

# Old School Cannabis Appeal/Apelación

## Conditional Use Permit/Permiso de uso condicional

100 Sebastopol Road

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December 14, 2021

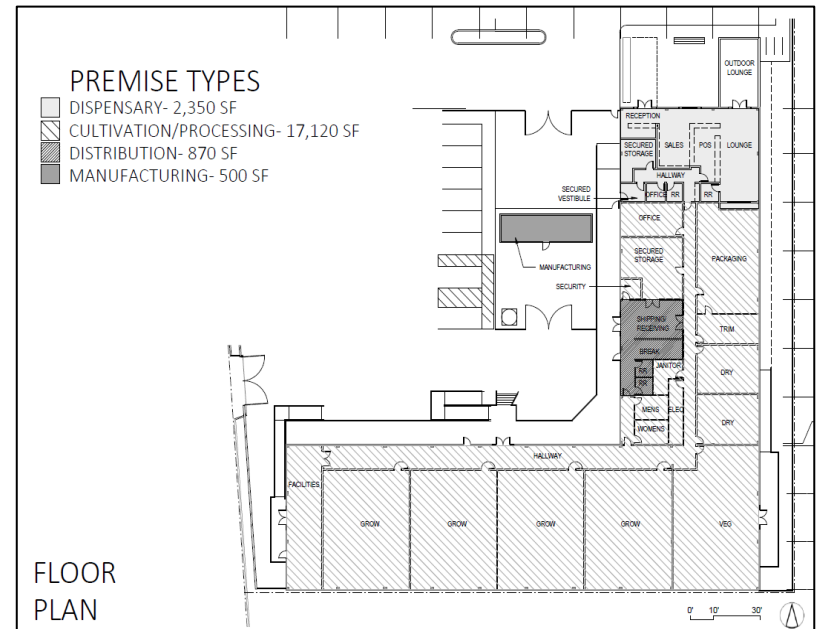
Kristinae Toomians  
Senior Planner  
Planning and Economic Development

## Proposed Uses/Usos propuestos

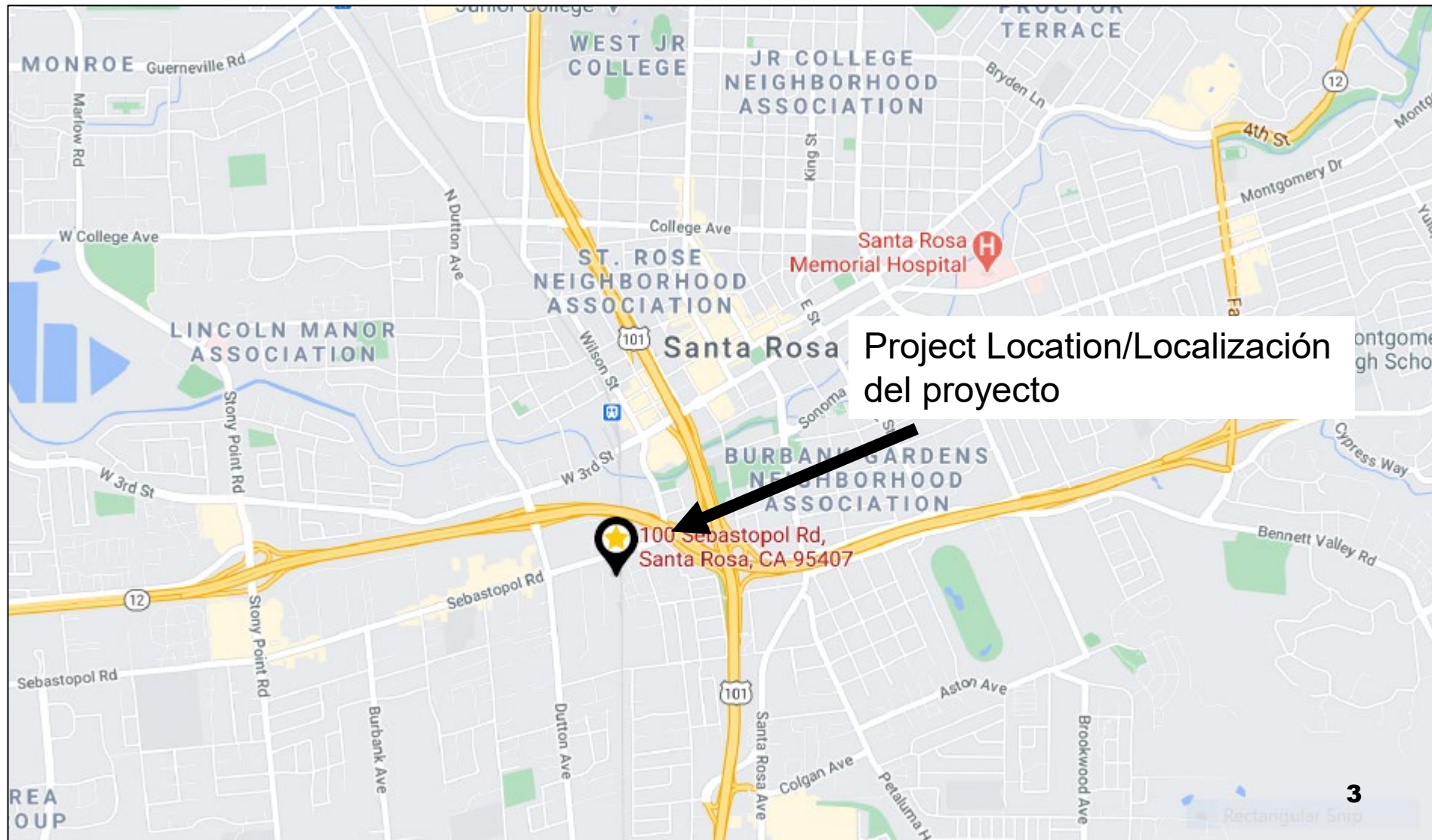
Uses/Usos	Proposed/ Propuestos
Retail, Onsite Consumption, & Delivery/Venta minorista, Consumo en lugar, y entrega	2,350
Cultivation/Cultivo	17,120
Distribution/ Distribución	870
Volatile Manufacturing/ Fabricación volátil	500
<b><u>TOTAL</u></b>	<b><u>20,840</u></b>

