



# CANNABIS CONDITIONAL USE PERMIT

## PROCESS GUIDE & APPLICATION CHECKLIST

CULTIVATION (TYPES 1A, 1B, 1C, 2A, 2B, 2C, 4)

MANUFACTURING LEVEL 1 (TYPE 6, N, P, 1P, S, when required)

MANUFACTURING LEVEL 2 – VOLATILE (TYPE 7)

TESTING (TYPE 8)

DISTRIBUTION (TYPE 11, 13, when required)

RETAIL (DISPENSARY) AND DELIVERY (TYPE 10)

MICROBUSINESS w/ RETAIL (TYPE 12)

SPECIAL EVENTS - TEMPORARY

*Updated May 16, 2019*

**PURPOSE:** The Comprehensive Regulations for Cannabis were adopted (Ordinance No. ORD-2017-025) by the Santa Rosa City Council on December 19, 2017, creating regulations related to medicinal and adult use cannabis cultivation and related uses. Ordinance No. ORD-2017-025 created Chapter 20-46 of the City Code, which provides locations and operating standards for personal cannabis cultivation and for medicinal and adult use cannabis businesses to ensure neighborhood compatibility, minimize potential environmental impacts, and to provide safe access to medicine and provide opportunities for economic development. (Code § 20-46.010.)

Type of Conditional Use Permit	Zoning Acronym	Review Authority	Public Notice?	Timeframe
Temporary	TUP	Director	No	30 days
Minor	MUP	Zoning Administrator	Yes	8-10 weeks
Major	CUP	Planning Commission	Yes	6-9 months

### **Pre-Application Activities**

The purpose of this phase is to allow applicants an opportunity to participate in pre-application activities that may help 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 the submittal of a Conditional Use Permit (CUP) application. In addition, the City requires the applicant to install an on-site neighborhood meeting sign at least 10 days prior to the meeting.*

### **Application Submittal**

A complete application including application fee(s) is submitted in person to the City of Santa Rosa Planning and Economic Development Department. After the application is received and a project is created, a project planner is assigned to the project.

See the City's Application Form (same form is used for TUP, MUP, and CUP):  
<https://srcity.org/DocumentCenter/View/2632/Conditional-Use-Permit-PDF>

See the City's Fee Schedule: <https://srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=>

*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*

*Friday: 8:00 AM – 11:00 AM*

### **Application Referral**

Referrals are sent to various City Divisions, City Departments and outside agencies for review, comment(s), and condition(s) of approval. In addition, a Notice of Application will be mailed by City staff to surrounding property owners and tenants within 600 feet of the subject site for all applications that will require a public hearing, e.g. Major Conditional Use Permit.

Within 30 days, City staff will either deem the application complete and a Completeness Letter is issued to the applicant OR the project is deemed incomplete and an Incomplete/Issues Letter is issued to the applicant.

NOTE: Projects with incomplete applications or issues will not continue forward through planning review until and unless it is deemed complete and issues are resolved.

### **Planning Review**

Project planner reviews this information in detail, performs a site visit, and makes a determination regarding the level of environmental review required by the California Environmental Quality Act (CEQA) and prepares any documentation required by CEQA.

*NOTE: If the proposed use represents a change in use or building occupancy for the site, then the applicant will be required to obtain a traffic memo prepared by a licensed traffic engineer that identifies the trip generation expected of the project according to industry*

*standards. Proposed uses that are determined to generate more than 50 net trips in the peak PM time period will be required to perform a traffic study that may result in required mitigation to offset impacts to site and/or surrounding circulation environment.*

For a Temporary Conditional Use Permit for a special event, the project planner (representing the Director as the review authority) will prepare a letter of action for the applicant. This action concludes the process for this type of use permit.

For a Minor or Major Conditional Use Permit, the project planner prepares a staff report and/or recommendation for the review authority. The project planner consults with the applicant to set a date for a public meeting before the Zoning Administrator or public hearing before the Planning Commission as determined by the level of Use Permit required.

*NOTE: An interested party may request that a Zoning Administrator Public Meeting be elevated to a Zoning Administrator Public Hearing. If such a request is made, the applicant must pay a Zoning Administrator Public Hearing fee before the project will be scheduled and noticed. In addition, the applicant must install an on-site hearing sign.*

### **Public Meeting or Public Hearing Notification**

The public is notified of the scheduled public meeting or public hearing at least 10 days before the public meeting or public hearing is held.

Zoning Administrator – A Notice of Pending Action (Zoning Administrator) is sent by the City to property owners and tenants within 600 feet of the parcel on which the project is proposed.

Planning Commission – (1) A Notice of Public Hearing is sent by City postcard to property owners and tenants within 600 feet of the parcel on which the project is proposed; (2) a Notice of the Public Hearing onsite sign is installed by the applicant on the subject property; and (3) a Notice of Public Hearing is advertised in the Press Democrat.

