



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Special Permit for an Adult Use Cannabis Retailer at 89 Arch St
for consideration June 14, 2022

STAFF REPORT

TO: Planning & Zoning Commission
PREPARED BY: Paul Ashworth, Senior Planner
paul.ashworth@hartford.gov

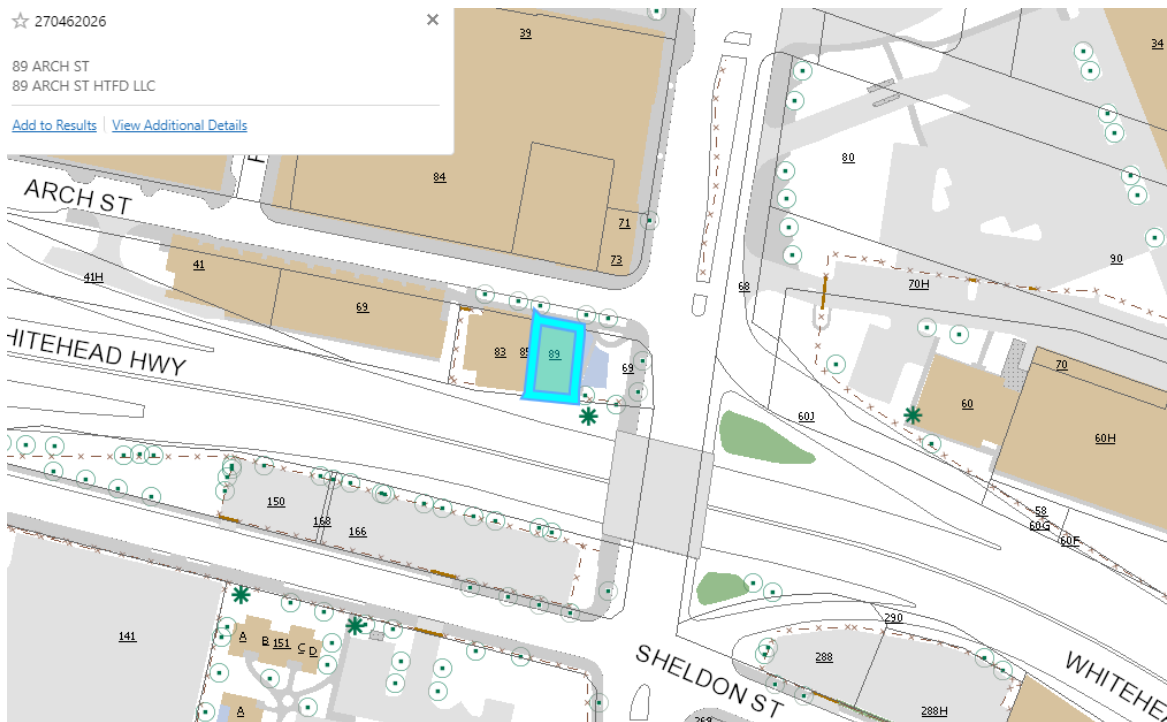
PROJECT: Adult Use Cannabis Retailer
89 Arch Street
PARCEL ID: 270-462-026
P&Z-COMM-2022-0621

ZONE: DT-1, Downtown District

TYPE: Request for a Special Permit for a proposed Adult Use Cannabis Retailer in the DT-1, Downtown district per Sec.3.3.10.C.

APPLICANT: Derrick C. Gibbs, Jr.

OWNER: 89 ARCH ST. HARTFORD LLC



Overhead View – Hartford GIS 2022

BACKGROUND INFORMATION

The applicant is requesting a special permit to allow an adult use cannabis retail establishment within the existing nonconforming storefront building at 89 Arch Street. The subject property was previously used as a restaurant and the current request would be a change from a service use to a retail use.

The subject property is not designated historic or located within a historic district. No previous actions have been taken in regards to this request.

Adult-use cannabis is regulated at the State level by SB 1202, also known as RERACA or the “Responsible and Equitable Regulation of Adult-Use Cannabis Act. The bill, passed in 2021, includes specific regulations regarding products, operations, security, signage, and staff requirements and many other facets of cannabis related businesses. The subject request should only be evaluated based on the proposal’s compliance with the Zoning Regulations and the Plan of Conservation & Development (POCD), not those facets of the use that are reserved to the State. The applicant will be required to receive a license from the State and confirm that operating conditions meet State standards prior to opening.

KEY APPLICATION TIMELINES

- Application Submission Date: April 25, 2022
- Date Application Accepted as Complete: April 25, 2022
- Application Date of Receipt: May 10, 2022 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, June 14, 2022; Open Hearing Deadline: July 14, 2022.
- Close Hearing Deadline (if opens June 14, 2022): (35 days after opening) Tuesday, July 19, 2022
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

LEGAL STANDARD

Standard for Application Type:

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied.

Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation,

landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

STANDARD SPECIFIC TO THE USE

3.3.10 Cannabis Uses – A category of uses involving the cultivation, propagation, processing, extraction, creation, packaging, labeling and retail of cannabis, cannabis products and medical marijuana. Such cannabis and medical marijuana establishments are subject to the requirements of state law and regulations as established by the State of Connecticut Department of Consumer Protection.

All advertising, displays, signage, and visibility requirements must comply with state law and the regulations as established by the State Department of Consumer Protection.

C. Cannabis Retailers. A Retailer, defined as a person, excluding a medical marijuana dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs, or a Hybrid Retailer, defined as a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

- (1) **Proximity to Other Cannabis Retailers.** No cannabis retailer shall be located within a 1,500-foot radius in any direction of any parcel where cannabis retail sales are located, except that these dispersion requirements shall not apply to prohibit new cannabis retail in the DT districts.
- (2) **Proximity to Certain Uses.** No cannabis retailer shall be located within a 500-foot radius of parcel used or reserved to be used for the purpose of a school or civic assembly, except that these dispersion requirements shall not apply to prohibit new cannabis retail in the DT districts.
- (3) **Hours of Operation.** Cannabis retailers are permitted to be open to the public for sales between the hours of 8:00am and 10:00pm on Monday through Saturday, and between the hours of 10:00am and 10:00pm on Sunday.

Section 4.3 Downtown Storefront Building

Figure 4.3-A.C Primary Street Ground Story – Adult Use Cannabis Uses are permitted.

Note 7: Any Eating Places (refer to 3.3.5 J.) or Adult Use Cannabis Uses (refer to 3.3.10) open to the public, but within the interior of the building, shall be located only on the first or second stories and shall be directly accessible from a public right of way.

Plan of Conservation & Development

Grow400 – Avenues

- **Identify nodes to focus commercial development.** Targeting commercial development (including retail, service, and restaurant uses) at specific nodes along the avenues will concentrate activity that strengthens businesses.
- **Develop a unified district parking plan.** Planning and creating shared parking, immediately behind the avenues, will reduce the amount of parking on the main commercial corridors and improve their visual appeal.

Grow400 – Entrepreneurship: Hartford has a diverse business ecosystem filled with large anchor institutions, small businesses, and start-ups. Meeting the needs of these diverse enterprises and cultivating an innovation atmosphere will expand economic opportunities and connect Hartford to the region and the world.

Play400 – Tourism: Hartford has architecture, history, parks, arts, culture, sports, and museums that would be the envy of any similarly-sized city. Creating a coherent tourism strategy that highlights our diverse assets will draw people, drive investment, create service jobs, and foster a love of our great city.

FINDING OF FACTS

Subject Property

- Lot size is ~2,135 square feet.
- The existing nonconforming, 1-story storefront building occupies virtually the entire lot.
- Located in the DT-1, Downtown district.

Proposed Use – Adult-Use Cannabis Retailer

- No changes proposed to the exterior of the building.
- Use will operate completely within the walls of the existing building consistent with State regulations.
- Parking
 - Proposing to primarily use the nearby parking garage at 25 Front Street. The applicant has provided verification that the garage management company ProPark has confirmed that patrons of the Adult-Use Cannabis Retailer may access the garage and that employees may use a monthly prepaid pass.
 - There are ten (10) street parking spaces on Arch Street that patrons may also use.
- Signage
 - No signage is proposed as part of this application.
- Pedestrian/Patron Queueing
 - The applicant has stated that the facility may hold a maximum of ~25 patrons.
 - If patrons arrive in number beyond capacity of the building and additional queueing is required, the applicant has proposed using temporary stanchions and rope to create a queue space on the sidewalk along Columbus Blvd. Management of the queue internally and externally is proposed to be handled by on-site security personnel.
- Hours of Operation
 - Monday-Saturday: 8:00am-9:30pm
 - Sunday: 10:00am-5:30pm

First 30-Days of Operation

- The applicant has agreed to hire additional security personnel for the first 30 days, for a total of three (3) security personnel, to manage on-site patrons and any overflow pedestrian queues.
- The applicant has agreed to notify the City a minimum of 30 days prior to opening the subject to use to allow any necessary coordination with the Police Department or the Department of Public Works to manage potential opening day crowds.
- SB 1201 specifically authorizes the City to charge the new Adult-Use Cannabis Retailer up to \$50,000 during the first 30 days of operation to cover the cost of any impacts to city services. These funds could be used for “...any necessary and reasonable costs incurred by the municipality for provision of public safety services in relation to such opening, including, but not limited to, public safety costs incurred to direct traffic, not to exceed fifty thousand dollars.”