## Retail Hours/Horas de venta minorista

9:00 am to 9:00 pm  
7 days a week/7 días a  
la semana



# 100 Sebastopol Rd



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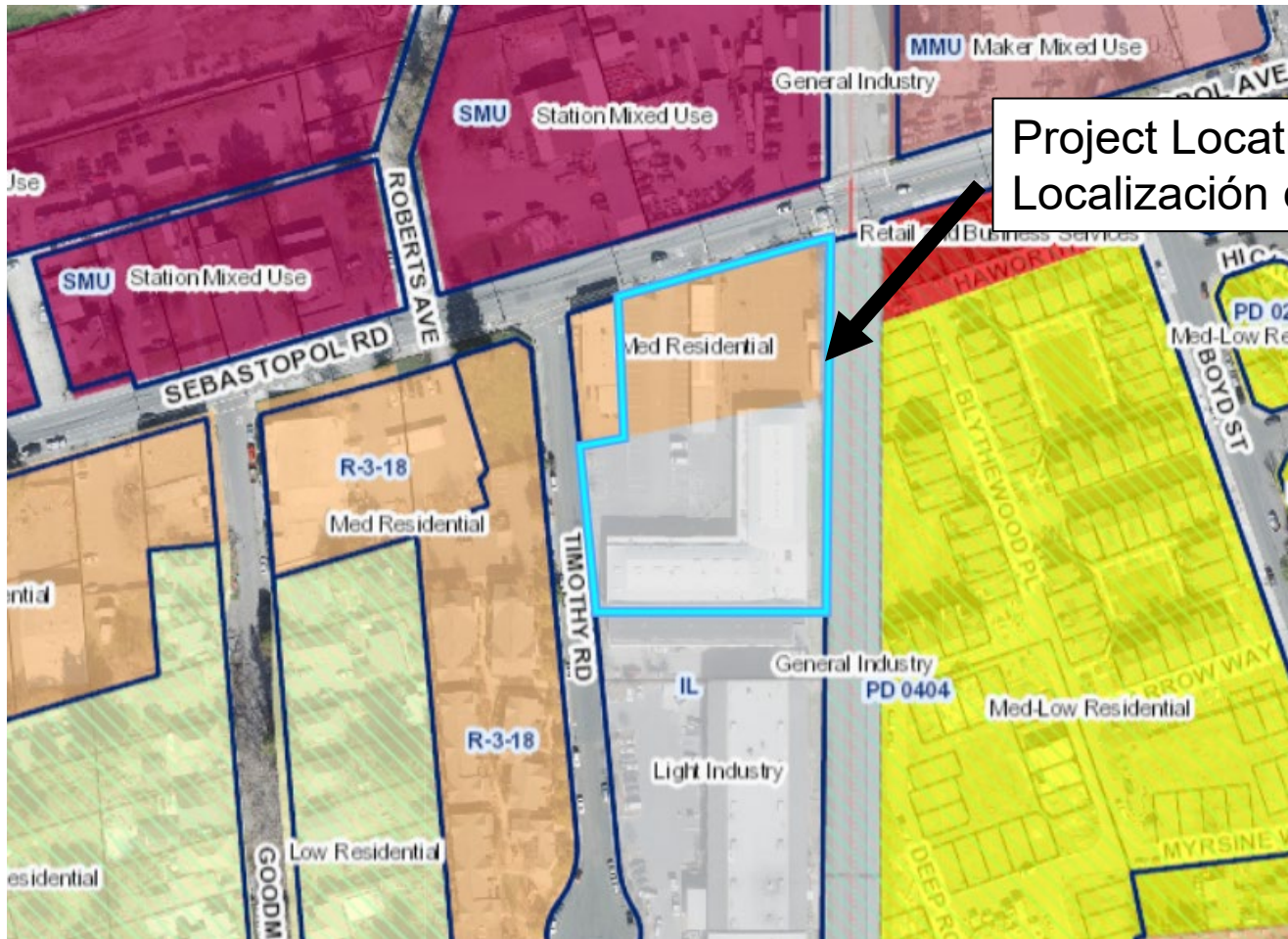
# 100 Sebastopol Rd