### **Public Meeting or Public Hearing**

Zoning Administrator – Public Meetings occur twice a month on the 1st and 3rd Thursday at 10:30 a.m. (unless otherwise noted) in Room 7; City Hall, 100 Santa Rosa Avenue, Santa Rosa, CA. Agendas are available prior to the meetings, and minutes are available following approval.

Planning Commission – Planning Commission Public Hearings occur twice a month on the 2nd and 4th Thursday at 4 p.m. (unless otherwise noted) in Council Chambers; City Hall, 100 Santa Rosa Ave, Santa Rosa, CA. Agendas are available prior to the meetings, and minutes are available following approval. Meetings may be viewed live online.

### **Required Findings for Minor and Major Conditional Use Permit Applications**

The review authority may approve a Minor or Major Conditional Use Permit only after first finding all of the following:

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).

Keep these findings in mind when preparing the project narrative, plans and environmental documentation.

Appeal of Determination

All interested persons are given an opportunity to comment on the proposed Use Permit at the public meeting or public hearing. Following a decision by the Zoning Administrator or Planning Commission, a 10-day appeal period is observed during which time any interested party may file an appeal of the review authority's determination. An action by Zoning Administrator may be appealed to the Planning Commission. An action by the Planning Commission may be appealed to the City Council.

Permit Issuance

An approved permit is issued following the decision of the Zoning Administrator or Planning Commission; however, the issued approved permit is subject to the 10-day appeal period. The permit must be exercised within 24 months from the date of issuance, unless a time extension request has been timely filed and granted.

**REQUIRED APPLICATION MATERIALS:** These requirements apply to all commercial cannabis businesses, unless otherwise indicated in italics. A complete application must include each of the following:

1.  **Conditional Use Permit Application** form signed by property owner. The form must be completely filled out and/or a referenced and attached project narrative must include all of the same details. Local authorization requires an exact match between the applicant business name, land use classification, site address and suite location to that noted on the state license.
2.  **Copyright Materials Release** (if applicable) signed by applicant and licensed design professionals.
3.  **Indemnification Agreement** signed by the applicant.
4.  **Disclosure Form** identifying the name of each individual, partnership, corporation, LLC, or trust who has an interest in the proposed land use action including the names of all applicants, developers, property owners, and each person or entity that holds an option on the property

5.  **Storm Water Determination Worksheet**
6.  **Environmental Assessment** (if required by Planner)
7.  **Project Description Narrative:** This shall be a written statement that includes descriptions of how the operation meets each of the General Operating Requirements set forth in Section 20-46.050 of the Santa Rosa Code, as well as any land use specific requirements, and provides the following specific information:

- a.  **Project Description/Summary of Proposed Land Use:** Specify the Cannabis land use proposed in gross square feet as follows: the land use type (e.g. non-volatile Cannabis Manufacturing Level 1), the state license type (e.g. Type 6), the total gross square feet per use, and the specific location of use within the site or building (e.g. by address and/or suite number). All square footage, including any common areas must be associated with a land use. Do not net out lobby, office, storage areas, restrooms.

*Example: "Zoning Clearance to occupy an existing 6,000 sq. ft. industrial building with 3,200 sq. ft. (Suite A) for Cannabis Manufacturing Level 1 (Type 6) and 2,800 sq. ft. (Suite B) for Cannabis Distribution (Type 11)."*

- b.  **Compliance with State Law:** Describe how the project complies with applicable state licensing requirements and conditions including, but not limited to, operational standards such as background checks, prior felony convictions, restrictions on multiple licenses and license types and locational criteria. [Section 20-46.050 (A)]
- c.  **Separation of License Types:** *Where multiple license types are proposed at the same physical address, demonstrate that clear separation between license types will be maintained at all times. Also identify if separate site or suite addressing is proposed.* [Section 20-46.0509 (D)]
- d.  **Building and Fire Codes:** Describe how the project complies with building and fire codes and include a declaration that the cannabis operator will obtain all necessary building permits, fire permits, and CUPA permits, and provide a Fire Department lock box for keys to gates and doors. [Section 20-46.050 (E)]
- e.  **Security Plan:** Provide a security plan, which must include the following minimum requirements pursuant to Section 20-46.050(G). The security plan shall not include any confidential information and once submitted will become part of the public record. The Plan shall address the following:
  - i. Provisions for security cameras and 60 days video retention and storage.
  - ii. Verification that a professionally monitored alarm system will be installed.
  - iii. Demonstration of safe and secure product storage including outdoor waste receptacles.

