

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION

MARCH 24, 2022

PROJECT TITLE

Flora Terra

APPLICANT

Dave & Alicia Wingard

ADDRESS/LOCATION

1226 4th Street

PROPERTY OWNER

Dino D'Argenzio

ASSESSOR'S PARCEL NUMBER

009-112-028

FILE NUMBER

CUP21-061

APPLICATION DATE

July 6, 2021

APPLICATION COMPLETION DATE

January 31, 2022

REQUESTED ENTITLEMENTS

Conditional Use Permit

FURTHER ACTIONS REQUIRED

N/A

PROJECT SITE ZONING

General Commercial (CG)

GENERAL PLAN DESIGNATION

Retail & Business Services

PROJECT PLANNER

Susie Murray

RECOMMENDATION

Approval

Agenda Item #8.3
For Planning Commission Meeting of March 24, 2022

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION
FROM: SUSIE MURRAY, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: FLORA TERRA

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve a Conditional Use Permit for Flora Terra, a Cannabis Retail facility providing both medical and adult use products, at 1226 4th Street, Santa Rosa.

PROJECT DESCRIPTION

Flora Terra (Project) is a proposal to operate an approximately 1,140-square foot Cannabis Retail facility (dispensary), providing both medical and adult use products, from an existing commercial building. No onsite consumption area is proposed. The Project site is in Santa Rosa's northwest quadrant, at 1226 4th Street. The Planning Commission is being asked to act on a Conditional Use Permit (CUP), the only required entitlement.

Image 1: View looking south from 4th Street



Source: Google Maps

BACKGROUND

Flora Terra has been reviewed in compliance with Zoning Code [Chapter 20-46](#), which allows and regulates commercial Cannabis land uses in the City of Santa Rosa.

1. Surrounding General Plan Designations, Zoning Districts and Current Uses

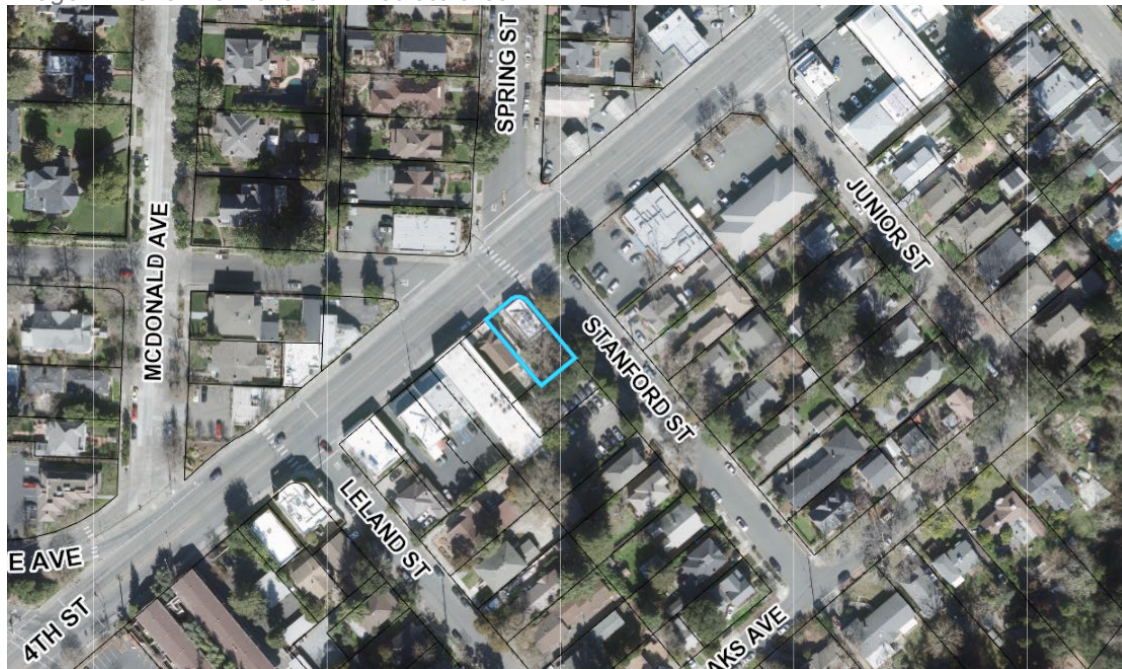
Northwest: Office and Low Density Residential; Planned Development (PD) consistent with the General Plan; currently occupied with office and commercial uses across 4th Street, which border the McDonald Preservation District, which is predominantly developed with residential uses.

