

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
OCTOBER 13, 2022

PROJECT TITLE

SO CO Grow, LLC Microbusiness

APPLICANT

Elora Babbini, Wayfinder LLC

ADDRESS/LOCATION

1626 Piner Rd

PROPERTY OWNER

Asa Shaeffer, SO CO Grow, LLC

ASSESSOR'S PARCEL NUMBER

015-053-051

FILE NUMBERS

CUP21-098

APPLICATION DATE

December 15, 2021

APPLICATION COMPLETION DATE

September 1, 2022

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

N/A

PROJECT SITE ZONING

IL – Light Industrial

GENERAL PLAN DESIGNATION

Light Industry

PROJECT PLANNER

Christian Candelaria

RECOMMENDATION

Approval

For Planning Commission Meeting of: October 13, 2022

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION

FROM: CHRISTIAN CANDELARIA, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: SO CO GROW, LLC MICROBUSINESS

AGENDA ACTION: APPROVE RESOLUTION

RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolution, approve a Major Conditional Use Permit to allow 1,140 square-feet of Commercial Cannabis Cultivation, 928 square-feet of Cannabis Distribution, 567 square-feet of Cannabis Manufacturing Level 1 (non-volatile), and 710 square-feet of Cannabis Retail Dispensary located at 1626 Piner Road, APN: 015-053-051

BACKGROUND

1. Project Description

The project requests approval of a Major Conditional Use Permit to allow the operation of SO CO Grow, LLC, a proposed 4,130 square-foot Microbusiness in an existing industrial building consisting of Commercial Cannabis Cultivation (1,293 square-feet), Cannabis Distribution (1,289 square-feet), Cannabis Manufacturing – level 1 non-volatile (463 square-feet), and Cannabis Retail Dispensary (567 square-feet) as required as required by Zoning Code [Section 20-24.030 Industrial district land uses and permit requirements](#).

The SO CO Grow, LLC project is Microbusiness with Cannabis Manufacturing non-volatile, Commercial Cannabis Cultivation, Cannabis Distribution, and Cannabis Retail Dispensary with a Storefront.

The project will include the following hours of operation:

- Cultivation will be twenty-four hours a day, seven days a week.
- Distribution will be Monday to Friday, 9:00 AM to 7:00 PM.
- Manufacturing will be Monday to Friday be 9:00 AM to 7:00 PM seven days a week.
- Retail with Dispensary will be Sunday to Thursday, 11:00 AM to 7:00 PM, and Friday & Saturday, 11:00 AM to 9:00 PM.

The Retail Dispensary use follows Zoning Code Section 20-46.080(F)(4) which limits hours of operation between 9:00 am to 9:00 pm, up to seven days per week. Other Cannabis uses are not required to follow specific hours of operation.

The proposed floor plan indicates the specific square footage for each use:

- 1,293 square-feet of Commercial Cannabis Cultivation
- 1,289 square-feet of Cannabis Distribution
- 463 square-feet of Cannabis Manufacturing Level 1 (non-volatile)
- 567 square-feet of Cannabis Retail Dispensary

Surrounding Land Uses

North: Retail and Business Services (CG), Light Industry (IL)

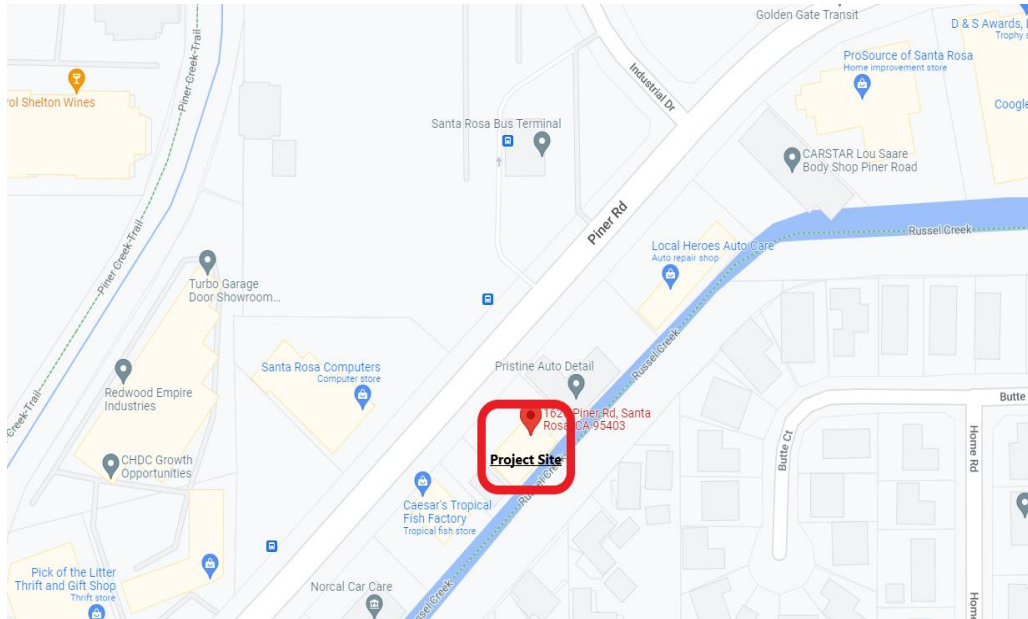
South: Medium Residential (PD)