- iv. Demonstration of facility and process for safe and secure transportation, delivery, storage and waste.
  - v. Verification that commercial grade door and window locks will be installed.
  - vi. Demonstration of emergency access in compliance with state and local standards.
- f.  **Odor Control Measures:** Provide an odor control plan certified by a licensed professional engineer which addresses the following minimum Code components and requirements pursuant to Section 20-46.050(H):
- i. Operational processes and maintenance plans to ensure that odor control systems remain functional.
  - ii. Staff training procedures; and
  - iii. Engineering controls that are sufficient to effectively mitigate cannabis odor such that cannabis odor cannot be detected from outside of the structure in which the Business operates.
- g.  **Lighting:** Description of best management practices and technologies used to reduce glare, light pollution and light trespass onto adjacent properties. Demonstrate compliance with Section 20-46.050(I). Demonstrate compliance with the City's Outdoor Lighting Ordinance (Section 20-30.080, Outdoor Lighting).
- h.  **Noise:** Description of how the project will comply with the City's Noise Ordinance (City Code, Chapter 17-16).
8.  **Vicinity and Neighborhood Context Maps:** These maps will describe your proposed project's location within the City of Santa Rosa
- a. **Vicinity Map** – identifies the project's location within the City of Santa Rosa municipal boundary. This map should have as its center point the intersection of Hwy 101 and Hwy 12. This map background is typically plain with roads, railroads, and water features included.
  - b. **Neighborhood Context Map** – visually describes the land uses and development surrounding the proposed site and which may be impacted by the proposed use. This map background is typically an aerial or satellite image.
9.  **Site Plan, Elevations, and Floor Plans**
- a. **Site Plan** – dimensioned plan of project site that includes parcel lines, ingress/egress locations, all existing structures, all parking (with vehicle travel indicated if necessary), and any additional features such as trees, landscape areas, etc. Also include any outdoor waste receptacles and facilities to ensure the safe delivery and transportation of Cannabis product.
  - b. **Elevations** – visual representations of existing and proposed structures and/or alterations to the site or building, including fencing, from all sides. Photos may be utilized when no exterior modifications are being proposed.

- c. **Floor Plans** – dimensioned diagram of building(s) including all Suites, rooms, floors, mezzanines, man doors, roll up doors, loading docks, windows, and points of entry/exit.

10.  **Parking Analysis:** Provide a count of all parking spaces that are described on the Site Plan. Discuss how you will meet the parking requirement for your proposed use (see Zoning Code Section 20-36.040, Table 3-4, and the Parking Requirements handout). If re-tenanting an existing space, provide a description of the location’s previous use. If the site involves shared parking and/or multiple tenants and/or uses, you must identify all of the tenants by their land use and location and how each of the uses will be supported by parking in compliance with requirements. If the proposal requires a parking reduction, cite the Code section and provide the findings necessary to grant the reduction.

*Example: The 7,042 sq. ft. building at 1000 Industrial Street has a total of 17 off-street parking spaces for Suites A, B and C. The proposed use, CannaHigh (Suite B), will have a total of 4 on-site parking spaces as required. See list of all tenants with parking space requirements and allocations below:*

<b>Business Name</b>	<b>Local Land Use &amp; State License Type</b>	<b>Suite #</b>	<b>Gross Sq. Ft.</b>	<b>Parking Ratio</b>	<b>Required Spaces</b>	<b>Provided Spaces</b>
Arrow Engineering	Manufacturing	A	1,982	1/350	6	6
CannaHigh	Cannabis Manufacturing (Type 6)	B	1,310	1/350	4	4
Grow On	Cannabis Cultivation (Type1A)	C	3,750	1/1000	4	4
shared						3
<b>TOTAL</b>					<b>14</b>	<b>17</b>

a.

11.  **Hours of Operation:** Description of the proposed hours of operation including days of operation. Provide any information about days/hours for commercial deliveries.

*Example: Business operations will run within normal business hours of 6am-11 pm up to 7 days per week. Deliveries and outgoing shipments will be conducted between the hours of 8:00am and 5:00pm. Ace High is expected to employ up to 4 part-time employees once production is up and running. Local management will be on-call 24 hours/day, 7 days/week to address any operational or emergency issues. The site will be closed to the public at all times.*

**SPECIFIC USE REQUIREMENTS:** These requirements apply to specific commercial cannabis business types. A complete application must include each of the following as applicable to the specific use proposed:

1. **Commercial cultivation.** The following requirements apply in addition to the general operating requirements set forth in Section 20-46-50, but apply only to *commercial*

*cannabis cultivation businesses* (including microbusinesses with a cultivation component), pursuant to Section 20-46.060:

- a.  Verification that the cannabis business does not include any outdoor cultivation.
- b.  Description of the gross square footage of the structure or portion of the structure occupied by the cannabis business (not the canopy area).
- c.  Description of how the business complies with all applicable federal, state and local laws and regulations governing the use of pesticides, including California Fire Code Chapter 26 governing fumigation and insecticidal fogging.