Southwest: Retail & Business Services; General Commercial (CG) zoning district consistent with the General Plan; currently occupied with office and commercial uses.

Northeast: Office, Retail & Business Services and Low Density Residential; PD and CG zoning consistent with the General Plan; currently occupied with office, commercial and residential uses.

Southeast: Retail & Business Services and Low Density Residential; CG and R-2 (Residential) zoning consistent with the General Plan; currently occupied with a commercial parking lot and residential uses.

Image 2: Aerial view of the immediate area



Source: The City's Geographic Information System (GIS)

2. Existing Land Use – Project Site

The site is currently developed with a vacant commercial building, most recently operating as a restaurant.

3. Project History

On July 6, 2021, the Project application was submitted to Planning and Economic Development requesting the approval of a Conditional Use Permit for a Cannabis Retail facility. The application was deemed complete on January 31, 2022.

On August 16, 2021, a Neighborhood Meeting (NM) was held to introduce the Project to neighbors. The comments received during the NM are discussed in the Public Comments section of this report.

On November 5, 2021, a Notice of Application was mailed to property owners and occupants of properties within 600 feet.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The subject site is located in an area designated as Retail and Business Services on the [General Plan Land Use Diagram](#), which is intended for a mix of retail and service enterprises, offices and restaurants. The project implements several goals and policies throughout the [General Plan](#), examples of which are shown below:

Land Use and Livability

LUL-E Ensure that everyday shopping, park and recreation facilities, and schools are within easy walking distance of most residents.

LUL-J-1 Maintain an adequate supply of employment centers in a variety of locations and settings to ensure the city's continued economic vitality.

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

EV-B Facilitate the retention and expansion of existing businesses and provide sufficient land for business expansion and attraction of new

employers that utilize the area's existing labor pool.

EV-D-5 Preserve and enhance structures that contribute to the unique character of downtown and add to the downtown pedestrian retail attraction.

2. Other Applicable Plans

Not applicable.

3. Zoning Code

The Project site is within the CG zoning district, which is consistent with the General Plan land use designation. The Cannabis Retail use is permitted through the approval of a Conditional Use Permit pursuant to Zoning Code Table 2-6 (allowable uses). Staff's analysis has concluded that, as conditioned, the proposed dispensary is consistent with the Zoning Code.

The following Zoning Code sections are applicable to the Project:

[Chapter 20-46](#) provides regulations for all cannabis-related uses. Section 20-46.050 provides general operating requirements. As conditioned, the proposed dispensary shall remain in compliance with these regulations at all times, including maintaining a security system with surveillance videos in compliance with State and local regulations and containing cannabis odors within the building.

The application materials, attached, have been found in compliance with Zoning Code Section 20-46.080, which provides regulations specific to dispensaries. This section addresses:

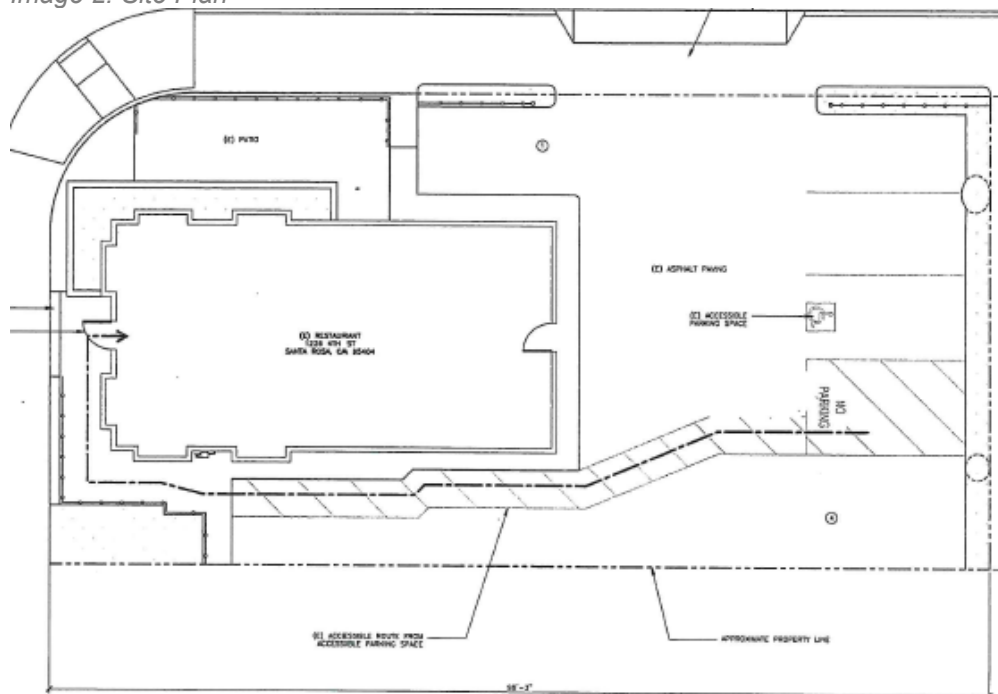
- Hours of Operation: 9:00 a.m. to 9:00 p.m. seven days per week.
- Delivery service: No delivery service will be offered from this location.
- The site is not within an area of overconcentration (within 600 feet of another dispensary).
- The site is not within 600 feet of a school; the nearest school, Santa Rosa Middle School, is located more than 1,500 feet away as the crow flies.
- Security will be done in compliance with both City and State regulations and will include onsite security personnel, 24-hour surveillance cameras, robbery alarm system, card-based system to control access, secure storage for all cannabis products and waste, commercial grade window and door locks, security shutters and emergency access in compliance