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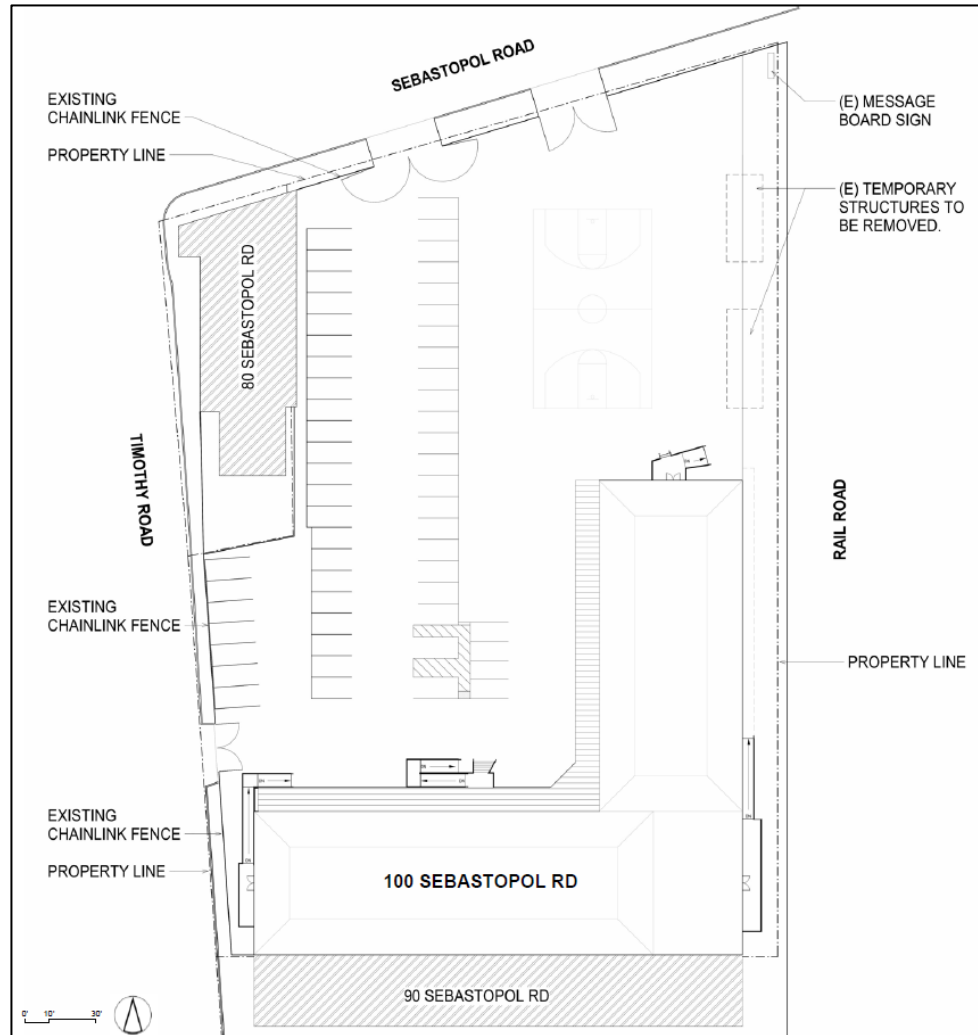


# General Plan & Zoning/Plan general y zonificación



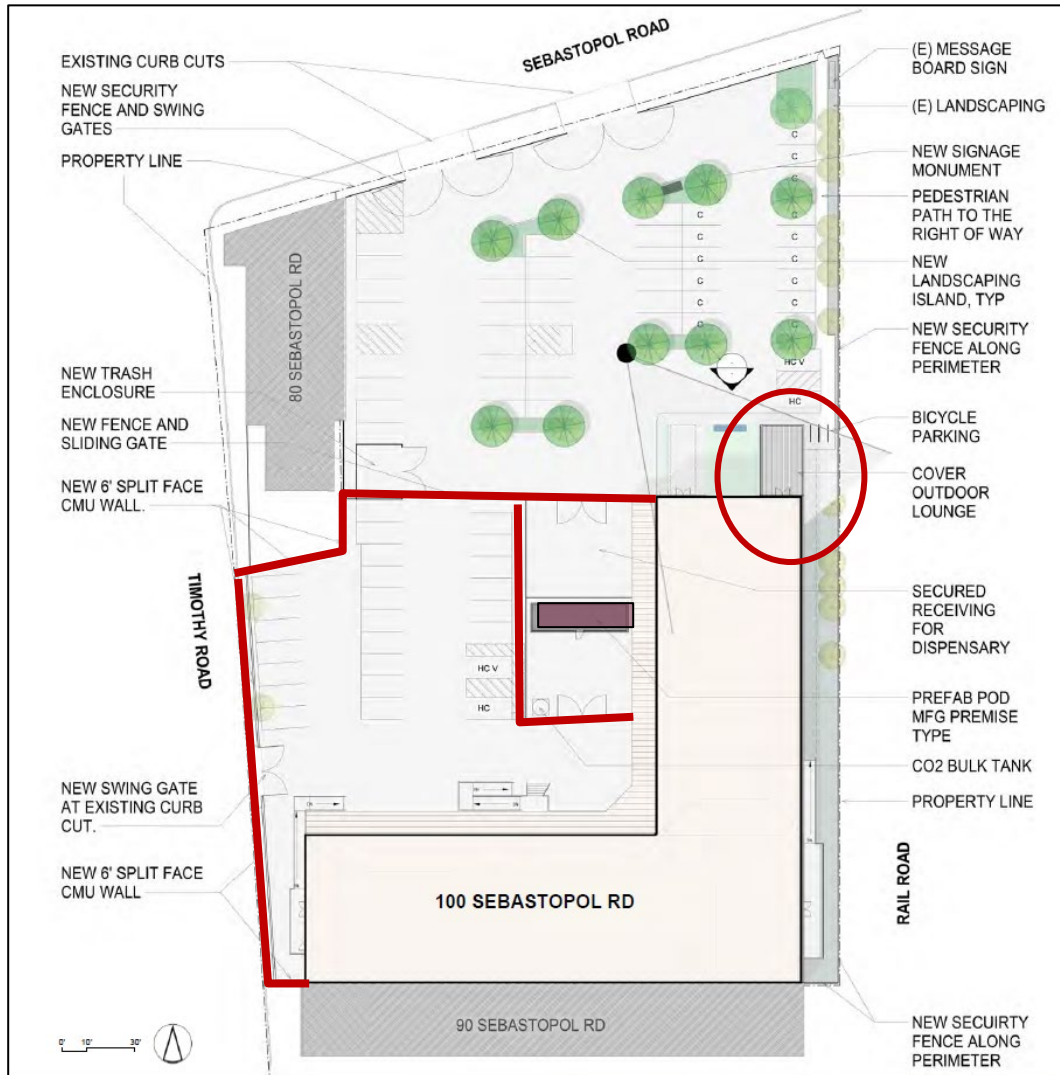
Project Location/  
Localización del proyecto

