

EMERYVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Date: December 20, 2017

Report Date: December 14, 2017

TO: Planning Commission

FROM: Community Development Department
Miroo Desai, Senior Planner

SUBJECT: **6613 Hollis Cannabis Manufacturing and Non-Storefront Dispensary Facility (UP17-003)**

PROJECT LOCATION: 6613 Hollis Street
(APN: 49-1511-3-2)

**APPLICANT/
OWNER:** Jonas Bernstein
618 Carrera Drive
Mill Valley, CA 94941

PROJECT DESCRIPTION: Consideration of a Major Conditional Use Permit to allow a cannabis manufacturing and non-storefront dispensary facility in the existing 4,043 square foot building at 6613 Hollis Street (“**Project**”). The Project includes the non-volatile manufacturing, processing, packaging, storing of cannabis products to distribute to other cannabis vendors and operations to support the delivery of cannabis products to end users at offsite locations The Project also includes a Conditional Use Permit to allow zero parking spaces where two parking spaces is the required minimum.

GENERAL PLAN: Industrial

ZONING DISTRICT: Heavy Industrial (INH) and North Hollis Overlay Zone (NH)

ENVIRONMENTAL STATUS: This Project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

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| APPLICABLE ZONING CODE PROVISIONS: | Section 9-2.417(f) Section 9-2.701(m)(3) Section 9-5.2200 Section 9-7.505 | Industrial Use Types: Cannabis Manufacturing Uses of Special Concern Cannabis Related Activities Conditional Use Permits: Findings |
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RECOMMENDED

COMMISSION ACTION:

- 1) Hear a presentation of the proposed Project.
- 2) Open public hearing and take testimony regarding the proposed Conditional Use Permit application.
- 3) Close public hearing and consider the Staff Report and Resolution.
- 4) Approve Conditional Use Permit and application.

BACKGROUND

On April 4, 2017 the City Council adopted regulations to allow Cannabis Manufacturing facilities in certain areas of the city upon the recommendation of the Planning Commission. A new Article entitled “Cannabis Related Activities” was added to the Planning Regulations (Article 22 of Chapter 5 of Title 9 (Planning Regulations) of the Municipal Code) that prohibited commercial cultivation but permitted cannabis manufacturing and retail store-front businesses for both medicinal and adult use. The new ordinance includes definitions for key words such as manufacturing, dispensary and testing laboratory and treats manufacturing and processing of cannabis related products such as extracts, concentrates, edible products, and topical products the same as the manufacturing of pharmaceuticals. Therefore, Cannabis Manufacturing is allowed with a Major Conditional Use Permit in the Mixed Use With Non-Residential (MUN), Office Technology/Doyle Hollis North (OT/OH), Office Technology (OT), Light Industrial, (INL) and Heavy Industrial (INH) zoning districts.

On September 1, 2017 the City Council adopted an ordinance entitled “Cannabis” (Chapter 25 of Title 5 (Public Welfare) of the Municipal Code) that outlined a permit process, similar to the cabaret permit which will be handled by the Police Department, that will look into the applicant’s background and their security plan among other things (“Operator’s Permit”).

All new Cannabis Manufacturing facilities are first required to obtain a Major Conditional Use Permit followed by an Operator’s Permit that will be issued by the Police Chief. Prior to start of operations, the manufacturer will be required to obtain a business license at which time all relevant permits from the State would need to have been secured.

PROJECT DESCRIPTION:

The applicant and owner of the building located at 6613 Hollis Street has used the site to operate a collective kitchen and Rotten City Pizza restaurant. The applicant now proposes to convert approximately 4,043 square feet of space previously used for the “Collective Kitchen” business into a cannabis manufacturing and non-storefront facility. The business will serve as an incubator model to make space available for small cannabis businesses engaged in the manufacture with non-volatile solvents, process, package, and storage of cannabis products to distribute to other cannabis vendors and/or to deliver the cannabis products to end users at offsite

locations. Collective Kitchen's equipment will be used and made available for the manufacture of cannabis infused edibles.

Hours of Operation and Number of Employees: The facility will begin operations at 8:00 am and will end no later than 8:00 pm, Monday through Friday.

GENERAL PLAN AND ZONING

Land Use Classification: The General Plan Land Use Diagram (Figure 2-2) classifies the project site as Industrial. The General Plan is silent on cannabis manufacturing.

Zoning District: This property is located in the Heavy Industrial (INH) Zone, where Cannabis Manufacturing is permitted with a Major Conditional Use Permit. It is also located in the North Hollis (NH) Overlay Zone, which implements the North Hollis Area Urban Design Program. The NH Zone has no land use or design provisions applicable to this proposal.

Floor Area Ratio (FAR): This property is located in the 1.0/1.6 FAR district. No change in existing Floor Area Ratio is proposed.

Building Height: This property is located in the 30/55 foot height district. No change in existing building height is proposed.

Off-Street Parking: Section 9-4.404(c) states that "for all non-residential uses with area based estimated parking demands, the first 1,500 square feet shall be subtracted from the gross square footage of the use when calculating the estimated demand". Parking requirements for Cannabis Manufacturing is area-based (1 space per 1,000 square feet of floor area). After subtracting 1,500 from 4,043, the estimated parking demand for the remaining 2,543 square feet of the facility is 2.5 parking spaces. The minimum parking is 33% less than this, or 2 and the maximum is 10% more than this, or 3. There are no parking spaces at the project site.

Section 9-4.404(h)(1) of the Planning Regulations allows provision of less than the required minimum, including elimination of all parking spaces, subject to a conditional use permit provided that the following findings are made:

- (a) That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.
- (b) That the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking.