with the Fire Code.

- There is no onsite consumption proposed.
- An Odor Mitigation Plan, prepared by Jason Vander Veen, Mechanical Engineer, dated July 2, 2021, concluded that the installation of a charcoal filtration system “will ensure that there will be no cannabis odors detectable outside the facility, avoiding any impact on neighbors.”
- A Traffic Impact Study, prepared by W-Trans, dated January 27, 2022, attached, concluded: that “The proposed project would be expected to generate 13 more daily trips on average compared to the prior restaurant use, including one more trip during the a.m. peak hour and 16 more trips during the p.m. peak hour. “

Zoning Code [Chapter 20-36](#) provides parking requirements. Cannabis Retail facilities are required to provide one space for every 250 square feet, as are most commercial office uses, which in this case would be five spaces. The project provides four onsite spaces with additional street parking available and meets the requirements of the Americans with Disabilities Act (ADA). Pursuant to Zoning Code Section 20-36.040, when a building’s use changes to a new use without enlarging the space in which the use is located, there shall be no additional parking required for the new use.

Image 2: Site Plan



Source: Applicant

Pursuant to [Section 20-52.050](#), the Planning Commission must make the six findings, which are shown below prior to approving a CUP:

- 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.
- The proposed use is consistent with the General Plan and any applicable specific plan.
- The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
- 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.
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

As documented in the attached draft resolution, staff finds that the project complies with each of the above noted findings.

4. Design Guidelines

There are no exterior changes proposed to the existing structure.

5. Neighborhood Comments

A well-attended Neighborhood Meeting was held on August 16, 2021. Since then, staff has received several emails, attached. The following concerns were raised and have been addressed in the Zoning and Environmental sections of this report:

- Will there be cannabis odors outside the dispensary?

Staff Response: As discussed in the Zoning Section of this report, a carbon filtration system will be installed. This is the industry standard to ensure cannabis odors are contained inside the building.

- Will traffic increase in nearby neighborhoods including access from neighborhood streets to arterial streets?

Staff Response: As discussed in the Zoning Section of this of this report, traffic impacts are not anticipated to be significant. As compared to the previous restaurant use, one additional a.m. peak hour trip and 16 additional p.m. peak hour trips would be attributed to the proposed use.

- There are too many dispensaries, is this allowed?

Staff Response: Zoning Code Section 20-46.080 prohibits Cannabis Retail uses from being within 600 feet of one and other. Staff's review has concluded that no other dispensaries are located within 600 feet of the Project site.

- How will this effect students attending nearby schools?

Staff Response: Cannabis facilities are not allowed within 600 feet of a school. The nearest school is over 1,500 feet away.

- What about customers that exhibit bad behavior and potential impacts on nearby parks?

Staff Response: The applicant operates another cannabis dispensary within City limits. On a rare occasion, the applicant has had to call the police and has banned customers from the store. Nearby parks are currently occupied by unhoused people, which City staff are currently addressing. This is not a result of the proposed dispensary.

- Will changes to the building be compatible with the neighborhood?

Staff Response: There are no exterior changes proposed to the building.

- Will the hours of operation impact nearby residential uses?