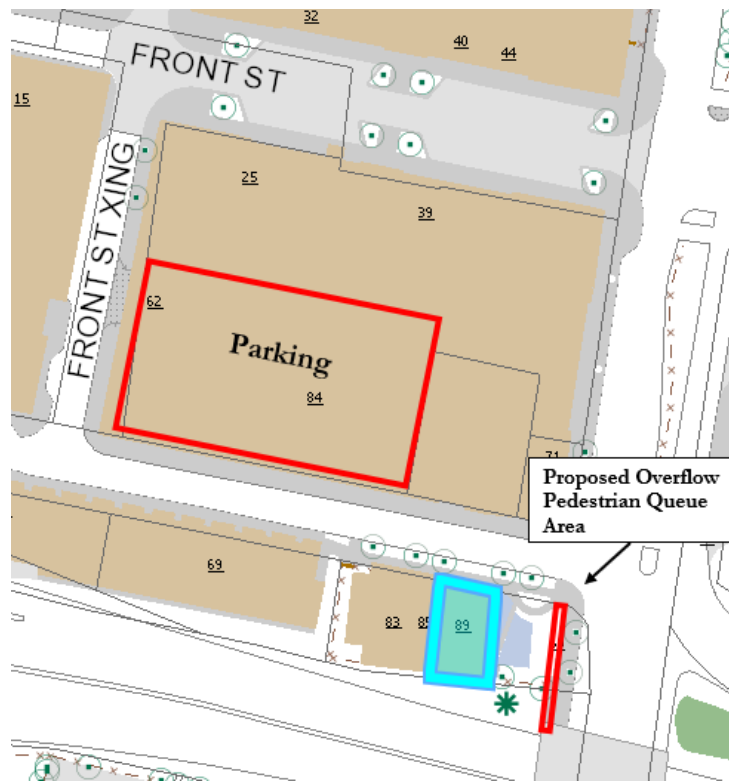


Figure 1. Location Diagram of Parking, Pedestrian Queuing and the Subject Property – City Staff 2022



Figure 2. Proposed Pedestrian Overflow Queue Space – Greg Picuch 2022



Figure 3. Subject Property as seen from Arch Street – Google Maps 2020

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

No NRZ is assigned to the subject property or the Downtown area.

The Capital Region Development Agency (the CRDA) sent two letters expressing objection to the proposed use. These letters are attached to this report in full as Attachment 3. The CRDA letters expressed that the “addition of a marijuana distribution center to the District would be contrary to [their] goal” that the Front Street District be dominated by family-oriented entertainment. The CRDA owns all of the property between Arch St and Front Street, Front Street, and the development abutting Front Street on the north. This is the area referred to as the Front Street District by the CRDA. They further state that all of the property they own as part of the district is deed restricted to prohibit uses that they consider contrary to their family-oriented vision, such as pawn shops, package liquor stores, or gun shops. The CRDA considers the proposed use as similar to those that they prohibit in the Front Street District. Finally, the CRDA letters state that though ProPark manages the garage, the CRDA would oppose the cannabis retailer’s use of the garage and further contend that there are potential legal challenges to the use of the garage by the cannabis retailer because the garage’s construction was partially funded by federal monies.

ANALYSIS

The proposed Adult-Use Cannabis Retail use is specifically contemplated as allowed with a special permit in the subject location within a downtown district by Figure 3.2-A. Further, Section 3.3.10.C identifies three special permit requirements: a separation from similar uses in all but the DT districts; a separation from school or civic assembly uses except in the DT districts; and, limited hours of operation. The proposed use is located within a DT district so the two dispersion requirements do not apply and the hours of operation proposed by the applicant are compliant with those required by Sec.3.3.10.C.

The subject property is occupied by a nonconforming, 1-story storefront building, formerly occupied by an Eating Place and before that an Entertainment Assembly use. Cannabis uses are permitted only on the first floor of a storefront building per Sec.4.3. The proposed occupation

of the 1-story building meets the building type requirements of Sec.4.3 for storefront buildings in the Downtown districts. Further, the DT-1 district and downtown districts generally are described by the Regulations as “...intended to regulate for the highest intensity of development in the city, while respecting the historic building scale of the downtown and the adjacent blocks. Each district permits a mix of uses and is intended to create an active atmosphere throughout the day and into the evening.” The proposed retail use would draw in customers at a variety of time periods and add to the active atmosphere of the neighborhood consistent with the intention of the district

The applicant has proposed to use existing pedestrian and vehicular circulation patterns and not to make alterations. The subject use may increase the total number of visitors to the area, however, when evaluated against the intention of the district this impact is considered positive. Further, existing conditions appear designed to accommodate a large volume of patrons associated with nearby uses such as the Connecticut Convention Center. When considered in this context, the amount of traffic both pedestrian and vehicular generated by the proposed use will not cause significant hazards in the right-of-way.