Staff believes that the above findings can be made. The applicant has submitted a Transportation Demand Management (TDM) Plan that outlines measures that the applicant will take in order to reduce parking impacts to the neighborhood. These include providing free AC Transit passes, participating in the Alameda County Transportation Commission (ACTC) Guaranteed

Ride Home (GRH) program and providing information regarding AC Transit, ACTC GRH, bike maps, carpooling/carsharing information to all employees and tenants in a central meeting area at the facility.

Condition of Approval Number B.2 stipulates that the applicant shall require that leases include these TDM provisions for any future sub-tenants and that the measures in the TDM Plan be implemented and a monitoring report provided to the Community Development Director within 6 months and 1 year after start of operation. (See attached TDM Plan.)

Bicycle Parking: The proposed use will require 2 short term and 2 long term bicycles spaces. Condition of Approval Number B.1 outlines this requirement.

Setbacks: No setbacks are required in the INH Zone. The applicant does not propose changing the footprint of the existing building.

CONFORMITY TO PLANNING REGULATIONS:

Conditional Use Permit: Section 9-7.505

In order to approve a Conditional Use permit, the Commission must make the findings required by Section 9-7.505. Staff believes that these findings can be made for the following reasons:

1. The proposed use is consistent with the General Plan.

The General Plan Land Use Classification for the property is Industrial. The proposed Cannabis Manufacturing use is consistent with this General Plan Land Use classification as well as consistent with the following General Plan goals and policies:

Land Use Goal LU-G-1: An overall balance of uses—Employment, residential, cultural, destination and local retail—as well as a full range of amenities and services necessary to support a vibrant community.

Land Use Goal LU-G-11: A wide range of economic activity – An economy that capitalizes on Emeryville’s central location, strengthens the City’s tax base, and ensures that Emeryville has adequate fiscal resources to fund high quality public services for its residents and businesses.

Land Use Policy LU-P-27: A diversity of commercial uses to insulate the City’s fiscal base from downturns in particular markets shall be maintained.

Land Use Policy LU-P-30: The City will encourage the development of dynamic, leading edge industries, based in high technology, medical/bio engineering, bio technology, and media that provide good quality jobs with the potential for career development.

Cannabis manufacturing is a new light industrial type of activity that is emerging as a result of the passing of State-wide Proposition 64 on November 8, 2016. Proposition 64 allowed for legalization of cannabis related activities for adult use and provided local jurisdictions a choice to legalize or prohibit such activities. On April 4, 2017 the City Council passed cannabis related regulations to allow such activities. The goal was to add to the diversity of uses that would widen the range of economic activity while providing good paying manufacturing jobs. The Project includes the non-volatile manufacturing, processing, packaging, storing of cannabis products to distribute to other cannabis vendors and operations to support the delivery of cannabis products to end users at offsite locations, which are new industrial activities, that contribute to the economic diversity of the city and provide good paying jobs.

2. The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise and lighting.

The proposed Project will go into an existing building and will fit within the existing fabric of the area in terms of size, design and operating characteristics and will not adversely affect the surrounding area, which is comprised of other industrial uses.

The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost e
Conditional Use Permit: Section 9-4.404(h)(1)

In order to approve a Conditional Use permit to eliminate the parking requirement, the Commission must make the findings required by Section 9-4.404(h)(1). Staff believes that these findings can be made for the following reasons:

- (a) That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.

The project provides no parking spaces where two spaces is the required minimum. The applicant has submitted a Transportation Demand Management (TDM) Plan that outlines measures the applicant will take in order to reduce parking impacts to the neighborhood. These include providing free AC Transit passes, participating in the Alameda County Transportation Commission (ACTC) Guaranteed Ride Home (GRH) program and providing information regarding AC Transit, ACTC GRH, bike maps, carpooling/carsharing information to all employees and tenants in a central meeting area at the facility. Condition of approval stipulate that the applicant shall require that leases include these TDM provisions for any future sub-tenants and that the measures in the TDM Plan be implemented and a monitoring report provided to the Community Development Director within 6 months and 1 year after start of operation.

- (b) That the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking.

With the implementation of the TDM measures, the project's parking impacts would be considerably minimized. Conditions of approval include a monitoring requirement to ensure that the project does not result in impacts on adjacent uses. The building's previous use (Collective Kitchen) is similar to the proposed use, and that previous use operated with no parking spaces and minimal parking impacts on adjacent uses, without implementation of TDM measures.

ENVIRONMENTAL REVIEW

This Project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects. This Class 32 exemption applies to projects characterized as in-fill development meeting the conditions below.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The Project meets all the above criteria by being in compliance with all applicable General Plan designation and policies and the zoning regulations as outlined in the staff report above; the project site is less than 5 acres; the site is developed with an existing building and is industrial urban area where there are no habitat for endangered, rare or threatened species; the project will occupy a building that had similar prior uses and therefore will not result in any significant effects relating to traffic, noise, air quality, or water quality; and site is currently served by all the required utilities and public services that were in place for prior similar uses in the building.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Conditional Use Permit application to establish a cannabis manufacturing and non-storefront dispensary facility in an existing building located at 6613 Hollis Street, subject to the attached Conditions of Approval.

