

ATTACHMENT 12 - FINDINGS

If the City Council wishes to reverse the decision of the Planning and Zoning Commission and approve a use permit for a medical marijuana dispensary, the City Council shall make all of the following findings:

I. Special Findings for Medical Marijuana Dispensary approval (Per section 20.20.110.H of the AMC)

<i>Required Finding</i>	<i>Explanation</i>
1. All findings required by Subsection 20.100.030.D for granting a use permit.	See II. below
2. The proposed location, design and operation of the dispensary are consistent with applicable State and local laws.	The business plan submitted October 1, 2010 complies with state and local requirements.
3. The Chief of Police has determined that the nature of the site of and the immediate area of the site are not expected to present law enforcement problems.	On July 12, 2010, the Chief of Police approved compliance with the background investigation portion of the Planning and Zoning Code requirements.
4. All standards for facility location, as stated in this subsection, are met.	The dispensary is located in the Solano Commercial zoning district and is more than 1,000 feet from designated youth-oriented facilities, more than 25 feet from entrances to multi-family housing, and more than 95 feet from residential zoning district.
5. The site design and floor plan will minimize the potential for crime.	The proposed plan includes provisions for security and control over medical marijuana inventory.
6. All reasonable measures have been incorporated in the plan to control patrons' conduct inside and outside and to avoid public nuisance.	Staffing levels, dispensing standards, and the establishment of a community relations contact person are adequate to address any potential public nuisance.

II. Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
<p>1. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p>The General Plan land designates this area for General Commercial. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing commercial building, currently vacant, and the conversion of use into a medical marijuana dispensary is compatible with the neighborhood.</p>
<p>2. <i>Adverse Impacts.</i> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<ul style="list-style-type: none"> a. The proposal is in scale and harmony with existing development near the site. It is an already developed site. b. At the proposed hours of operation, on-street parking is generally available in the San Pablo commercial district. c. No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit. d. It is an existing site without need for additional landscaping, services areas and lighting. Design review approval is not necessary.

<i>Required Finding</i>	<i>Explanation</i>
<p>3. <i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i> <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The proposed business will not create an excessive amount of noise and should have little to no impact on surrounding neighbors.</p>