# Existing Site Plan/Plano del sitio existente





# Proposed Site Plan/Plano de sitio propuesto



# Parking/Estacionamiento

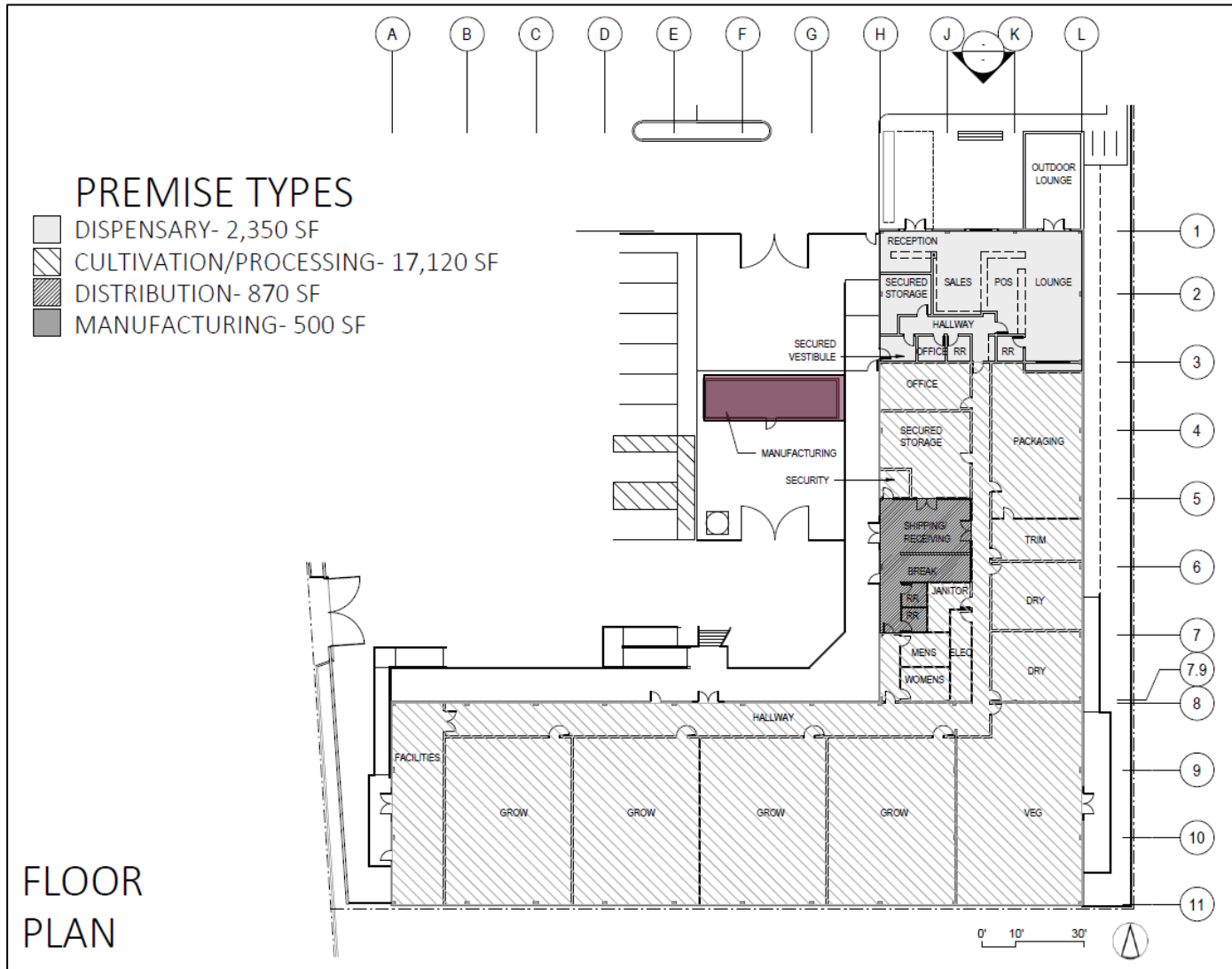
## 28 Spaces Required/ Espacios Requeridos