Attachments:

1. Resolution

2. Conditions of Approval
3. Project Plan TDM Plan
4. Project Plan

RESOLUTION CPC NO. UP17-003

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A MAJOR CONDITIONAL USE PERMIT FOR ESTABLISHMENT OF A CANNABIS MANUFACTURING AND NON-STOREFRONT DISPENSARY FACILITY LOCATED AT 6613 HOLLIS STREET AND TO ALLOW ZERO PARKING SPACES WHERE TWO IS THE REQUIRED MINIMUM (APN: 49-1511-3-2)

WHEREAS, on October 23, 2017, 6613 Hollis Street, LLC, submitted an application, which was supplemented on November 13 and 30, 2017, for a Major Conditional Use Permit to allow a 4,043 square foot incubator space for a variety of cannabis manufacturing and non-storefront dispensary facility (“**Project**”) in an existing building located at 6613 Hollis Street (“**Property**”), and

WHEREAS, the Project includes the non-volatile manufacturing, processing, packaging, storing of cannabis products to distribute to other cannabis vendors and operations to support the delivery of cannabis products to end users at offsite locations; and

WHEREAS, the Project also allows zero parking spaces where two parking spaces is the required minimum; and

WHEREAS, the Emeryville Planning Commission held a duly and properly noticed public hearing on the project on December 20, 2017 to solicit public comments and review and consider the application; and

WHEREAS, the Emeryville Planning Commission has reviewed and considered the staff report and attachments thereto, the plans, all public comments, and the proposed Project at the Property subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Planning Regulations (“the Record”); now, therefore, be it

RESOLVED, that the Planning Commission of the City of Emeryville hereby finds that the project is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15332, which applies to infill development projects, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment; and be it further

RESOLVED, that in approving **UP17-003** the Planning Commission makes the following findings as required by Emeryville Planning Regulations:

Conditional Use Permit Findings Pursuant to Section 9-7.505:

1. The proposed use is consistent with the General Plan.

The General Plan Land Use Classification for the property is Industrial. The proposed Cannabis Manufacturing use is consistent with this General Plan Land

Use classification as well as consistent with the following General Plan goals and policies:

Land Use Goal LU-G-1: An overall balance of uses—Employment, residential, cultural, destination and local retail—as well as a full range of amenities and services necessary to support a vibrant community.

Land Use Goal LU-G-11: A wide range of economic activity – An economy that capitalizes on Emeryville’s central location, strengthens the City’s tax base, and ensures that Emeryville has adequate fiscal resources to fund high quality public services for its residents and businesses.

Land Use Policy LU-P-27: A diversity of commercial uses to insulate the City’s fiscal base from downturns in particular markets shall be maintained.

Land Use Policy LU-P-30: The City will encourage the development of dynamic, leading edge industries, based in high technology, medical/bio engineering, bio technology, and media that provide good quality jobs with the potential for career development.

Cannabis manufacturing is a new light industrial type of activity that is emerging as a result of the passing of State-wide Proposition 64 on November 8, 2016. Proposition 64 allowed for legalization of cannabis related activities for adult use and provided local jurisdictions a choice to legalize or prohibit such activities. On April 4, 2017 the City Council passed cannabis related regulations to allow such activities. The goal was to add to the diversity of uses that would widen the range of economic activity while providing good paying manufacturing jobs. The Project includes the non-volatile manufacturing, processing, packaging, storing of cannabis products to distribute to other cannabis vendors and operations to support the delivery of cannabis products to end users at offsite locations, which are new industrial activities, that contribute to the economic diversity of the city and provide good paying jobs.

2. The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise and lighting.

The proposed Project will go into an existing building and will fit within the existing fabric of the area in terms of size, design and operating characteristics and will not adversely affect the surrounding area, which is comprised of other industrial uses.

3. The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

The Project will not cause an increased burden on utilities and resources because it makes use of existing facilities, which were previously occupied by similar use.

4. The proposed use at its proposed location will provide a service or facility that will contribute to the general well-being of the surrounding neighborhood or community.

This Project will reuse an existing vacant building and will add to the existing manufacturing and industrial uses in the vicinity.

5. The proposed use complies with all applicable standards and requirements of these Planning Regulations.

The Project complies with the Planning Regulations in terms of locational requirements and conditions of approval ensure that the project complies with bicycle parking and performance standards.

Conditional Use Permit Findings Pursuant to Section 9-4.404(h)(1):

- (a) That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.

The Project provides no parking spaces where two spaces is the required minimum. The applicant has submitted a Transportation Demand Management (TDM) Plan that outlines measures the applicant will take in order to reduce parking impacts to the neighborhood. These include providing free AC Transit passes, participating in the Alameda County Transportation Commission (ACTC) Guaranteed Ride Home (GRH) program and providing information regarding AC Transit, ACTC GRH, bike maps, carpooling/carsharing information to all employees and tenants in a central meeting area at the facility. Condition of approval stipulate that the applicant shall require that leases include these TDM provisions for any future sub-tenants and that the measures in the TDM Plan be implemented and a monitoring report provided to the Community Development Director within 6 months and 1 year after start of operation.

- (b) That the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking.