The proposed pedestrian overflow queueing area (see Figure 2 above) was proposed in response to Staff's concern regarding potential patron overflows during the initial period after the use first commences operation. The applicant originally proposed using the patio area adjacent to the subject property to the east. On May 25, 2022, Staff requested that the applicant confirm whether the abutting patio area would be used as patron overflow. On June 7, 2022, the applicant confirmed that, after contacting the property owner of the patio (the State of Connecticut), that they would not be using the patio for any use. In that same communication they proposed the current pedestrian queueing plan along Columbus Boulevard. The current plan proposes using public right-of-way for their private queueing use and in response to this Staff transferred the plan to both the Department of Public Works (DPW) and the Hartford Police Department (HPD) for review. As of this writing, the DPW and the HPD have not provided comment on the proposed queueing plan.

The operator of the nearby parking garage confirmed in correspondence dated April 21, 2022 that the existing parking garage “typically has generous capacity”. This evidence supports the applicant's assertion that nearby facilities can handle any increased vehicular or pedestrian load. The only exception that staff takes to this assertion is the possibility of excessive demand for the use during the first 30-days. It has been reported from other states that have recently passed similar legislation to SB 1201, that the initial opening of such uses is accompanied by intense interest by patrons and the public alike. SB 1201 allows for the City to charge up to \$50,000 during the first 30 days of operation of the use to compensate for any impact on City services. The applicant has accepted Staff's request for a minimum 30-day notice prior to the use opening in order to coordinate any necessary public services ahead of the opening day. Further, the applicant has created a draft pedestrian overflow queueing plan currently under review by the Department of Public Works. The pedestrian overflow plan will need to be approved by DPW and the Police Department prior to opening. Staff recommend including the 30-day notification as a condition of approval along with the requirement that the overflow pedestrian queueing plan be approved prior to the use opening to the public.

In response to Staff concerns regarding potential impacts of the use during the first 30-days, the applicant has confirmed that they intend to operate mainly via pre-orders and via appointments to speed service. They also confirmed that leading up to opening day they would use a media

campaign to educate potential patrons regarding the pre-order or appointment process to increase the speed of service and decrease the potential for patron overflow.

Section 1.3.4 of the Regulations identifies the general standards for special permits that the Commission must consider. Among these are: harmony with the Plan of Conservation & Development (POCD); that the request must comply with applicable sections of the zoning regulations; that the request comports with the purposes of the district; compatibility with neighboring uses; and, that the request would not create hazards in the proposed pedestrian or vehicular circulation patterns. Staff finds that the proposed use in the subject location is generally consistent with these requirements.

The applicant has confirmed that they will use one wall sign consistent with the State of Connecticut's regulations for this use (not reviewed as part of this application). What has not been made clear is the path through which the use will comply with both the State's requirement that no product or product related branding be visible from the public right-of-way, and the City's requirement that a certain amount of transparency be maintained through the street-facing windows. This requirement was originally delivered to the applicant on May 25, 2022 and discussed again with the applicant on June 9, 2022. The applicant confirmed they would address this issue at the public hearing on June 14, 2022.

Plan of Conservation and Development.

Surrounding uses include the Arch Street Tavern, a bar/restaurant and concert venue directly abutting to the west, and the Front Street Entertainment District. Occupants of the Front Street Entertainment District include a Barnes & Noble bookstore, Infinity Music Hall, a movie theater, the University of Connecticut and several restaurants. The Connecticut Convention Center is also nearby across Columbus Boulevard to the East. The POCD identifies a goal within the Grow400 element which states that "Targeting commercial development (including retail, service, and restaurant uses) at specific nodes along the avenues will concentrate activity that strengthens businesses." While this location is not along a main street or avenue, it is within the city's downtown, making this goal is still relevant. The Front Street Entertainment District represents a retail, service and restaurant node that would benefit from the addition of another destination retail use. The use of the shared parking facility is also consistent with the POCD goal to "Develop a unified district parking plan." Once again, while this goal was originally intended to encourage shared parking facilities along Hartford's historic main streets, the benefit of a shared parking facility is just as relevant in the downtown area. Further, staff finds that the Adult-Use Cannabis Industry is a new and innovative industry that could drive tourism into the City. The increase in tourism and the inclusion of innovative entrepreneurs are also factors consistent with the POCD's Play400 and Grow400 elements respectively.

STAFF RECOMMENDATION

Staff recommends approval of this application.

A draft resolution follows. To address the issues raised in the Analysis, staff proposes the following conditions:

1. The applicant must provide the City a minimum 30-day notice prior to the use opening to the public.
2. The overflow pedestrian queueing plan must be approved by both the City of Hartford Police Department and the Department of Public Works prior to opening.