Use/Usó	Square Feet/Pies cuadrados (sf)	Code Requirement/Requisito del código	Required Spaces/Espacios requeridos
Retail & Delivery/Venta al por menor y entrega	2,350	1 space per/espacio por 250 sf	9
Cultivation/Cultivo	17,120	1 space per/espacio por 1,000 sf	17
Distribution/Distribución	870	1 space per/espacio por 1,000 sf	1
Manufacturing/Fabricación	500	1 space per/espacio por 350 sf	1
<b>Total</b>	<b>20,840</b>		<b>28</b>

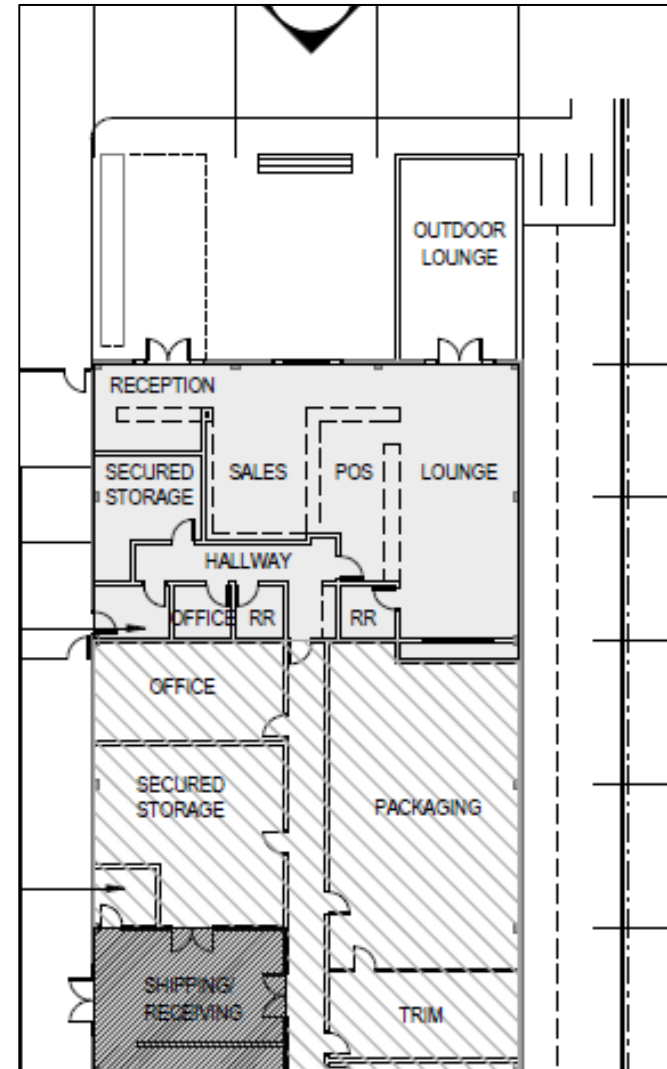
## 60 Spaces Available/ Espacios requeridos