With the implementation of the TDM measures, the Project's parking impacts would be considerably minimized. Conditions of approval include a monitoring requirement to ensure that the Project does not result in impacts on adjacent uses. The building's previous use (Collective Kitchen) is similar to the proposed use, and that previous use operated with no parking spaces and minimal parking impacts on adjacent uses, without implementation of TDM measures.

and be it further

RESOLVED, that the Planning Commission hereby approves **UP17-003** to establish a cannabis manufacturing and non-storefront dispensary facility located at 6613 Hollis Street, as submitted on October 23, 2017 and supplemented on November 13 and 30, 2017, subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

APPROVED by the Planning Commission of the City of Emeryville at a special meeting held on Wednesday, December 20, 2017 by the following votes:

AYES: _____

NOES: _____ **ABSTAINED:** _____

EXCUSED: _____ **ABSENT:** _____

CHAIRPERSON

APPROVED AS TO FORM:

RECORDING SECRETARY

ASSISTANT CITY ATTORNEY

CONDITIONS OF APPROVAL

6613 Hollis Cannabis Manufacturing and Non-Storefront Dispensary Incubator Facility
6613 Hollis Street
File Number UP17-003: Exhibit A. Conditions of Approval
December 20, 2017

A. General Conditions

1. Project. A Conditional Use Permit (“**CUP**”) to allow for the operation of a Cannabis Manufacturing and Non-Storefront Dispensary Facility located at 6613 Hollis Street, Emeryville, CA (APN 49-150811-3-2) (“**Property**”) in accordance with the application received on October 23, 2017, and supplemented on November 15, 2017, and as modified by these Conditions of Approval.
 - a. Permitted Uses. This CUP authorizes the following commercial cannabis activity (and related uses) at the Property: the possession, manufacturing (without volatile solvents), distribution, processing, storing, labeling, and non-storefront dispensary (delivery only to end users).
 - b. Prohibited Uses. The following commercial cannabis activities (and related uses) are not allowed at the Property: cloning, planting or cultivation of cannabis plants, manufacturing with volatile solvents, testing or direct dispensing, sales or retail to the public at the Property.
 - c. Future Sub-Tenants. Subject to state law and state regulations, the applicant may sub-lease the facility to other tenants engaging in cannabis commercial activity consistent with this CUP, provided that each sub-tenant obtains an Operator’s Permit (as defined below in Condition A.3.b), applicable state license/permits and a Business License from the City of Emeryville, prior to commencing operations.

Any additional uses or design modifications, including signs, will require a separate application and approval.

2. Approval Effectiveness and Duration. Pursuant to Section 9-7.213 of the Emeryville Municipal Code, this permit shall automatically expire if an application for a building permit has not been filed and fees have not been paid within one year from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Community Development Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Community Development Director for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval. If a building permit is issued but expires with no work being done, then this planning permit shall also expire unless extended pursuant to the provisions of Section 9-7.213.
3. Additional Permits/Licenses. Prior to start of operations, the applicant shall obtain the following permits from the City:
 - a. Building Permit. Contact Courtney Barrett of the Building Division at 510-596-4310 or cbarrett@emeryville.org for more information
 - b. Permit from the Emeryville Police Department Pursuant to Chapter 28 of Title 5 of the Emeryville Municipal Code (“Operator’s Permit”)
 - c. Business License from the Emeryville Finance Department.
4. Compliance with State Law and State Regulations. Applicant’s operations must comply with all applicable state laws and state regulations. Failure to comply with state laws or state regulations, which includes, but is not limited to, failure to maintain relevant and applicable state licenses shall constitute a violation of this CUP, and constitute grounds for revocation of the CUP.
5. State Licensure. Applicant or any sub-tenant shall notify the Community Development Director in writing within 10 days of any change in licensure status with the California Bureau of Cannabis Control.
6. Cannabis Consumption. Consumption, including smoking, inhaling, and ingesting, of cannabis is prohibited on the Property, in the public right of way abutting the Property or within a 600-foot radius of the Property.

7. Hours of Pick Up and Deliveries. Pick ups and deliveries to the Property shall be prohibited between the hours of 7:00 p.m. and 8:00 a.m. The Police Chief may further impose conditions on pick ups and deliveries through an Operator's Permit.
8. Business Conducted within Building. All allowed commercial cannabis activity shall be conducted inside the building located on the Property. No commercial cannabis activity shall be visible from the exterior of the building or from the public right of way abutting the Property.
9. Performance Standards. The Project is subject to all applicable provisions of the Emeryville Municipal Code including, but not limited to, the Planning Regulations in Title 9. Specifically, the Project shall comply with applicable performance standards outline in Section 9-5.1101-1111 (Performance Standards). See also Condition of Approval, Number 11 below regarding odor control.
10. Odor Control. All odors shall be contained on the Property. If the City receives any odor complaints, the applicant or sub-tenant shall work with the Building Official to immediately abate any nuisance related to odor. Unresolved or repeated violations related to odor may be basis for suspension or revocation of the permit or denial of permit renewal. The Community Development Director may impose additional conditions to this CUP to abate any unresolved or repeated odor violations.
11. Public Art Program. Prior to the issuance of a building permit, Applicant shall submit evidence of compliance with the Art in Public Places Ordinance (Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code) by showing a signed contract to commission or purchase and to install the artwork on the development site, or by payment of the full amount of the in-lieu public art fee. If Applicant intends to install on-site art rather than pay the in-lieu public art fee, but has not supplied the above-specified information prior to the issuance of the building permit, payment of the in-lieu public art fee will be required and will be repaid to Applicant only at such time the above-specified information is provided to City. Prior to the issuance of a certificate of occupancy, Applicant shall notify the Economic Development and Housing Department Public Art Projects Coordinator to verify Applicant's installation of the on-site public art. If City determines that public art has not been installed, Applicant shall be required to pay the in-lieu public art fee in full.
12. Fees. Applicant shall pay all required building and impact fees prior to issuance of a building permit. Contact Courtney Barrett of the Building Division at 510-596-4310 or cbarrett@emeryville.org for more information.