East: Light Industry (IL), Low Residential (R-1-6)

West: Light Industry (IL)

The proposed site was developed in 1980 with an industrial building and the previous uses within the building were Medical Cannabis Manufacturing and Display Hardware Wholesale, Distribution, and Warehousing. The project is in an area zoned as and primarily used for light industrial uses such as Auto Detailing, Auto Repair, and Transit Stations. The residential uses to the South and East are separated off by 65-foot wide fenced and vegetated buffer provided by Russel Creek.

Image 1: Area Land Uses



Source: Google Maps, July 2022

2. Existing Land Use – Project Site

The project site is located on Piner Road in the northwest quadrant of Santa Rosa, just south of Industrial Road. It is located adjacent to Russel Creek to the North and East of Piner Creek. The project site was previously used as a Medical Cannabis Manufacturing facility, as is allowable in the Light Industry (IL) Land Use designation.

The project site is located within a Light Industrial (IL) Zoning District and is surrounded by IL – Light Industrial zoned properties supporting various manufacturing, processing, wholesale, retail, or general services uses. The IL zone, which is consistent with the General Industry General Plan land use designation, is applied to areas appropriate for light industrial uses, as well as commercial service uses and activities that may be incompatible with residential, retail, and/or office uses.

Zoning Code Section 20-24.020(B) describes the purposes of the Light Industrial zoning district and the manner in which the district is applied as follows:

“The IL zoning district is applied to areas appropriate for some light industrial uses, as well as commercial service uses and activities that may be incompatible with residential, retail, and/or office uses. Residential uses may also be

accommodated as part of work/live projects. The IL zoning district is consistent with the Light Industry land use classification of the General Plan.”

Image 2: Existing Developed Site



Source: City of Santa Rosa, GIS Aerial Data, March 2020

3. Project History

December 15, 2022	SO CO Grow, LLC Microbusiness application submitted
January 31, 2022	Neighborhood meeting notice sent and posted.
February 9, 2022	Neighborhood meeting held; there was no attendance from members of the public.
September 1, 2022	Application was deemed complete.
October 3, 2022	Planning Commission public hearing noticing distributed.

ANALYSIS

1. Santa Rosa General Plan 2035

The site is designated Light Industrial on the General Plan Land Use Diagram. This classification is intended to accommodate, among other uses, auto repair, warehousing, manufacturing/assembly, home improvement and landscape material retail, research oriented industrial, and services with large space needs, such as health clubs. (General Plan p. 2-12)

The following General Plan goals and policies are applicable to the Project:

LAND USE AND LIVABILITY

LUL-I-1 Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele.

ECONOMIC VITALITY

EV-A-1 Continue to promote Santa Rosa as the North Bay’s premier location for technology, clean/green technologies, and entrepreneurial businesses, which create new products and business models that will attract national and international markets.

EV-A-5 Maintain diversity in the types of jobs available in Santa Rosa to lessen the impact of economic cycles.

EV-D Maintain the economic vitality of the downtown, Neighborhood Commercials, offices and industrial areas.

The Zoning Code specifically identifies the General Industry District as a district appropriate for cannabis cultivation, distribution, manufacturing, and retail (dispensary). Although cannabis uses are not explicitly addressed in the General Plan, the Light Industrial zoning district is intended for manufacturing, cultivation, distribution and retail uses with operational patterns similar to the operational patterns (i.e. traffic, parking, hours of operation) of the proposed Project.

