

Appeal of Jane Dispensary

Conditional Use Permit



4040 Highway 12 (Sonoma Highway)

December 6, 2022

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Planning and Economic Development

Project Site Location



- August 18, 2021 – Application for Conditional Use Permit Submitted
- September 9, 2022 – Notice of Application Mailed Out
- November 22, 2021 – Neighborhood Meeting Held
- September 22, 2022 – Planning Commission Approval of Conditional Use Permit
- October 3, 2022 – Appeal of Planning Commission’s Approval Received by City Staff

Background (Continued)

- **Proposed Use**
- The applicant proposes to operate a cannabis retail facility with delivery service within a 1,997-square-foot tenant space of an existing 4,776-square-foot multi-tenant building.
- The applicant does not propose on-site consumption.
- **Retail Hours**
- The applicant proposes to operate the retail dispensary between the hours of 9:00 a.m. and 9:00 p.m., 7 days a week.

Grounds for Appeal

The Appellant has provided the following Grounds for Appeal:

The Planning Commission did not consider:

- Applicant's past history of hosting consumption in their dispensaries.
- Outstanding code enforcement action pending against the application for violations of a similar project contemplated by the proposed Conditional Use Permit.
- The project's odor control letter from the licensed engineer did not account for on-site consumption as required under the code.
- Project was not reviewed for traffic safety impacts associated with on-site cannabis consumption.
- Neighborhood compatibility of the project was not reviewed for compatibility with on-site cannabis consumption.
- Staff report, presentation, and the applicant's application specifically state no on-site consumption is proposed despite the applicant's history of on-site consumption in stores within Santa Rosa thus denying the neighbors and Planning Commission the proper information to consider the project proposal.

- Conditional Use Permit application, review of City records, including any pending Code Enforcement violations, was performed.
- No on-site consumption is proposed. As such, no operational plan, security protocols or specific extensions of such provision is required of the Applicant.
- The project, as proposed with no on-site consumption, has been found to be compliant with Zoning Code Section 20-46.080 – Cannabis Retail (Dispensary) and Delivery

Staff Response (Continued)

Required findings:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;

Staff Response (Continued)

Required findings, continued:

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

California Environmental Quality Act (CEQA)

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for:

- Class 1 Categorical Exemption under CEQA Guidelines Section 15301
- Class 3 Categorical Exemption under CEQA Guidelines Section 15303
- Class 32 Categorical Exemption under CEQA Guidelines Section 15332 (In-fill Development Projects)

Recommendation

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution:

- Deny the Appeal of Peter M. Spoerl and uphold the Planning Commission's decision to approve a Conditional Use Permit for Jane Dispensary, a Cannabis Retail Facility with Delivery occupying a 1,997-square-foot space within an existing 4,776-square-foot multi-tenant commercial building, located at 4040 Highway 12 (Sonoma Highway).

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