13. Private Sewer Lateral. If the cumulative construction valuation of the Project (including any construction by both applicant and subtenants) is over \$100,000, it is subject to the Private Sewer Lateral program by EBMUD. Courtney Barrett (contact above) has more information.
14. Construction Hours. Unless the City Council grants a waiver allowing different construction hours pursuant to Section 5-13.06 of the Emeryville Municipal Code, construction hours are 7:00 am to 6:00 pm, Monday – Friday, except that pile driving and similarly loud equipment, including but not limited to jack hammering, grading, compacting, dump trucks, generators, and chain saws shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday.
15. Maintenance. Adequate maintenance shall be provided to prevent deterioration of any exterior improvements.
16. Damage to Public Facilities. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage, including but not limited to sidewalk repair, street slurry seal or street reconstruction, at its sole expense and to the satisfaction of the Public Works Director.
17. Maintenance of Street Trees and other vegetation in the Public Right of Way. Applicant, its successors and assigns, shall maintain all landscaping improvements in the public right of way abutting the Property, in a healthy, growing condition at all times consistent with the Bay Friendly Landscaping Practices as described by StopWaste.org’s Bay Friendly Landscaping program. Applicant shall replace all landscaping that dies with the same living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code.
18. Indemnification. Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the Indemnified Parties) against all claims, demands, and judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant’s design, construction and/or maintenance of the public improvements set forth in the final building plans.

Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney's fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and normal day-to-day business expenses incurred by the City including, but not limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest.

19. Trash, Recycling and Composting Facilities. Prior to the issuance of Operator's permit, the Community Development Director and Public Works Director shall review and approve a Trash, Recycling and Composting Plan from the applicant.
 - a. **Maintenance and Service:** Trash, recycling and composting storage areas shall include adequate space for the maintenance and servicing of containers for all materials that are provided by local hauling companies. Sewer drains, fire sprinklers, enclosures, and roofing (if outdoors) shall be provided as per city standards.
 - b. **Adequate Space for Trash, Recyclables and Compostables:** The amount of space provided for the collection and storage of recyclable materials shall be at least as large as the amount of space provided for the collection and storage of trash materials and shall reflect the estimated volumes of trash and recyclable and compostable materials to be generated providing for the separate and dedicated containers for those materials with the goal of 25% or less of the total materials generated going to a landfill. An appropriately sized and designed area for wastes banned from regular trash containers such as electronics, fluorescent lamps and batteries shall be designated. Residential properties will also provide area for bulky item collection such as mattresses, furniture, tires and white goods.
 - c. **Convenience and Accessibility:** The recycling area shall be at least as accessible and convenient for tenants and collection vehicles as the trash collection and storage area. If chutes are planned then separate, properly labeled (as per City Standards) and dedicated chutes must be provided for each and every collected stream of materials - not just for trash (non-recyclable and non-compostable materials.) The trash and recycling room(s) or areas shall be located on an exterior wall of the building (if

indoors) with adequately-sized door or gate access to the street through the wall so as to minimize distance for the collection vehicle personnel and eliminate temporary outdoor storage of containers on collection days. If the storage area is located outside then it must be easily accessible by the collection vehicles. If the day-to-day-use trash and recycling area(s) cannot be located adjacent to the street, then service-day locations easily accessible by the collection vehicle staff, must be provided in an area on-site as per city standards in enclosures completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s).

B. Project-Specific Conditions

1. Bicycle Parking. The applicant shall provide a minimum of 2 short term bicycle parking spaces and 2 long term bicycle spaces in accordance to specifications outlined in Section 9-4.408 of the Planning Regulations.
2. Transportation Demand Management Plan (TDM). The applicant shall Implement the proposed TDM plan entitled ““Transportation Demand Management Plan: 6613 Hollis Project”, dated November 30, 2017 throughout the operation of the Project. Applicant shall submit an assessment report after 6 months and after 1 year of commencing operations that provides documentation on workability and success of the TDM measures. The Community Development Director may require modifications to the TDM Plan if monitoring shows that it is not workable and/or successful.

The applicant shall require all future sub-tenants to implement the measures outlined in the document entitled “Transportation Demand Management Plan: Kikoko Facility Emeryville”, dated November 9, 2017. Applicant shall submit proof of compliance with this Condition upon demand by the Community Development Director. Proof of compliance includes, but is not limited to, leases between the applicant and sub-tenant requiring implementing the TDM measures.

Transportation Demand Management Plan

Dated: November 30, 2017

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As part of our plans to establish a marijuana manufacturing facility at 6613 Hollis Street, we submit this Transportation Demand Management (TDM) Plan to outline our efforts to reduce the impact on the local transportation network. The goal of the TDM program is to reduce the drive alone trips and parking demand for the project site.

Existing Conditions:

The property located at 6613 Hollis St. is currently permitted as a pizzeria restaurant and a commercial kitchen within an existing 5,700 sq. ft. building. The existing pizzeria restaurant will remain on the subject property, with no change in operation.

Proposed Project:

The proposed project will convert the commercial kitchen within the existing building (approximately 4,043 sq. ft.) into a marijuana manufacturer. The proposed marijuana manufacturing facility will not be open to the general public. The only visitors to the site will be employees and key personnel estimated to be 15 persons in a 24 hour period.

Purpose:

The project will implement a TDM program to encourage more employees to shift from driving alone to other modes of travel and reduce the project parking demand. Typically, TDM programs are most effective for developments where most trips are daily peak period commute trips to and from the same destination.