Staff has determined that Cannabis Cultivation use is consistent with the General Plan goals and policies of the Light Industry land use designation. Specifically, the proposed use would assist in maintaining the economic viability of the area; broaden the available positions for both full and part time employment within the City; and provide a viable commercial service, while ensuring compatibility with the surrounding neighborhoods through proposed operational and security measures.

2. Zoning

The project site is located within a Light Industrial (IL) Zoning District and is surrounded by IL. Cannabis cultivation is an allowed use in the IL zoning district subject to discretionary approval of a Conditional Use permit. Zoning Code Chapter 20-46 provides operational requirements for commercial cannabis facilities. The applicant’s building improvement plans, and operational plans are in compliance with standards relating to requirements of the Zoning Code including security, lighting, odor control and noise. These requirements are summarized below.

Section 20-46.050 General operating requirements (Cannabis)

Dual licensing

The applicant is required to demonstrate local authorization prior to obtaining a State Cannabis Operator license. Approval of this application for a Conditional Use Permit to operate Cannabis Cultivation greater than 5,000 square-feet is a necessary step in order to comply with the dual licensing requirement. The application reflects a thorough understanding of required compliance with local and state regulations.

Minors

The project site is an Adult Use Cannabis Business and can only allow a person who is 21 years of age or older and who possess a valid government-issued photo identification card. Applicant is not a Medical Cannabis Business and therefore cannot allow a person under 21 years of age.

Inventory and tracking.

The applicant has provided policies and procedures for the inventory and tracking of Cannabis and Cannabis products, as well as maintenance of associated records. Planned security procedures and access protocols will additionally help to prevent diversion of Cannabis and Cannabis products.

Multiple permits per site.

The applicant has indicated that it will pursue licensure as a Cannabis operator in compliance with State law.

Building and fire permits.

The project application has been reviewed by the Building Division and the Fire Department, and has been conditioned as necessary. The applicant demonstrates a clear understanding of what is required to comply with Building and Fire requirements, including to provide access with a Fire Department lock box for keys to gates and doors, and has indicated that it will comply with all Building and Fire code regulations.

Odor Control

Zoning Code [Section 20-46.050\(H\)](#) requires cannabis businesses to “*incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside of the structure in which the Business operates.*” The applicant has provided a certified Odor Mitigation Plan prepared by Matthew

Torre from 15000 Inc., received by the City on March 7, 2022. The Odor Mitigation Plan has been certified by a licensed professional mechanical engineer and includes General Procedures, Active Measures, Methods for Assessing Impact of Odor, and Staff Training. The Odor Mitigation Plan includes the combination of activated carbon air filtration and building pressure control.

Lighting

As a part of the project, the applicant proposes to comply with the requirements of Zoning Code Sections 20-30.080 and 20-46.80. The applicant has indicated interior lighting will be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure. Applicant has also indicated that the exterior lighting has been strategically placed on-site to emphasize and highlight entry points and other areas of interest. The light will be cast downward to avoid spilling over onto other properties or the night sky. Lighting will be activated by motion detection and serves as a deterrent to unlawful activities.

Noise

Other than delivery vehicles, all operations are proposed within the fully enclosed building located on the site. Interior operations are not anticipated to generate excessive noise. Mechanical equipment will be required to comply with the Noise Ordinance, City Code Chapter 17-16.

Security Plan

Zoning Code Section 20-46.050(G) requires cannabis businesses to provide adequate security to ensure the public safety, and safety of persons in the facility to protect the business premises from theft. Cannabis business applications are required to provide a security plan that includes lighting and alarms, secure storage and waste, procedures for the safe transportation of products and currency, controlled building access and emergency access. A detailed Security Plan and additional information on the Project Narrative, both received by the City on March 7, 2022, which includes the following key features:

- Security cameras – Motion-sensor surveillance cameras will be provided around and inside the existing building, providing 24-hour surveillance on-site and by remote access. Recordings will be maintained for a minimum of 60 days.
- Alarm system – The alarm system will be installed in all potential intrusion designated spaces and provide 24-hour monitoring.
- Secure storage – All waste will be disposed of in locked containers not accessible to the public. Waste will be disposed of regularly with a licensed facility.