ATTACHMENTS

1. Applicant Narrative dated April 19, 2022
2. Applicant Response to Staff Comments dated June 6, 2022
3. CRDA Letters of Objection dated June 3, 2022

REVIEWED AND EDITED BY,

Aimee Chambers, Director



**CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
89 ARCH STREET
SPECIAL PERMIT FOR ADULT-USE CANNABIS RETAILER**

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the application and attached documents regarding the request for a Special Permit for a proposed Adult Use Cannabis Retailer in the DT-1, Downtown district per Sec.3.3.10.C; and
- Whereas,** Section 3.3.10.C requires that all Adult Use Cannabis Retailers meet certain dispersion requirements unless they are in a DT, Downtown district, and operate only during specific operating hours; and
- Whereas,** The subject property is located in the DT-1, Downtown district and is therefore exempt from the dispersion requirements; and
- Whereas,** The Zoning Regulations (the Regulations) require that Cannabis Uses be located on the bottom floor of Storefront Buildings when located in the DT districts; and
- Whereas,** The proposed use will be located within an existing 1-story, nonconforming storefront building; and
- Whereas,** The proposed Adult Use Cannabis Retailer meets all of the basic requirements of the Zoning Regulations; and
- Whereas,** The Plan of Conservation & Development, specifically the Grow400 element identifies goals that encourage entrepreneurship in innovative industries; and
- Whereas,** The cannabis industry is considered a new, burgeoning, innovative industry; and
- Whereas,** The proposed Adult Use Cannabis Retailer could become a destination retail use thereby increasing local tourism consistent with the Play400, Tourism goal within the POCD; and
- Whereas,** The proposed Adult Use Cannabis Retailer use is generally consistent with the POCD; and

Now therefore Be It

Resolved, The City of Hartford Planning & Zoning Commission hereby **denies/approves** the request for a Special Permit for a proposed Adult Use Cannabis Retailer in the DT-1, Downtown district per Sec.3.3.10.C:

1. The applicant must provide the City a minimum 30-day notice prior to the use opening to the public.
2. The overflow pedestrian queueing plan must be approved by both the City of Hartford Police Department and the Department of Public Works prior to opening.

Be It Further,

Resolved, This 14th day of June, 2022.

Attachment 1 - Applicant Narrative dated April 19, 2022



LAW OFFICE OF
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GREGORY W. PIECUCH, Esq.
greg@gwp-law.com

April 19, 2022

VIA ELECTRONIC SUBMISSION

Hartford Planning and Zoning Commission
c/o Department of Development Services
260 Constitution Plaza, 1st Floor
Hartford, CT 06103

Re: 89 Arch St, Hartford, CT 06103 (the "Property")
Special Permit Application for Approval of Use
Proposed Adult Use Cannabis Retailer in DT-1 Zone designation
Pursuant to Regulation 3.3.10.C.

Dear Honorable Members of the Hartford Planning and Zoning Commission:

This office is land use counsel to Derrick C. Gibbs, Jr. (the "Applicant"), who is the contract purchaser of that certain piece or parcel situated at and known as 89 Arch Street (the "Property").

The Property is located in the Zone Designated as DT-1 and is adjacent to the Arch Street Tavern and previously was occupied by the restaurant known as Bear's Barbecue, later Blind Pig Pizzeria. The Applicant's intended use of the Property is as an Adult Use Cannabis Retailer. Accordingly, pursuant to the Hartford Zoning Regulations 3.3.10.C and the Table of Principal Uses known as Figure 3.2.A, the Applicant is requesting that this Commission grant a Special Use Permit to allow for such use of the Property.

Please note that building has been located on this Property for many years, and the Applicant does not propose any substantive changes to the site or to the exterior of the building. Accordingly, the Applicant is requesting a waiver of any requirement to submit documents typically required for a site plan, such as a survey, elevations, landscape plan stormwater management plans, and the like. Instead, the Applicant hereby submits this narrative letter in support of the Special Use Permit Application which shall address those issues that we believe will be of interest to the Commission.

Therefore, we respectfully request that the Commission accept this application and schedule it for a public hearing. If there are additional items that the Commission would like to be addressed, we would be happy to revise this application and narrative prior to the hearing.

SITE LAYOUT, LANDSCAPING, ARCHITECTURE

As stated above, the Property is located at 89 Arch Street. It is located entirely in the Zone Designated DT-1. The Property is located adjacent to the Arch Street Tavern and across the street from one of the entrances to the Front Street South Garage. The Property was previously occupied by Bear's Barbecue, later Blind Pig Pizzeria. The building has an exterior of brick and is approximately 1,250 Square Feet in area. There is a small brick patio in the front of the building. There are no inland wetlands located on the site.

BUILDING RENOVATIONS

The Applicant intends to clean the Property and to do some flower and shrub plantings to make the Property more presentable. Additionally, the brick patio area will be repaired to replace any broken bricks and to level the patio itself.

The interior of the building will receive substantial upgrades and renovations. This will entail removal of all cooking and restaurant equipment that is still there from the prior occupant. The entire interior floor plan will be reconstructed with 5 additional rooms or areas. There will be an entrance area, a cash out/register area, a staff/employee rest area, the public counter area for customers and a vault room for safes and security equipment. The bathroom that currently exists will remain, but will be remodeled.

