

RESOLUTION NO. ZA-2022-031

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING MINOR LANDMARK ALTERATION PERMIT FOR GREEN PEN DISPENSARY SITE IMPROVEMENTS FOR THE PROPERTY LOCATED AT 349 AND 353 COLLEGE AVENUE SANTA ROSA, APN: 180-750-048 & 180-750-046, FILE NO. LMA21-021

WHEREAS, the Santa Rosa Zoning Administrator has completed a review of your Minor Landmark Alteration Permit (LMA) application to allow the improvements of the parking lot, construction of a six-foot-tall fence on the north and east side, a new trash enclosure, and relocation of an existing cement landscape planter; and

WHEREAS, the Minor Landmark Alteration Permit approval to allow the proposed project is based on the project description and official approved exhibit date stamp received May 3, 2022; and

WHEREAS, on July 22, 2021, the Planning Commission approved the Conditional Use Permit for the Green Pen Cannabis Dispensary with the following conditions associated to this LMA;

- A reservation of access easement for the proposed circulation shall be recorded prior to issuance of building permits.
- The Project shall provide 12 covered bicycle parking spaces as proposed in the Project Description.
- Two (2) parking spaces on the parcel at 349 College Ave. shall be designated and signed as reserved for the existing office use. These reservations of parking spaces may specify a timeframe for which parking is reserved so that the spaces can be used by customers visiting 353 College Ave. outside of reserved hours.
- Obtain a Minor Landmark Alteration Permit for removal of the planter strip and new parking area on the property located at 349 College Avenue, to accommodate the proposed onsite circulation.
- As requested by the Ridgway Historic Preservation District Neighborhood Association, the Project shall repaint the building located at 353 College Avenue a neutral color.

WHEREAS, the matter has been properly noticed as required by Section 20-58.020.D.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-58.060.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The proposed exterior changes are consistent with applicable zoning standards except as directed by Zoning Code Section 20-12.020 in that the site improvements and the fence are for an existing commercial site that are allowed in the CG-H (General Commercial - Historic) zoning district; and

2. The proposed exterior changes implement the General Plan in that the fencing and the parking improvements are for an existing use, and they are allowed with approval of a Minor Landmark Alteration Permit; and
3. The proposed exterior changes are consistent with the original architectural style and details of the building in that the project is not proposing any modification to existing buildings on both sites. The changes are to the parking lots, and to accessory structures that are not attached to the main buildings; and
4. The proposed exterior changes are compatible with any adjacent or nearby landmark structures or preservation district structures that have been identified as contributors to the respective district in that the fence in the rear would replace the existing fences, and it would be similar to other wood fences in the district. The Concrete planter area would be relocated to the back of the property and used for the same purpose. Furthermore, the parking improvement would allow for a better vehicle circulation on two sites and provide the required parking spaces for the approved cannabis dispensary use; and
5. The proposed exterior changes are consistent and/or compatible with the textures, materials, fenestration, decorative features and details of the time period of the building's construction in that the fence and the planter are accessory structures similar to other structures within the historic neighborhood, and the improvements to the parking lot would improve the circulation and pedestrian access. The changes would not make any exterior changes to the existing buildings on the sites; and
6. The proposed exterior changes will not destroy or adversely affect important architectural features in that the project is not proposing any changes to existing buildings on both sites; and
7. The proposed exterior changes are consistent with applicable Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (2017 Revision) in that the fence addition and the trash enclosure do not remove any architectural features. Additionally, the project proposes to preserve the existing concrete block planter by replacing it from the front of the property to the rear of the property; and
8. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under Section 15301 in that the project involves minor alteration to existing facilities that involves no expansion of the existing use. Also, the project qualifies for Class 11 under Section 15311 in that the project consists of the construction of minor accessory structures and a small parking lot.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

Conditions of Approval

1. Obtain a Building Permit for the proposed project.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Compliance with all conditions as specified by the attached Exhibit "A" dated May 9, 2022.
5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
6. All exterior lighting shall comply with Zoning Code Section 20-30.080.
7. The applicant shall record a joint access agreement running with the land guaranteeing the continued availability of the shared access between the properties (349 College Ave and 353 College Ave) and shall be recorded by the owner of the abutting property. The copy of the recorded agreement shall be included with the Building Permit.

This Minor Landmark Alteration Permit is hereby approved on June 2, 2022. If conditions have not been met or if work has not commenced within 24 months from the approval date, this approval shall automatically expire and be invalid unless an application for extension is filed prior to expiration. This approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
AMY NICHOLSON, ZONING ADMINISTRATOR

Attachment: Engineering Exhibit A dated May 6, 2022