Staff Response: The proposed operating hours are from 9:00 a.m. to 9:00 p.m. seven days a week, which is consistent with the Zoning Code. This is a boutique cannabis store located on an arterial street where retail uses are encouraged. As such, the hours of operation were not limited.

- How will this effect nearby residential neighborhoods?

Staff Response: The project site is bordered by both commercial and residential uses. As demonstrated on the General Plan Land Use Diagram,

this section of the 4th Street corridor is intended for a mix of commercial and office uses, where residents are within walking distance of everyday needs. As mentioned above, the applicant is a seasoned cannabis operator. The project security plan exceeds requirements, and the applicant has demonstrated in their existing business that they will call the police when necessary.

- Will there be guns kept onsite?

Staff Response: No, the applicant has stated that no guns will be kept onsite.

- Will additional security be provided for the surrounding neighborhood?

Staff Response: No, site security will be provided as outlined in the applicants Safety & Security Plan (attached).

Public Improvements/On-Site Improvements

A comprehensive list of improvements is provided on Engineering Development Services Exhibit A, prepared by Cleve Gurney, dated October 22, 2021, and is attached to the draft resolution for the Project.

FISCAL IMPACT

Approval of the Project will not have an effect on the General Fund.

ENVIRONMENTAL IMPACT

The Project has been found in compliance with the California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15301, the Project is categorically exempt because it involves only minor modifications to an existing structure.

Pursuant to CEQA Guidelines Section 15303, the Project is categorically exempt because it involves the conversion of an existing structure from one use to a another where only minor modifications to the structure will be made.

Pursuant to CEQA Guidelines Section 15332, the Project is categorically exempt as infill development.

- The use is consistent with the General Plan land use designation of Retail and Business Services and the zoning designation of General Commercial.
- The property is less than five acres and is within Santa Rosa City limits.

- The site is completely developed with no potential habitat for endangered, rare or threatened species.
- The site is currently served by all utilities and services.
- Re-tenanting the space will not result in any significant effects pertaining to noise, air quality, or water quality.
- A traffic analysis conducted by W-Trans, dated January 22, 2022, concluded that the proposed project would be expected to generate 13 more daily trips on average compared to the prior restaurant use, including one more trip during the a.m. peak hour and 16 more trips during the p.m. peak hour. Since the project would result in fewer than 250 new daily trips and fewer than 50 new peak hour trips, an operational analysis is not required under the City's TIS Guidelines.

Pursuant to section 15183, the Project qualifies for streamlined review because it is consistent with the General Plan for which an Environmental Impact Report (EIR) was certified by Council in 2009. In December 2017, Council enacted comprehensive regulations for cannabis. Analysis concluded that cannabis-related uses were similar in terms of environmental impacts to other allowable uses in the General Industrial zoning district.

No further environmental review is necessary for the Project as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

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).

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

A Notice of Neighborhood Meeting was mailed in October 2019.

Pursuant to Zoning Code [Section 20-50.050](#), a Notice of Application shall be mailed to property owners and occupants of properties located within 600 feet from the Project site within 45 days of application submittal. This detail was overlooked when the application was submitted. Pursuant to Zoning Code [Section 20-66.020](#), a defect in the noticing procedure shall not affect the authority of the Planning Commission to take action on the item.

In preparation for the Planning Commission meeting, all noticing was done in

compliance with Zoning Code Chapter 20-66, including a mailed Notice of Public Hearing to owners and occupants within 600 feet of the Project site; a Notice of Public Hearing published in the Press Democrat; and a public hearing sign posted onsite.

ISSUES

During staff review, two issues were addressed, including:

- Adequate onsite parking and general site plan configuration – The site plan was modified to include adequate parking and emergency access.
- Additional traffic analysis – As discussed in the Zoning Code section of this report, a Traffic Impact Study was completed for the Project. The Study concluded there would be no significant impacts as a result of the proposed dispensary. Traffic Engineering has reviewed the report and no additional conditions were required.

There are no unresolved issues.

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location Map
- Attachment 3: Project Narrative, provided by applicant
- Attachment 4: Project Plans, prepared by Motive, dated November 15, 2021
- Attachment 5: Odor Mitigation Plan, prepared by Jason Vander Veen, Mechanical Engineer, dated July 2, 2021
- Attachment 6: Traffic Analysis, prepared by W-Trans, dated March 8, 2022
- Attachment 7: Public Correspondence

CONTACT

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