PARKING

The majority of parking will be in the Front Street South Garage. This garage is across the street and employees and customers will park in the garage and walk to the Property. At this point, the Applicant intends to provide customer validation for parking in the garage. It is anticipated that the parking demand for the new use will be less than that of a restaurant. It is the Applicant's understanding that sufficient capacity exists in this garage to handle the change in use from a restaurant to an adult use cannabis retailer.

The Property has 2 parking places on site which will be for employees only. Deliveries will be by small van or vehicle which will be parked in the spaces located on site. Emergency vehicles will have access directly from Arch Street.

UTILITIES

The Property is already served with all necessary utilities. The building has existing electricity service from Eversource. There is also existing natural gas service. Likewise, there is sufficient water and sewer service from MDC. We anticipate that water and sewer usage will decline as compared to the existing restaurant use. In terms of HVAC, the Property is served by natural gas-fired heating system and electric-based air conditioning.

OUTSIDE ODORS/VENTILATION

Because the intended use is strictly as a retailer, there will be no outside fumes or odors emanating from the building. All product is prepackaged upon delivery. There will be no on-site use of the product.

EMPLOYEES AND HOURS OF OPERATION

The business will employ 10-15 people. Of these, 2-4 employees will be exclusively assigned to security detail. The anticipated hours of operation will be as follows:

Monday-Saturday:	8:00am-9:30pm
Sunday:	10:00am-5:30pm

OPERATION OF BUSINESS

The Applicant is aware that this business will be one of the first of its kind in the State of Connecticut and, as such, understands that this Commission needs to know how the operation will function. As a preliminary matter, it should be noted that the operation of this retailer is dependent upon the issuance of a license from the Department of Consumer Protection. At all times, operations will be conducted in compliance with that license and all regulations and rules promulgated by DCP.

It should also be noted that all product will at all times, up until the point of sale, be stored in a locked cabinet or locked vault which will be constructed in accordance with State mandates. Product will not be "on display" for customers as one might see in other types of retail stores. Only designated employees will have access to the locked areas.

There will be 2 different classes of customers. First, certain customers will order product on the web site. When they are notified that their purchase is ready for pick up, they will come to the store. Upon arrival, customers will be greeted by a security employee who will check the customer's identification and verify that they may enter, all in accordance with State regulations. The website customer will then be escorted to the pick-up counter where the customer will pay for the product. An employee will then go to the locked cabinet and retrieve the product for the customer.

The second type of customer will be the walk-in customer. This customer will be greeted and screened in the same manner as a website customer to ensure that they may enter. After being properly identified and age verified, this customer will be escorted to a different counter, where there will be a pamphlet or binder listing all of the products for sale. One or more employees may be available to speak with the customer to answer questions. This customer will then pick the products for purchase and pay the employee at the counter. The employee will then retrieve the product from the locked area and complete the sale.

TRANSPORTATION

The three transportation modes will be: pedestrian, automobile, and public bus service. The Property is located in the Front Street District and is within a ten-to-fifteen minute walk of most of Downtown Hartford. As such, those who work or live downtown will be able to walk to and from the Property very easily. Customers will also be able to drive to the Property and park in the Front Street South Garage as stated previously. Additionally, customers will be able to take public buses and walk to the Property. Currently there are 4 nearby stops for public buses. They are as follows:

- Arch Street and Front Street
- Main Street and Gold Street at Center Church
- Main Street and Arch Street: and
- Convention Center and Columbus Boulevard

SIGNAGE

The Applicant understands that this Commission must approve any signs before they are constructed on the Property. The Applicant anticipate signage in generally the same amount as the prior use. However, because the Applicant's branding has not been fully finished, signage has not yet been designed. The Applicant will submit a separate Sign Permit Application when the details for signage are completed.

SECURITY

As stated above, all customers will be screened at the entrance for proper identification and to ensure that customers are of proper age before entering the premises. All customers will only be able to go to a designated counter. There will be employees in the facility to assist the customers as well.

At all times, the product will be stored in locked cabinets and/or a vault. The vault will be installed in accordance with State requirements. Additionally, the entire building will have numerous security cameras installed throughout the building, inside and outside. These cameras will be monitored by a third-party professional vendor, including at night when the business is closed. Moreover, during operating hours, there will always at least employees at the Property solely for security reasons.

PAYMENT

Currently, payment may only be made by cash or debit card. All cash received will be stored in a vault until such time as a third-party vendor (armored car service) picks up the cash for delivery to a bank.

