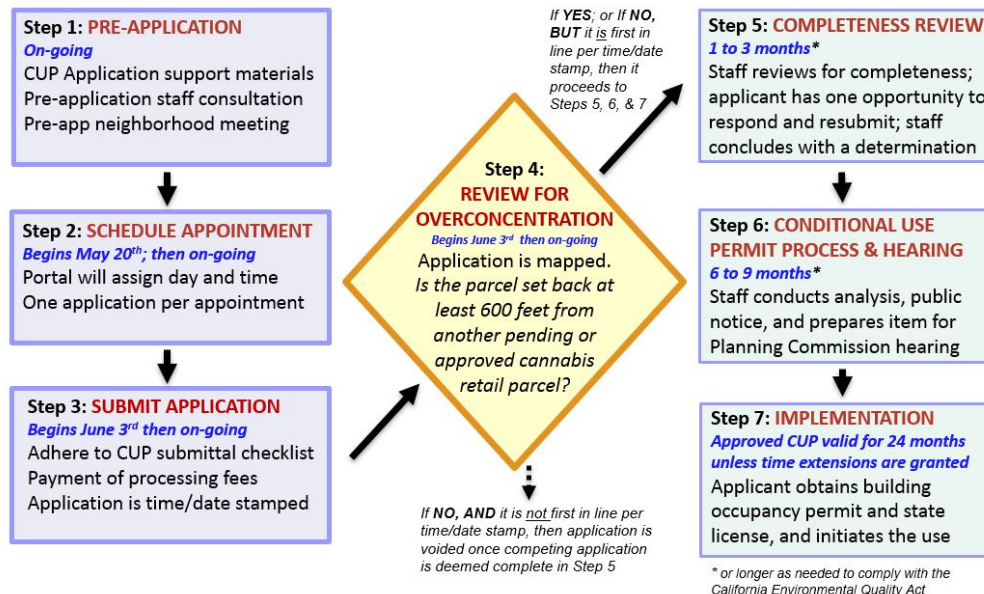
- Step 1: Pre-Application (on-going)
- Step 2: Schedule Appointment (Portal opens on May 20, 2019*)
- Step 3: Retail Application Submittals (application intake begins June 3, 2019)
- Step 4: Review for Overconcentration (7 days)
- Step 5: Application Completeness Review (1 to 3 months*)
- Step 6: Conditional Use Permit Processing and Hearing (6 to 9 months*)
- Step 7: Implementation (exercising of permit within 24 months of approval)

** first two weeks of submittals is by appointment only.



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Cannabis Retail Application Process Map - 2019



Step 1: Pre-Application (on-going)

The purpose of this phase is to allow applicants an opportunity to file for pre-application activities that may help to inform their project or to foster completeness of their application. Applications for a pre-application neighborhood meeting (if required), a pre-application staff consultation meeting (if desired) and/or a concept design review (if required) may be filed at any time. See Cannabis Program FAQs #20, 21, and 22 for more information about these activities.

Note: If a pre-application neighborhood meeting is required, the application and fee for the neighborhood meeting must be filed prior to or concurrent with the submittal of a Cannabis Retail Conditional Use Permit (CUP) application.

Step 2: Schedule Appointment (Portal opens on May 20, 2019)

Beginning on June 3, 2019, the City will be accepting Conditional Use Permit applications for new Cannabis Retail on a first come, first served, first complete basis. During the first two weeks of application intake, June 3, 2019 thru June 14, 2019, the City will require that each application to be filed be submitted by individual appointments. Following this initial period applications may be submitted without an appointment; walk-ins will be welcome. The purpose of a defined initial intake process is to ensure order, security and fairness to what is expected to be an initial rush of retail applications potentially competing for land use rights within the same concentration area. (See Step 4 for more details on overconcentration review)

The following appointment guidelines will apply:

- One application maximum per appointment. Applicants who wish to file multiple conditional use permit applications will need to log on to secure one appointment at a time. Keep in mind that due to concurrent on-line requests being fulfilled, it may not be possible to secure consecutive appointment times.
- No same day appointments; 24-hour advanced requests required.
- Cancellations of an appointment will automatically make the opportunity available to others to select.
- Plan to arrive on time. Failure to show by the specific day and time of the appointment will forfeit the appointment and you will be required to log back into Qless to request a new one.
- Appointments are typically 30 minutes in duration.
- The date and time stamp you receive during the appointment will be recorded and will establish your position within the first come first served first complete process.