# Floor Plan/Plano



# Retail & Onsite Consumption/Venta minorista y Consumo en lugar



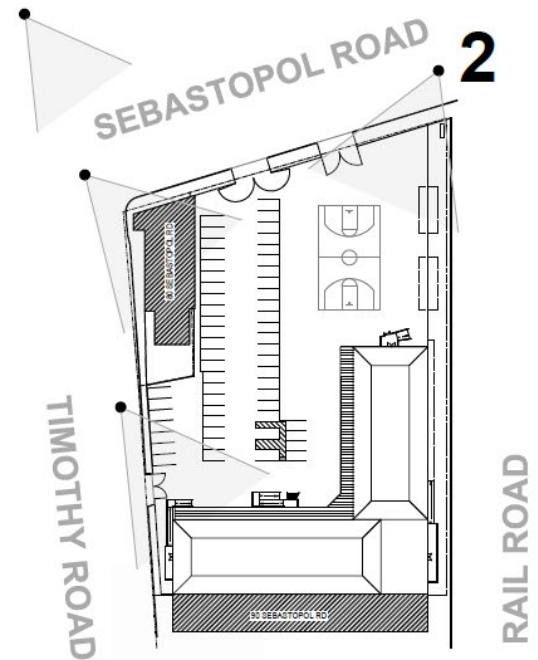


PERSPECTIVE- ENTRY

# Perimeter/ Perímetro



**Old  
School**  
100 SEBASTOPOL RD



# Perimeter/ Perímetro

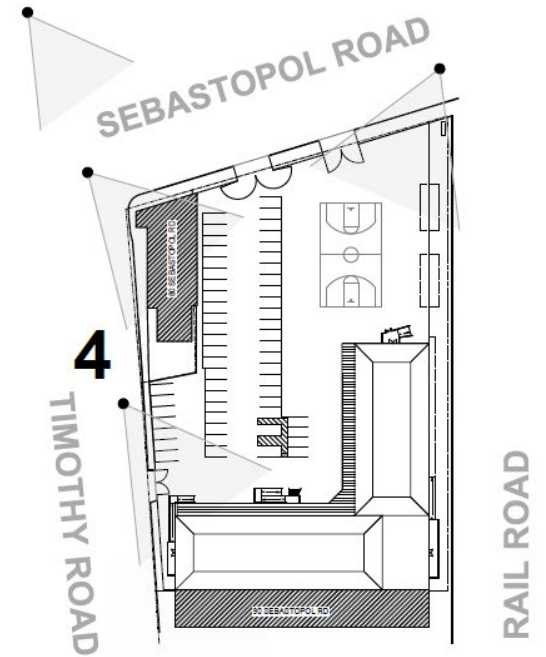


EXISTING



PROPOSED

**Old  
School**  
100 SEBASTOPOL RD



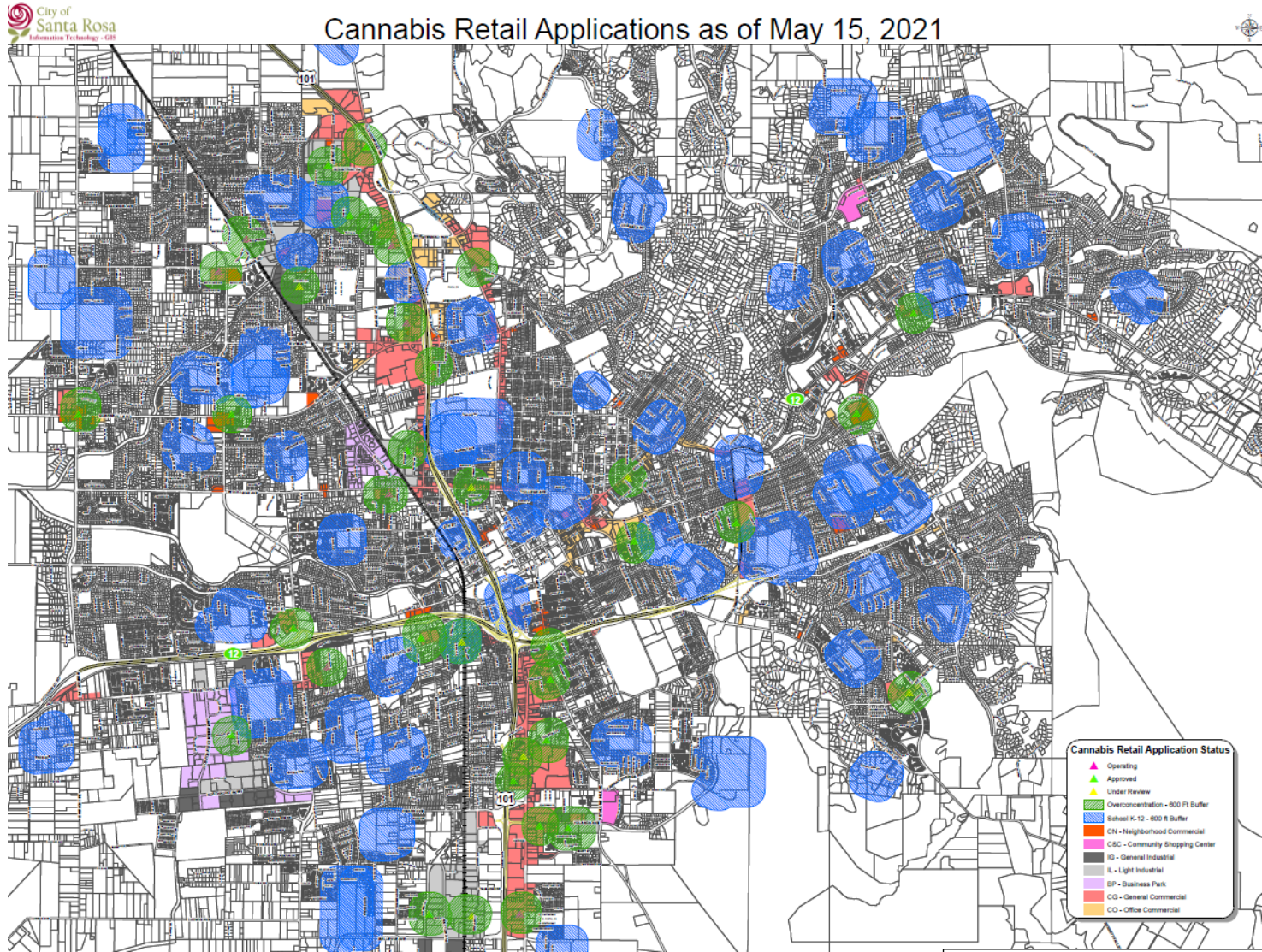
- 1. Environmental justice and social equity discrimination by Santa Rosa against Roseland residents. Santa Rosa General Plan 2035 states Santa Rosa will be safe and livable community.*
- 2. Currently 3 homicides in Santa Rosa during 2021 all in disadvantaged overburden community of Roseland. Another drug dealer in area decreases safety and livability.*



# Appellant No. 1 – Staff Response

- The May 15, 2021 Cannabis Retail Application List states that the City has approved 30 retail dispensaries.
- The published Cannabis Retail Applications Status Map also demonstrates that the approved and operating cannabis retail dispensaries are dispersed throughout the City limits and are not concentrated in the Roseland area.

# Appellant No. 1 – Staff Response



# Appellant No. 1 – Staff Response

- In November 2016, California voters approved the Adult Use of Marijuana Act (Proposition 64) to legalize the recreational use of cannabis.
- On December 19, 2017, the City Council unanimously adopted the City’s Comprehensive Cannabis Ordinance, which allows cannabis retail dispensaries within certain zoning districts.
- The term “drug dealer” refers to an illegal activity and does not accurately describe the proposed Project.

# Appellant No. 1 – Staff Response

- Zoning Code 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 designed to prevent theft or diversion of any cannabis or currency, and to discourage loitering, crime, and illegal or nuisance activities was included with the Project application.