REQUESTED FINDINGS

Based upon the foregoing, we respectfully request that the Commission make the following findings as set forth in § 1.3.4(D)(2) of the Regulations; specifically, that the Application and proposed use:

- (a) Is in harmony with the plan of conservation and development;
- (b) Complies with all applicable sections of these regulations pertaining to the district in which the proposal is located;
- (c) Comports with the purposes of the district in which the proposal is located;
- (d) Will not be detrimental to existing development in the district because of its location, bulk, scale, or design;
- (e) Does not create safety hazards in the proposed vehicular and pedestrian circulation pattern;
- (f) Will not seriously degrade traffic levels of service without providing adequate mitigation measures;
- (g) Is compatible with adjacent properties;
- (h) Provides for the suitable arrangement of buildings, open space, and provision of light and air;
- (i) Properly provides for adequate provision of essential services;
- (j) Will not be detrimental to the control of stormwater at its source and the minimization of runoff;
- (k) Does not place excessive demands on city services and infrastructure;
- (l) Provides landscaping, including vegetation and trees, that are appropriate to the district and enhance the public realm;
- (m) Provides pedestrian amenities; and
- (n) Conforms fully with the code.

CONCLUSION

We hope that this narrative fully explains the proposed business operation to this Commission. If there are further areas or items of concern to this Commission, we would be happy to address them.

Thank you for your consideration of this matter. We look forward to presenting this application to the Commission and to answer any and all questions that the Commission may have.

Sincerely yours,



Gregory W. Piecuch
Co: Derrick C. Gibbs, Jr.

Attachment 2 – Applicant Response to Staff Comments dated June 6, 2022



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June 6, 2022

VIA EMAIL: Paul.Ashworth@hartford.gov

Paul Ashworth, Senior Planner
Department of Development Services
260 Constitution Plaza, 1st Floor
Hartford, CT 06103

Re: 89 Arch St, Hartford, CT 06103 (the "Property")
Special Permit Application for Approval of Use
Proposed Adult Use Cannabis Retailer in DT-1 Zone designation
Pursuant to Regulation 3.3.10.C.

Dear Mr. Ashworth:

As you know, this office represents Derrick Gibbs, Jr., ("Applicant") the applicant for the above-referenced special use permit application. We are in receipt of your email correspondence dated May 25, 2022. I have reviewed your comments with the Applicant, and he has supplied the information set forth hereinafter. The numbered response paragraphs correspond to your numbered comments. Please accept this letter as a Supplemental Narrative to be considered together with the narrative set forth in my letter dated April 19, 2022.

1. Since the submission of the original application, the Applicant has had the opportunity to discuss the use of the outdoor patio with DECD. Following those discussions, the Applicant does not intend to use or occupy the outdoor patio area at this time. As such, no renovations to the patio area are anticipated, meaning there will not be any impact on stormwater management.
2. See response to # 1 above.
3. The Applicant will be part of a social equity joint venture. The other party to the joint venture is experienced in operating cannabis dispensaries. Social media and other advertising will discourage "walk-in" sales, but instead will instruct customers to either engage in on-line presale or scheduled consultation appointment. Based upon the JV's experience, coupled with market studies at several cannabis retailers, the Applicant anticipates that 80%-90% of sales are done by pre-sale via the internet or phone or by scheduled appointment, which should mitigate against large queuing outside the retailer. Thus, the Applicant's research indicates that its customers can

be processed very quickly; typically, in about eight minutes on average. The Applicant further anticipates, after studying other retail stores, that 20-30 people per hour will visit the store over the course of the 10-hour retail day, for a total of 200-300 people daily. As noted above, most of these customers would be given specific windows of time within which to arrive so that they are spread out over the course of the day and do not arrive all at the same time. As part of this process, customers will have access to a notification system such as text email or app notification to help facilitate orderly operations and service. Thus, in the first instance, the Applicant expects to manage customer flow through the extensive use of technology.

If, for some reason, there are an unexpectedly high number of customers that arrive together, this will be managed in two phases. First, the internal layout will allow for a line of customers within the building itself. The Applicant anticipates that there will be approximately 1000 SF of queuing space within the building immediately after the security checkpoint. This equates to approximately 20-25 individuals (10 at the counter and 10-15 in line). During typical operations, the Applicant will have two security employees on duty, one of which may be stationed outside the building as conditions warrant. An outside security person would, among other duties, ensure that the flow of customers to the building continues in an orderly fashion. Second, any overflow customers will be directed to a roped queue to be established heading southward on the sidewalk on Columbus Boulevard. See attached marked-up photo. This sidewalk is 9'-4" measured from edge of planting beds to westerly edge and 15'-1" from curb to edge. Applicant will add an additional security employee (for a total of three) during the first 30 days to staff the sidewalk queue. Store staff will be in communication by radio. As customers leave, thereby creating capacity within the store, this information will be radioed to the security personnel staffing the queue, and new customers will be released in small groups from the queue down a few steps to the entry door to proceed inside the building. This system has been designed to avoid lines or loitering on the Arch Street sidewalk. The Applicant does not anticipate that, long term, there will be a need for a roped sidewalk queue.