INSTRUCTIONS - How to request an Appointment for Retail Cannabis:

- Cannabis Retail Appointment portal opens on Monday, May 20, 2019.
- *Instructions are forthcoming – Check back later.*

Step 3: Retail Application Submittals (begins June 3, 2019)

All prospective cannabis retail use applicants must file a Conditional Use Permit application for a specific site to be considered. Cannabis retail may be proposed in the following configurations: as a standalone retail storefront facility (with or without delivery), as a retail storefront component of a cannabis microbusiness, as a retail delivery operation with required storefront, or as a retail operation located on a multi-tenant or multi-use site. Cannabis retail delivery operations without a public storefront are not allowed in the City.

Applicants should review the City's new checklist for "Cannabis Use Application – Process and General Requirements" and "Cannabis Use Application – Retail Use Requirements". These documents and other application support tools accessed at <https://srcity.org/2515/Commercial-Cannabis-Application-Support>

Be sure to include the following items in your application packet:

- Completed application form(s) including owner consent signature
- All required materials listed in the application form(s)
- All materials listed in the Cannabis Retail Application Checklist
- Application fees

NOTE: Applications may not be mailed in; they must be filed in person at the Planning and Economic Development Department, City Hall Room 3, 100 Santa Rosa Avenue during the following business days and hours:

Monday, Tuesday, Thursday: 8:00 AM - 3:30 PM
Wednesday: 10:30 AM - 3:30 PM

If you have any questions about this process, please contact Counter Planner email: Planning@srcity.org or Counter Planner phone: 707-543-4698. Application forms and fees can be accessed at <https://srcity.org/DocumentCenter/Index/173>. Frequently used links can be accessed at <https://srcity.org/2247/Frequently-Used-Links> and the Cannabis Program site can be accessed at <https://srcity.org/404/Cannabis-Program>.

Fees required. Application processing fees are collected at the time an application is submitted. Please make checks payable to the "City of Santa Rosa". The following fees are intended for general guidance. See full Fee Schedule for more information: <https://srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=>

- ✓ New cannabis retail will require:
 - Standard Conditional Use Permit (CUP) fee (\$11,745) if re-tenanting an existing building with only minor exterior changes OR Enhanced CUP fee (\$16,732) if project involves site development, circulation changes and/or new commercial building construction; and a
 - Planning Commission public hearing fee (\$2,246)
- ✓ Existing/Approved cannabis retail seeking amendments to their use permit will require:
 - Amendment to Conditional Use Permit fee (\$5,873); and a
 - Planning Commission public hearing fee (\$2,246)

Other planning entitlement fees may apply depending on the scope of the project (e.g. Design Review, Landmark Alteration, Environmental Assessment, Rezoning).

Note: Applicants paying in cash in excess of \$3,000 will be provided a printout upon application submittal that indicates the total amount due and instructions on how to schedule an appointment with the City's Finance Department to make the payment (no same day appointments). Applications will be deemed incomplete until full payment is confirmed by the City's Finance Department.

Step 4: Review for Overconcentration (7 days)

Pursuant to Section 20-46.080 of the City's Comprehensive Cannabis Ordinance, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa. The purpose of this step in the process is to evaluate each cannabis retail application submitted in Step 3 and to determine if it is located within a potential area of overconcentration.

NO Overconcentration. If City staff determines that the retail use is proposed on a parcel in which there is no potential of being within 600 feet of a parcel which has a Cannabis Retail use, either in process or established within the City of Santa Rosa, then the application will be allowed to proceed to Step 5 (Application Completeness Review).