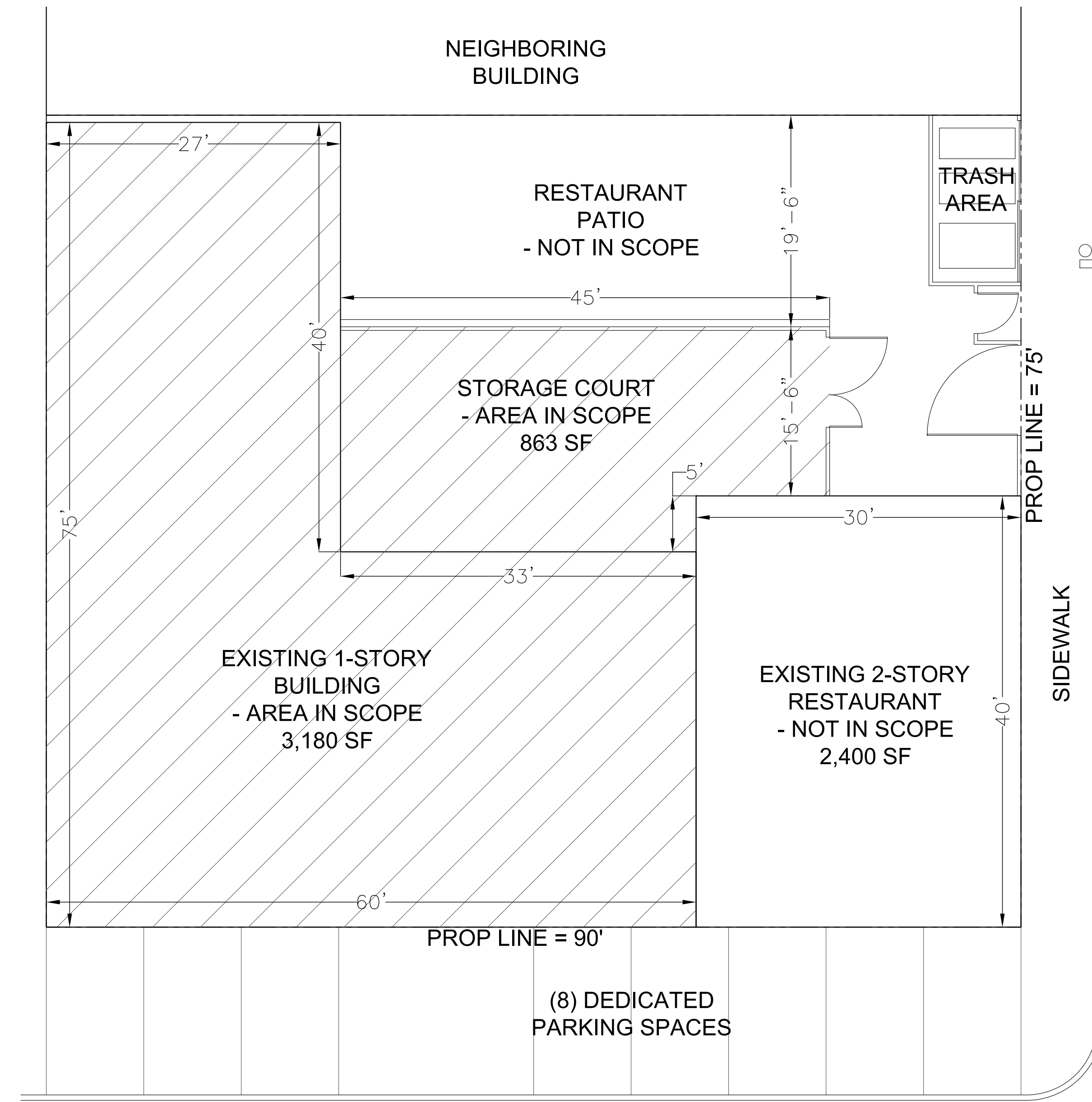
Strategies:

Employees, tenants, and visitors are encouraged and will be provided information on transportation alternatives to reach our facility so as to reduce the impact on public parking in the area.

- We will provide AC transit passes for our employees who work during the daytime shifts as part of their employment benefits package.
- We will participate in the Alameda County Transportation Commission (ACTC) Guaranteed Ride Home (GRH) program. GRH programs encourage alternative modes of transportation by offering free rides home in the case of an illness or crisis, if the employee is required to work unscheduled overtime, if a carpool or vanpool is unexpectedly unavailable, or if a bicycle problem arises.
- We will provide information regarding AC Transit, ACTC GRH, bike maps, carpooling/carsharing to our employees in a central meeting area at the facility.
- Drivers will be directed to park at "Emerytech," the parking garage located at 66th St. and Shellmound St.
- The proposed operating hours will be 24 hours 7 days per week. We will operate on a triple shift with 3 to 5 workers per shift thereby reduce the impact on peak travel times.

EXISTING SITE PLAN

1/8" = 1'-0"



PROJECT INFORMATION

ADDRESS OF PROJECT:

6613 HOLLIS STREET
EMERYVILLE, CA 94608

OWNER:

JONAS BERNSTEIN
133 EAST BLITHEDALE AVENUE
MILL VALLEY, CA 94941
(510) 594-9600

ARCHITECT:

AMATO ARCHITECTURE
REBECCA IVANS AMATO, AIA
1396 PARK AVENUE
EMERYVILLE, CA 94608
LICENSE NO. C-25700 EXP: 08/31/19

CONSTRUCTION:

TYPE VB - UNPROTECTED COMBUSTIBLE

OCCUPANCY:

ZONE: INH - HEAVY INDUSTRIAL

CURRENT CODE EDITIONS:

CBC: 2016 CALIFORNIA BUILDING CODE
CMC: 2016 CALIFORNIA MECHANICAL CODE
CEC: 2016 CALIFORNIA ELECTRICAL CODE
CPC: 2016 CALIFORNIA PLUMBING CODE
ENERGY: 2016 CALIFORNIA ENERGY CODE

INDEX OF DRAWINGS

ARCHITECTURAL

A-0.0 COVER SHEET / SITE PLAN
A-1.0 EXISTING FLOOR PLAN

SCOPE OF WORK

- NO CHANGES.