# Appellant No. 1 – Staff Response

- The applicant proposes to replace the existing chain link fence around the perimeter of the property, along the Sebastopol Road and train track frontages with a new wrought iron security fence and two gates along Sebastopol Road. The gates will be secured at the close of business. The applicant proposes to replace the chain link fence along Timothy Road with a new, 6-foot-tall, split-face CMU wall and gate.
- Distribution activities will occur behind a secondary fence and gate that will be locked and closed to the public.

- 1. Proper notification of the Public notice to the community in the surrounding area. During the 9-23-21 meeting many people that live on Timothy stated they did not receive the notice by mail and the notification on the gate was in English. There was a halt on the meeting on 9-9-21, which only allowed the community 2 weeks to come forward to participate in the meeting. Santa Rosa City did make changes to the process to continue with the approval on 9-23. The process should have been restarted and the community given the proper time to comply with the process to speak to neighbors that did not receive the notice.*

- 2. There are children that live directly across the street from this facility. Having a consumption area and patrons leaving the facility puts the community at risk with possible DUI, in close proximity to the families that live on either side of the Dispensary. Also, the use of Type 7 manufacturers which allow the use volatile solvents for extraction or post processing (refinement) of cannabis extract. The risk of explosion in a highly populated area once again puts families at risk of harm. This area have high cases of asthma, heart disease, diabetes and a lower life expectancy due to high levels of exhaust from the 101 freeway, the 12 highway and the diesel trucks that are up and down the Sebastopol corridor.*

# Appellant No. 2 – Staff Response

- On August 27, 2021, Planning staff mailed a Notice of Application to notify surrounding property owners and occupants within 600 feet.
- In advance of the September 9, 2021 Planning Commission hearing, the project was noticed as a public hearing per the requirements of [Chapter 20-66](#) of the City Code.
- On September 8, 2021, Planning staff received a request for English to Spanish translation service during the presentation of this project at the Planning Commission. To allow time to effectively respond to this request, Planning staff requested that the meeting item be continued to September 23, 2021. Because the meeting was continued to a date certain, no new notices were mailed. Staff contracted with a translation service to translate the September 23, 2021 Planning Commission hearing in real time.



## Appellant No. 2 – Staff Response

- Section [20-46.080\(F\)](#) of the City Code provides that on-site consumption of Cannabis and Cannabis Products shall be subject to specific requirements.
- The entrance to the retail dispensary will be visible to the street and will be adjacent to the light rail tracks, located along the east property line. Per the applicant's Project Narrative, the consumption lounge will be located beyond the security checks at the entrance of the retail facility and will be age restricted to patrons who are of 21 years of age or older.

## Appellant No. 2 – Staff Response

- The applicant states that the security team will monitor the consumption lounge in order to permit only patrons who are 21 years of age or older, as well as to restrict employees from utilizing the consumption lounge while on duty.
- Comprehensive Cannabis Ordinance. The ordinance specifically addresses volatile cannabis manufacturing, requiring a Major Conditional Use Permit in the IL – Light Industrial and IG – General Industrial Zoning Districts.
- Per Zoning Code Section, 20-46.070(C), the City of Santa Rosa requires that the closed-loop system be listed or otherwise certified by an approved third-party testing agency or licensed professional engineer and approved for the intended use by the City’s Building Official and Fire Code Official. The City also requires that a licensed professional engineer annually recertify the extraction equipment.

# Environmental Review

## California Environmental Quality Act (CEQA)

### Found in compliance with CEQA:

- The proposed project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will require minor exterior modifications to the structure/site.
- The proposed project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 in that it involves minor modifications to an existing facility, with no expansion of use.
- The Project qualifies for a Class 32 exemption under California Government Code Section 15332 (In-fill Development Projects).
- The Project qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the Project is consistent with the City's General Plan and the Roseland Area/Sebastopol Road Specific Plan for which EIRs were prepared and certified.

## Recommendation/Recomendación

- The Planning and Economic Development Department recommends that the City Council:
  - Deny the appeals of the Planning Commission's decision and approve a Conditional Use Permit to allow cannabis retail (dispensary) and delivery, cultivation, manufacturing, and distribution uses located at 100 Sebastopol Rd, Suites 303, 304, and 305.
- El Departamento de Planificación y Desarrollo Económico recomienda que el Concejo Municipal:
  - Niegue las apelaciones de la decisión de la Comisión de Planificación y apruebe un permiso de uso condicional para permitir la venta minorista (dispensario) de cannabis y los usos de entrega, cultivo, fabricación y distribución ubicados en 100 Sebastopol Rd, Suites 303, 304 y 305.