YES Overconcentration. On the other hand, if City staff determines that the retail use is proposed on a parcel that is located within 600 feet of a parcel which has a Cannabis Retail use, either in process or established within the City of Santa Rosa, then the application will be reviewed in accordance with a first come, first served, first complete manner as follows:

City staff will confirm the day and time in which the applications were submitted. The application which was determined to be submitted first, per the day and time stamp of the submittal will be considered the Priority application in the concentration area and will thus proceed to Step 5 (Application Completeness Review).

Step 5: Application Completeness Review (1 to 3 months)

The purpose of this phase is to determine that the proposed location is allowed (i.e., meets pre-application and minimum locational and setback requirements), and that a complete application with all the required information has been submitted. The City will make every effort to complete this initial determination within 30 calendar days; however, additional time may be warranted.

If City staff determines that an application contains sufficient information for review, staff will inform the applicant in writing and the application will be deemed "complete". Once an application is deemed "complete" the application will move on to Step 6 in the process Expedited resubmittal process.

If City staff determine that an application is "incomplete", staff will inform the applicant in writing and provide a list of missing or incomplete materials. A retail cannabis applicant will have 14 calendar days to respond. Once the response is submitted, the City will have 14 days to review the response and will make a completeness determination based on the following items received:

- All missing or incomplete materials requested by the City; and
- A written statement from the applicant responding to each of the items requested.

If City staff determines that the application, as resubmitted, is "complete" then the application will move on to Step 6 in the process. If City staff determines that the application is still "incomplete" at this point, then the application will be deemed "voided" and any unspent processing fees will be refunded.

Step 6: Complete the Conditional Use Permit Process (6 to 9 months)*

The purpose of this step is to complete the Conditional Use Permit process. In this step, staff prepares public notice, refers and reviews the application for issues, prepare any applicable conditions of approval, evaluate the application pursuant to the California Environmental Quality Act (CEQA) and prepare the item for a public hearing and action by the Planning Commission.

**targeted timeframe could be potentially longer if needed to comply with the California Environmental Quality Act (CEQA).*

The process will begin with a Notice of Application to surrounding property owners and tenants within 600 feet of the subject site in an effort to collect public comments. Staff will also refer the project out to all relevant City staff and outside agencies in an effort to collect comments or conditions. City staff will conduct an analysis of the application to assure compliance with adopted City standards and policies, and in compliance with the California Environmental Quality Act (CEQA).

Following staff analysis, and once all project issues identified by staff have been resolved, the project will be prepared for public hearing and once a date is established a Notice of Public Hearing will be mailed and posted in accordance with the City's public noticing requirements.

Following the public hearing, the Planning Commission may approve, approve with conditions, or deny an application for Conditional Use Permit. To approve the application the Commission must first make the following six findings:

1. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;*
2. *The proposed use is consistent with the General Plan and any applicable specific plan;*
3. *The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;*
4. *The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*
5. *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*
6. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).*

An action by the Planning Commission may be appealed to the City Council by any interested party; Appeal forms and fees must be submitted in the City Manager's Office within 10 calendar days of Commission action.

Note: Application Performance standard in effect. The purpose of a setting performance standard for the processing and implementation of a cannabis retail Conditional Use Permit is to be able to maintain a fair but progressive opportunity for establishing new cannabis retail uses in the City. Applicants of cannabis retail must diligently pursue the processing of their application to Commission action. Applications that are not acted on within 12 months of being deemed complete shall be deemed "voided". Notification of this determination will be in writing and any unspent processing fees will be refunded.

Step 7: Implementation of the Permit (within 24 months)*

Per the Santa Rosa City Code, a Conditional Use Permit is valid for 24 months, unless specifically conditioned otherwise by the review authority. A Cannabis Retail conditional use permit is no different. If the use permit is not “exercised” within 24 months following the date on which the permit or approval was granted, the permit shall automatically expire and shall be deemed “expired” unless a time extension application is timely filed and an extension is granted. The Code limits the number of 12-month extensions that can be granted.

The permit or approval shall be deemed “exercised” once the permittee has substantially commenced the approved use on the site in compliance with the conditions of approval or a Building Permit has been issued involving the permit and construction is diligently pursued toward completion on the subject property.