

RECOMMENDED FINDINGS OF FACT

PLN17-0023

Blüm San Leandro (applicant)

Fairway Medical Plaza, LLC (property owner)

1911 Fairway Drive; Assessor's Parcel Numbers 77A-646-17-2, -3

The Board of Zoning Adjustments hereby approves the Conditional Use Permit for the medical cannabis dispensary use with manufacturing and production kitchen for Blum San Leandro at 1911 Fairway Drive, based on the following findings:

Findings for Approval of the Conditional Use Permit

- 1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

The subject site, 1911 Fairway Drive, an industrial building located on the north side of Fairway Drive, on the corner of Nicholson Street. The subject property is zoned IG Industrial General District, as are the immediate neighboring properties to the north, south, east and west. An adjacent property to the east is also zoned IP Industrial Park District. The neighboring property to the west has a restaurant use. The property to the north is used by a food processor and contractor. Across Nicholson Street to the east of the subject site is a warehouse wholesale/distribution company. To the south across Fairway Drive, is an AT&T facility used for storage and vehicle parking.

A medical cannabis dispensary is defined in the Zoning Code as “a collective, or cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis (“marijuana”) for medicinal purposes to four (4) or more qualified patients and/ or primary caregivers pursuant to California Health and Safety Code Sections 11362.5 and 11362.7 et seq. Baked medicinal products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for manufacture and sale at a dispensary.”

The medical marijuana dispensary use is permitted in the IG – Industrial General Zoning District with a Conditional Use Permit (Section 2-706.B.18). With the recommended Conditions of Approval that address site maintenance and surrounding area impacts/issues, the Board of Zoning Adjustments finds that the proposed use will be compatible with the adjacent industrial uses in the area will be subject to certain limitations through the conditions of approval to avoid adverse effects on adjacent uses and properties. The Board of Zoning Adjustments finds that the proposed use is in accordance with the purposes of the Industrial zoning districts which is to encourage adaptive reuse of existing industrial properties and the specific purpose of the Industrial General District to allow for certain retail under specified conditions.

- 2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons**

residing, or working in, or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City.

The Board of Zoning Adjustments finds that the operation and conditions of the proposed medical cannabis dispensary, manufacturing, and production kitchen at 1911 Fairway Drive will be consistent with established General Plan policies. The subject property is designated General Industrial in the City's General Plan Land Use Diagram. Chapter 3 of the General Plan states that "General Industrial areas may contain a wide range of manufacturing, transportation, food and beverage processing, technology, warehousing, vehicle storage, office-flex, and distribution uses. Such uses are subject to performance standards to avoid adverse off-site effects. A limited range of commercial uses also is permitted in these areas."

The proposed dispensary has features of a pharmacy and retail store which are considered commercial uses. The proposed manufacturing and production kitchen are consistent with the manufacturing and food and beverage processing uses identified in the General Plan. The Board of Zoning Adjustment finds that any potential impacts and conflicts with the properties or improvements in the area will be mitigated through the recommended Conditions of Approval. The Board of Zoning Adjustment finds that the proposed medical marijuana dispensary at this site ensures that the following General Plan policies are achieved: Policy LU-7.2 Adaptive Reuse; Policy LU-7.3 Zoning Flexibility; and Policy LU-8.2 Aesthetics.

Further, the Board of Zoning Adjustment finds that with the incorporation of the recommended Conditions of Approval and adherence to the California Health and Safety Code regulations, California Attorney General Guidelines, and San Leandro Municipal Code the use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area.

- 3. That the proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located.**

The Board of Zoning Adjustments finds that the proposed exterior and interior tenant improvements to the existing building will refresh and renew the industrial building and will ensure that the revitalized building fits in with the surrounding properties. Also, building signage, and other on-site improvements, such as parking lot striping, new landscaping, new fencing, and façade work, will ensure compatibility with its immediate neighbors. The Board of Zoning Adjustments finds that with the required conditional use permit and any necessary permits per State and local laws, policies, rules, and regulations, the medical marijuana dispensary use, manufacturing, and production kitchen will comply with City and State requirements.

- 4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

The Board of Zoning Adjustments finds that the proposed medical cannabis dispensary will not create an adverse impact on traffic or create demands that exceed the capacity of public services and facilities in the immediate area. The existing site, 1911 Fairway Drive is located in an existing industrial area and is adequately served by streets, utilities and other public facilities. The Board of Zoning Adjustment finds that with the incorporation of the recommended Conditions of Approval with regards to parking, deliveries and security measures, the proposed medical cannabis dispensary will not create adverse impacts on traffic and public services.

California Environmental Quality Act Finding

This item (PLN17-0023) is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 (a) as interior and exterior alterations to an Existing Facility. Further, the use does not involve expansion of the structure and the site is located in an area that is adequately served by public services and facilities.