**2. Commercial cannabis manufacturing.** The following requirements apply in addition to the general operating requirements set forth in Section 20-46-50, but apply only to *cannabis manufacturing businesses* (including microbusinesses with a manufacturing component), pursuant to Section 20-46-070:

- a.  Description of extraction processes, demonstrating that the business will utilize only extraction processes that are (i) solvent free or that employee only non-flammable, nontoxic solvents and/or (ii) use solvents exclusively within a closed loop system that meets the requirements of the FDCA.
- b.  For closed loop systems: demonstrate that the business has been inspected and approved by the City's Building Official and Fire Code Official.
- c.  Demonstrate that all extraction equipment to be used by the business has been listed or otherwise certified by an approved third-party testing agency or licensed professional engineer and approved for the intended use by the City's Building Official and Fire Code Official.
- d.  For edible product manufacturing: Demonstrate (and provide valid certification numbers) that all owners, employees, volunteers and any other individuals that participate in the production of edible cannabis products are state certified food handlers; demonstrate that the business has obtained a Sonoma County Health Permit.

**3. Commercial cannabis retail/dispensary.** The following requirements apply in addition to the general operating requirements set forth in Section 20-46-50, but apply only to *cannabis retail businesses* (including microbusinesses with a retail component), pursuant to Section 20-46-080.

- a.  Location requirement: Demonstrate that your proposed location complies with overconcentration and setback to schools requirements. Illustrate on the required Site Plan that the storefront entrance is in a visible location that provides an unobstructed view from the public right-of-way [Section 20-46.080 (D)].
- b.  Medicinal/Adult Use: Specify if your proposed use is Medicinal (dispensary) or Adult Use (retail).
- c.  Operational Plan: In addition to providing the required Project Description Narrative (see Required Application Materials section), demonstrate that your operation will:
  - I. Maintain an employee register;
  - II. Keep proper records in compliance with state law



- III. Publish and implement a protocol and requirements for patients and persons entering the site;
- IV. Identify secured access and secured product locations; and
- V. Display a copy of issued State License.

- d.  Deliveries, On-Site Consumption, Special Events: Provide a detailed narrative of any delivery, on-site consumption or special event activities are proposed.
- e.  Storefront, Signage, and Window Treatments: Description of proposed storefront design (supported by required elevations), advertising and signs including signs regarding public consumption (a separate sign permit may be required for certain signs), and proposed window treatments.

**4. Special events.** The following requirements apply in addition to the general operating requirements set forth in Code section 20-46.050, but apply only to *cannabis special events businesses*, pursuant to Code section 20-46.090:

- a.  Dual licensing. Demonstrate that the business has, or will, obtain all necessary local permits, state temporary event licenses and agency permits. Please note that other event permits such as Fire special event permits may be required depending on the location, event structures, and event activities.
- b.  Conditional use. Describe the location of the event and provide information regarding whether the business is or intends to secure a temporary use permit (Code section 20-52.040) and/or special events permit (Chapter 11-40).
- c.  Project Description for a Special Event. Include the following:
  - i. Identify the proposed location of the event and describe the site;
  - ii. Specify date(s) and timeframes during which the event will be open to the public;
  - iii. Indicate that the event organizer has a valid cannabis event organizer license issued by the State;
  - iv. Declare that all cannabis goods sales at the event will be limited to persons 21 years of age or older;
  - v. Describe how access to the area where cannabis consumption is allowed shall be restricted to persons 21 years of age or older and shall not be visible from any public place or non-age-restricted area;
  - vi. Describe where and how consumption will be allowed on-site during the event. If the consumption area is located near buildings, describe how event organizers will ensure that the Smoking Ordinance is enforced.
  - vii. Declare that consumption of alcohol or tobacco shall not be allowed on the cannabis event premises.
  - viii. Additional required information includes:
    - ix. Vicinity and Neighborhood maps
    - x. A site plan showing the event boundaries, including any buildings in which event activities will take place.
    - xi. Identification of public consumption area(s) if different from the event boundaries.
    - xii. A copy of the valid cannabis event organizer license issued by the State.



**A CONDITIONAL USE PERMIT CONFIRMS THAT THE  
LAND USE, AS PROPOSED AND AS CONDITIONED,  
IS ALLOWED USE ON A SPECIFIC SITE**

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**IT IS NOT A PERMIT TO OPERATE OR OCCUPY**

*A Building Permit is required to confirm that the building can support the proposed occupancy, even if no improvements are proposed.*

*A Building Permit with full plans and supportive documentation is required for any change in occupancy classification, for all signs, and for all interior or exterior improvements.*