SQUARE FOOTAGE SUMMARY:

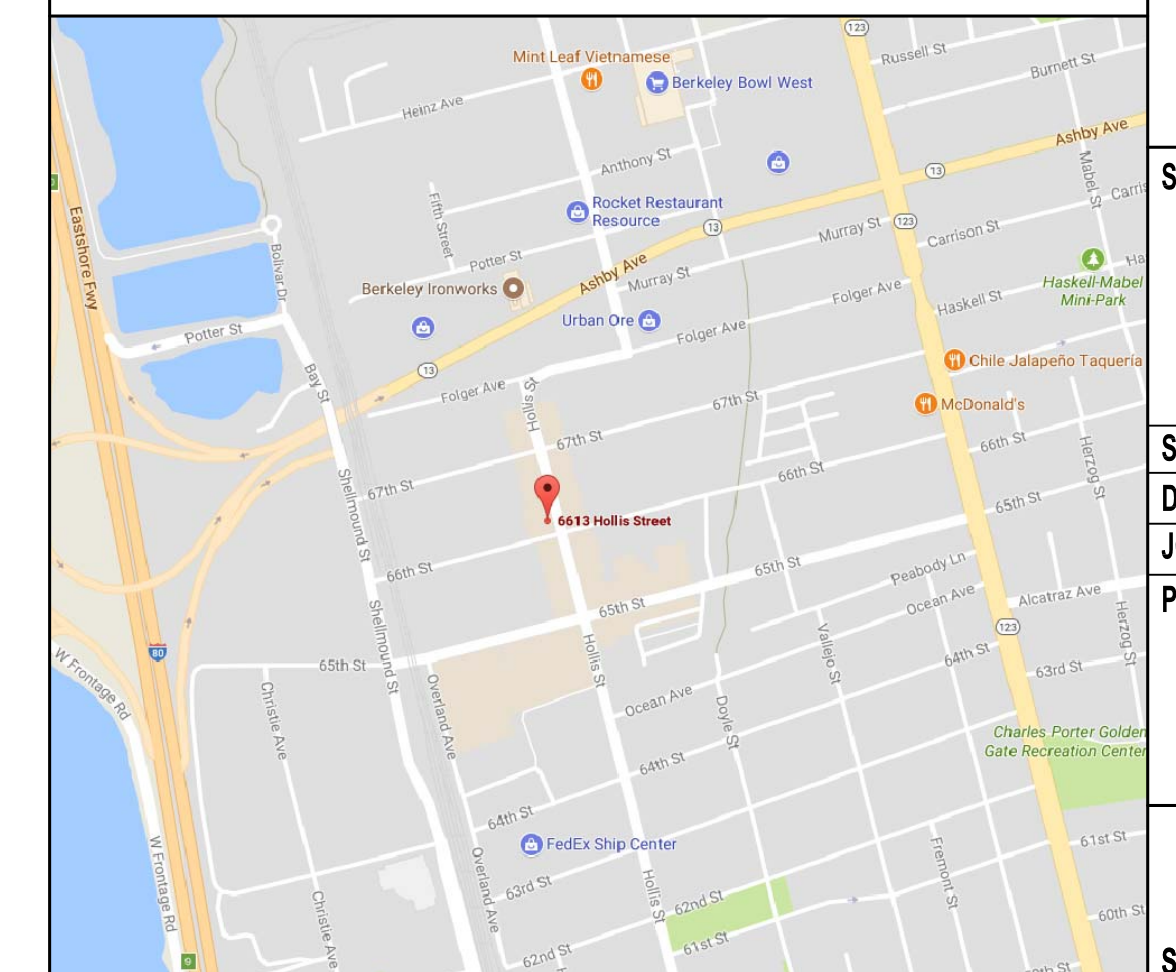
| SQUARE FOOTAGE | EXIST | NEW | CHANGE |
|----------------------|-------|-------|--------|
| LOT AREA | 6,750 | 6,750 | 0 |
| SUBJECT BUILDING | 3,180 | 3,180 | 0 |
| STORAGE COURT | 863 | 863 | 0 |
| RESTAURANT 1ST FLOOR | 1,200 | 1,200 | 0 |
| RESTAURANT 2ND FLOOR | 1,200 | 1,200 | 0 |

| PROJECT PROGRESSION : | DATE: |
|-----------------------|----------|
| ISSUE FOR SUBMITTAL | 11.15.17 |

CANNABIS MANUFACTURING FACILITY

6613 HOLLIS STREET
EMERYVILLE, CA 94608
APN: 49-1511-3-2

AREA LOCATION PLAN



SHEET TITLE:

**COVER SHEET /
SITE PLAN**

SCALE AS NOTED

DRAWN BY RAM

JOB # 2017-43

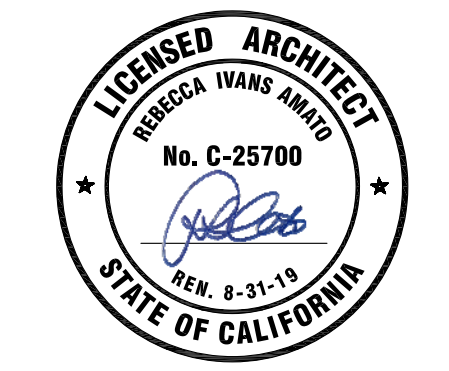
PLOT PLAN

NORTH



A-0.0

SHEET NO.:



EXISTING FLOOR PLAN

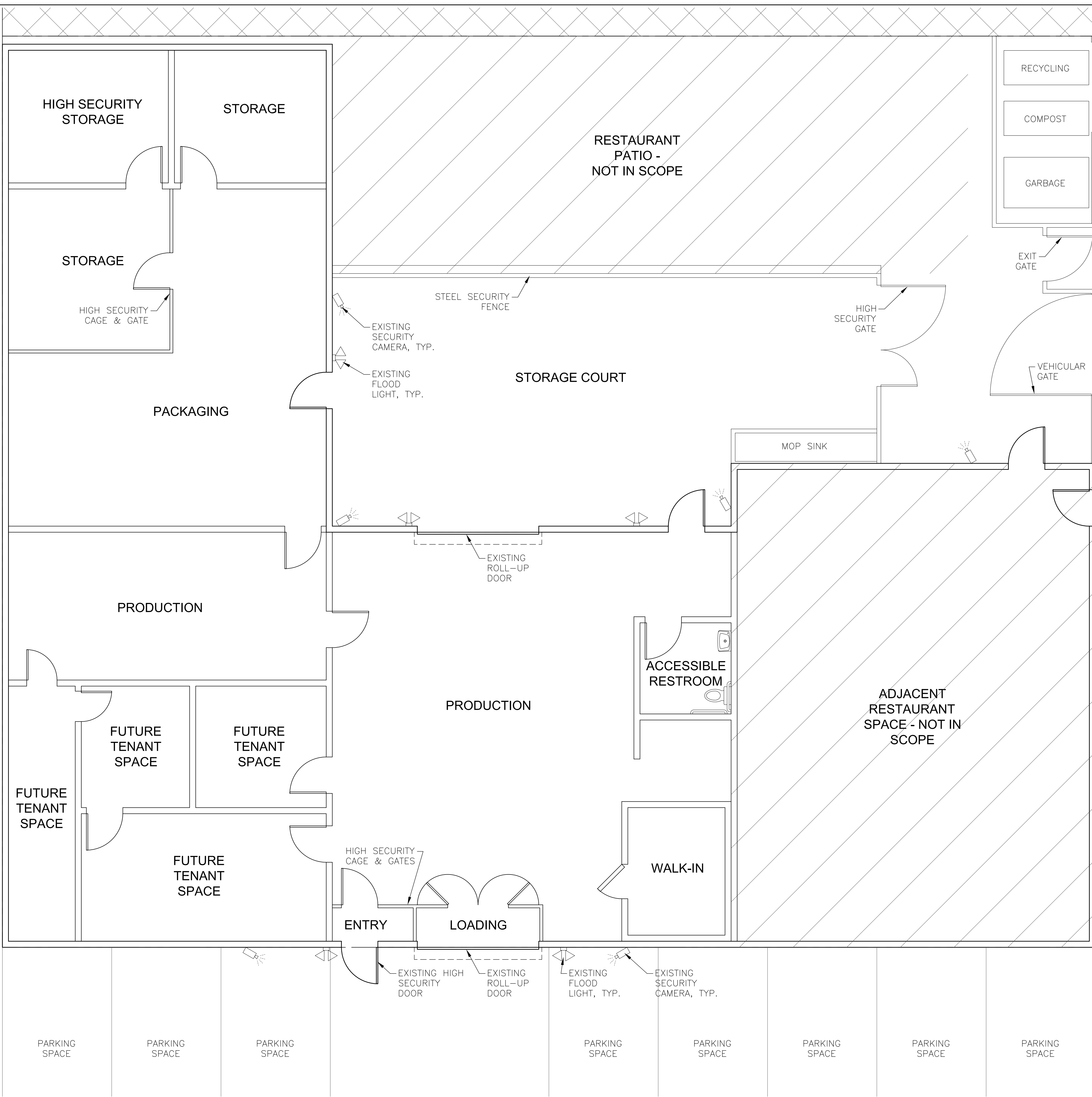
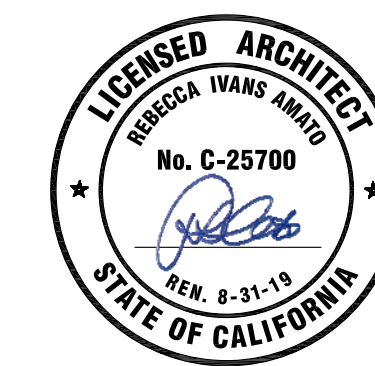
1/4" = 1'-0"

NOTES:

- (N.1) ALL INTERIOR AND EXTERIOR DOORS ARE STEEL SECURITY DOORS.
- (N.2) ALL EXTERIOR LIGHTING CONTROLLED BY MOTION SENSORS.

AMATO
ARCHITECTURE

1396 PARK AVENUE
EMERYVILLE, CA, 94608
T E L E 510.420.0210
C E L L 510.499.2080



| PROJECT PROGRESSION : | DATE : |
|-----------------------|----------|
| ISSUE FOR SUBMITTAL | 11.15.17 |
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**CANNABIS
MANUFACTURING
FACILITY**

6613 HOLLIS STREET
EMERYVILLE, CA 94608
APN: 49-1511-3-2

SHEET TITLE:
EXISTING FLOOR PLAN

SCALE 1/4" = 1'-0"
DRAWN BY RAM
JOB # 2017-43



SHEET NO.: **A-1.0**