- Transportation – An enclosed area with a roll-up door equipped with a Building Code compliant commercial-grade will be used to transport vehicles and on-site personnel will assist with deliveries and shipments.

Parking

Per Zoning Code Section 20-36.040 Table 3.4, the minimum number of required parking spaces for the proposed use is 4 spaces (1 space per 1000sf), and the project site provides 8 parking spaces including one ADA space. The project site has a sufficient number of parking spaces for the proposed use.

Microbusiness

The applicant is required to comply with all regulations governing operation of Cannabis Cultivation, Manufacturing, Distribution, and Dispensary facilities contained in Sections [20-46.060](#), [20-46.070](#), and [20-46.080](#), including the requirement to obtain all required permits from local, County, and State agencies.

Cultivation

All cultivation processes will be conducted indoors, as outdoor commercial cultivation is prohibited per Zoning Code Section 20-46.060(A). The applicant has stated that there will be no pesticides used and therefore the cultivation use is not subject to the standards listed in Section 20-46.060(D) for pesticides.

Manufacturing & Distribution

The applicant proposes level 1 non-volatile processing for Cannabis Manufacturing. The State of California Health & Safety Code defines non-volatile processing as solvents for chemicals that do not produce a flammable gas or vapor such as ethanol, carbon dioxide and more. Per Zoning Code Section 20-46.070(A) the City of Santa Rosa requires that Cannabis Manufacturers utilize only extraction processes that are type-1 non-volatile to be solvent-free or employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act.

The applicant will not be using a closed loop system and a closed loop system is not required for level 1 non-volatile Cannabis; therefore the applicant will not be subject to Zoning Code Section 20-46.070(B). Per 20-46.070(D); the City also requires that a licensed professional engineer annually recertify the extraction equipment. The applicant will comply with inspection and certification requirements by state agencies, as well as the City's Building and Fire Departments. Also, as required for state licensing, the applicant will prepare and implement standard operating procedures for all manufacturing processes and use of all equipment. All equipment will be grounded to prevent sparks and to

stabilize the machines.

The applicant proposed that no edibles will be manufactured but they will be sold. In this case, the applicant will still be required to follow standards for Food Handler Certification and Edible Product Manufacturing. Applicant must adhere to Zoning Code Section 20-46.070(E) which states all owners, employees, volunteers, or other individuals that participate in the production of edible Cannabis Products must be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual must be on record at the Cannabis Manufacturer's facility where that individual participates in the production of edible Medical Cannabis Products.

The applicant must adhere to Zoning Code Section 20-46.070(F) which states that Cannabis Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 et seq., and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices, and delineate acceptable levels of sanitation for preparation of edible products.

Delivery & Dispensary

Zoning Code Section 20-46.080 regulates Cannabis Delivery and Dispensary uses and allows an applicant to conduct commercial deliveries to adult-use patients at locations outside a permitted Cannabis Retail facility only if permitted in conjunction with a permitted Cannabis Retail facility that has a physical location and a retail storefront open to the public. Cannabis Retail will also include delivery of Cannabis and Cannabis Products to clients located outside the Cannabis Retail facility and edibles will be sold but are not manufactured.

The applicant must adhere to Zoning Code Section 20-46-080(E) which states Cannabis Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with [Health and Safety Code](#) Section 13700 et seq., and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices, and delineate acceptable levels of sanitation for preparation of edible products. The applicant will not be providing on-site consumption and therefore does not adhere to on-site consumption standards in Zoning Code Section 20-46.080(G).

W-Trans of Santa Rosa conducted the Traffic Impact Study (TIS) for the proposed Conditional Use Permit, which indicates that both the retail and

employee components of the proposed project would be expected to have less-than-significant transportation impacts on vehicle miles traveled (VMT). Existing sight lines are adequate to accommodate all turns into and out of the project driveways. The proposed project would have a less-than-significant impact on emergency response times. Site access for emergency vehicles would be adequate to meet City standards. The proposed parking supply is adequate to meet the City requirements. The proposed project would be expected to generate an average of 118 trips per day, including four a.m. peak hour trips and 26 p.m. peak hour trips. Existing pedestrian and transit facilities are adequate to serve the project site. Bicycle facilities are adequate and would be improved upon the construction of planned bicycle projects in the area. Adequate short-term bike parking is proposed, but one long-term space needs to be added.