4. By State regulations, this establishment will have only one sign that will be allowed at the premises. The size and type are directed by the State. There will be no signs in any of the windows. The windows will have film covering them so that people cannot look into the store from the outside. In the near future, the Applicant will file a sign application that will set forth the details for the proposed sign.
5. The original narrative was incorrect. There are not 2 on-site parking places located on the property. There are two loading spaces on the street immediately in front of the building. As such, employees will be parking in the Front Street South garage. We apologize for the confusion.
6. There are currently 10 street parking places on Arch Street, eight on the south side and two on the north. One of the spaces on the south side is marked as a handicap parking place. These spots are available on a first come, first served basis only.

Paul Ashworth
June 6, 2022
Page 3

The Applicant has received correspondence (see attached) from ProPark, the company that manages the Front Street North and South parking garages, as well as the Convention Center garage. ProPark notes that there is "generous capacity" in the garages. The Applicant is advised that there are over 150 parking places in the South garage alone, which the Applicant anticipates being more than enough to handle the customers that visit the store. The North garage and Convention Center garage will also be available, if necessary.

Beginning approximately 30 days prior to opening, the Applicant intends to commence an educational program online, through marketing and a weekly newsletter. This program will inform the public of the hours of operation, the procedures for purchasing product, where to park, directions to the parking garages, how to obtain a parking ticket from the store, and the procedures for visiting the store by appointment to pick up purchased product.

To validate customers, the Applicant will also purchase \$3.00 parking cards that staff will distribute to customers in the store. These cards cover a customer's first hour of parking charges. As noted above, the Applicant has estimated that—in large part due to the substantial use of the pre-order process—the average time a customer stays in a cannabis retail store is eight minutes. Customers who park over one hour will pay parking charges above and beyond the initial \$3.00. Applicant will arrange for monthly employee parking via transponders.

In terms of traffic (and in addition to store security personnel), the Applicant commits to hiring an off-duty Hartford police officer to be on site for at least the first seven days that the business is opened. The officer will be able to, as needed, ensure that the public walkways stay clear for pedestrian traffic and also direct vehicular traffic to the Front Street District parking garages. If after consultation with town staff, pedestrian and traffic conditions warrant continuing police presence, the use of an off-duty police officer may be extended up to a total of the first 30 days of operation.

7. The Applicant has no objection to notifying the City of Hartford prior to the initial opening of the store. This can be a condition of approval. We can discuss the length of prenotification time after your staff has an opportunity to consider.

We hope the foregoing adequately responds to your email. If you have any further questions, please do not hesitate to contact me.

Sincerely yours,



Gregory W. Piccuch

Attachment

Cc: Derrick C. Gibbs, Jr.

Attachment 3 – CRDA Letters of Objection dated June 3, 2022

Paul Ashworth

From: Michael W. Freimuth <mfreimuth@crdact.net>
Sent: Friday, June 3, 2022 11:46 AM
To: Paul Ashworth
Cc: Hartford Planning Division; Anthony Lazzaro
Subject: RE: Front Street/Adriens Landing - 89 Arch St

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please contact the helpdesk at 860-757-9411 if you have any questions.

Paul: as Tony indicated to you, we have concerns regarding the proposed use at 89 Arch St. We will give you more formal comments at the upcoming June 14 hearing.

However, with respect to the use of the 'South Garage' (entrance located on Front St Crossing), we have no agreement with the applicant to use the parking facility. Further, this particular garage was financed and constructed with federal funds, carrying with it restrictions on the use of the facility for any purposes inconsistent with federal law. As such, leasing to a cannabis retailer would be prohibited.

Neither is there any agreement or communication with regard to the 'patio' area located on the abutting property to 89 Arch. This property is state owned and would require specific approvals from other state agencies in addition to CRDA. Again, none exists.

Paul Ashworth

From: Anthony Lazzaro <alazzaro@crdact.net>
Sent: Friday, June 3, 2022 11:08 AM
To: Paul Ashworth
Subject: Adrian's Landing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please contact the helpdesk at 860-757-9411 if you have any questions.

Hello Paul,

I am writing in furtherance of our conversation from last week. As discussed, CRDA will formally oppose the placement of the marijuana dispensary at the Front Street District.

CRDA's statutory mission includes the creation of family oriented entertainment within the Front Street District. To that end, all of the businesses located within Adriaen's Landing have sign reciprocal covenants forbidding the creation of liquor stores, pawn shops, head shops, gun stores, etc. We believe the addition of a marijuana distribution center to the District would be contrary to this goal.

The area businesses, including the master developer of the Front Street District (HB Nitkin) join CRDA is opposing this location.

Additionally, CRDA will not permit it parking garage to be used as identified parking for planning purposes. The garages were built with the funds from revenue bonds and restrict it use from supporting illegal activity at the State or federal level.

Moreover, the State parcel located a next to the proposed site, will not be lease to any entity for this purpose.

I am sorry for the brief E-Mail as I am still on vacation (pardon the typos). CRDA and it's neighbors intend to testify against this permit at the P&Z meeting.

I would be glad to discuss at your convenience.

Best,

Tony

Sent from my iPhone