The site exceeds the minimum 600-foot separation from schools and Cannabis overconcentration and there is a visible unobstructed storefront entrance accessible from the public right-of-way required under both State of California and Zoning Code Section 20-46.080(D).

Image 2: Cannabis Retail Applications Status Map



Source: City of Santa Rosa, *Cannabis Retail Applications Status Map as of August 29, 2022*

3. Neighborhood Comments

Staff has not received any comments from the public regarding the proposed Conditional Use Permit.

4. Design Guidelines

No major site or exterior building alterations are proposed. Construction would be limited to interior reconfiguration and would include the construction of interior walls, lighting, HVAC equipment and ADA improvements. All work would be subject to City building permit requirements and meet current codes. Because the building is intended to be repurposed, construction activities and equipment would be limited, would not involve grading or utility installation, and would not result in additional traffic to the project area. Any required minor alterations would receive Director-level Design Review at the time of building permit submittal.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

The Planning Commission must make the following findings as required in Zoning Code Section 20-52.050 to grant the Conditional Use Permit.

A. 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.

Staff Response: The proposed cannabis uses are allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code, in that the proposed Cannabis Microbusiness use will be located within the Light Industrial (IL) zoning district, where it is an allowed use, subject to Planning Commission approval of a Conditional Use Permit;

B. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response: The proposed Cannabis Microbusiness uses are consistent with the General Plan and any applicable specific plan, in that the use proposed at this location implements the General Plan vision by accomplishing a variety of Land Use and Economic Development goals by ensuring that industrial uses contributing to economic vitality goals are located in appropriate areas and residential neighborhoods are protected.

C. 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: The proposed commercial cannabis uses are allowed under Zoning Code Section 20-24.030 - Table 2-10, with approval of a Conditional Use Permit. The Project is located on a site zoned Light Industrial (IL). As such, the site is suitable for the use as proposed and the hours of operation are within those permitted in [Section 20-46.080\(F\)\(4\)](#). Also, the project complies with the general operating requirements for cannabis businesses and the operating requirements specific to cannabis uses. The project site is located on an area of Piner Road, which is predominantly developed with industrial uses.

D. The site is physically suitable for the type, density, and intensity of use

being proposed, including access, utilities, and the absence of physical constraints.

Staff Response: The proposed use will be located within a proposed existing 4,130 square-foot industrial building. Site design provides vehicular access and on-site parking. The project plans demonstrate compliance with all operational standards as specified in [Chapter 20-46 - Cannabis](#). The building and site would be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, gas and electric services.

E. 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.

Staff Response: The proposed project will be consistent with existing developments along Piner Road, which supports a variety of industrial and commercial uses. The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors to a level undetectable outside the building.

As required in [Section 20-46.050\(G\)](#), the applicant has provided a Security Plan, and per the Security plan, security staff will be properly trained and present on site during hours of operation. The applicant will engage with a professional licensed security company to design and maintain surveillance and access control system. The professional security company will monitor surveillance and maintain alarm operations.

The site exceeds the minimum 600-foot separation from schools and Cannabis overconcentration required under both State of California and the City of Santa Rosa regulations.

Per [Section 20-46.050\(E\)](#), the project is subject to Building and Fire permits. Additionally, an annual Fire Department Operational Permit is required, and the project must meet Health and Safety Code requirements.

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

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

- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the

project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).

- Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will require only minor exterior modifications to the structure/site.
- Class 32 Categorical Exemption under CEQA Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:
 - The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
 - The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
 - The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species.
 - The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Based on the project description the trips generated by this project are negligible and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed project will occupy an existing building and all the work will take place inside of the building and mechanical equipment will be required to meet the City noise ordinance. Based on the certified Odor Control Plan the project will not emit any cannabis related odors. Any wastewater will be treated by the City Sewer Treatment facility; and
 - The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.
- The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio

amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

There are no unresolved issues.

ATTACHMENTS

Attachment 1: Disclosure Form

Attachment 2: Location Map

Attachment 3: Project Plans, dated “received” by the City September 1, 2022

Attachment 4: Odor Control Plan, dated “received” by the City March 7, 2022

Attachment 5: Security Plan, dated “received” by the City March 7, 2022

Attachment 6: Transportation Impact Study, dated “received” by the City September 1, 2022

Attachment 7: Project Narrative, dated “received” by the City March 7, 2022

Resolution

Exhibit A

CONTACT

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