## Contact:

**Kristinae Toomians**

Senior Planner

Planning and Economic Development/  
Planificación y desarrollo económico

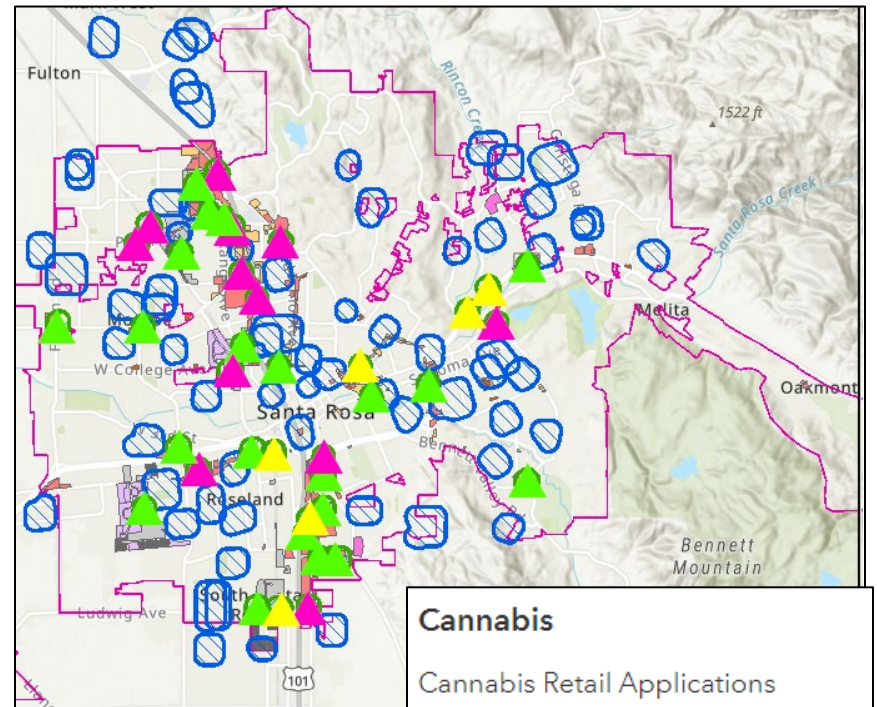
**[KToomians@srcity.org](mailto:KToomians@srcity.org)**

**(707) 543-4692**



# Cannabis Retail by Quadrant/Venta de cannabis por cuadrante

NE	NW	SE	SW
5 Approved	8 Approved	5 Approved	4 Approved
3 Operating	6 Operating	2 Operating	1 Operating
3 Pending			1 Pending
			1 Appealed
<b>11</b>	<b>14</b>	<b>7</b>	<b>7</b>



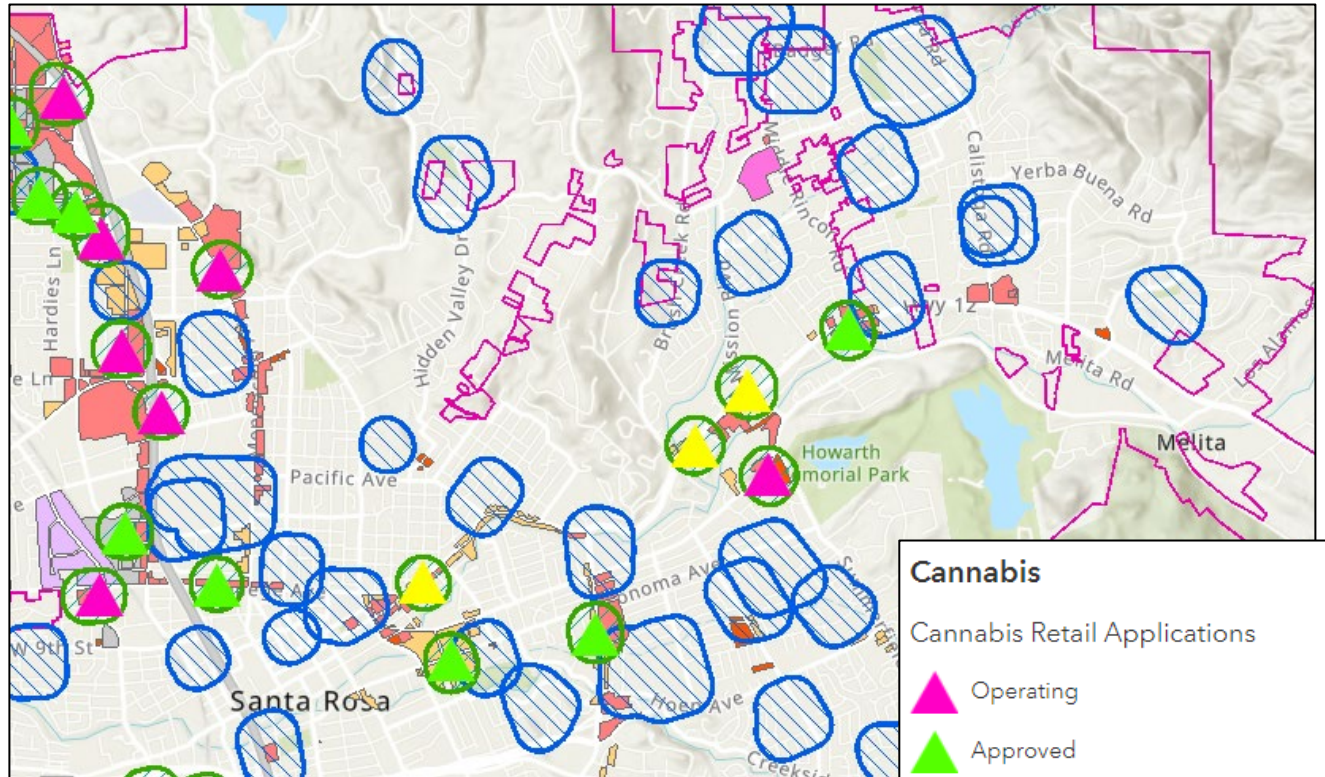
# Northeast/Noreste

**NE**

5 Approved  
 3 Operating  
 3 Pending

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**11**



**Cannabis**  
 Cannabis Retail Applications

- ▲ Operating
- ▲ Approved
- ▲ Under Review

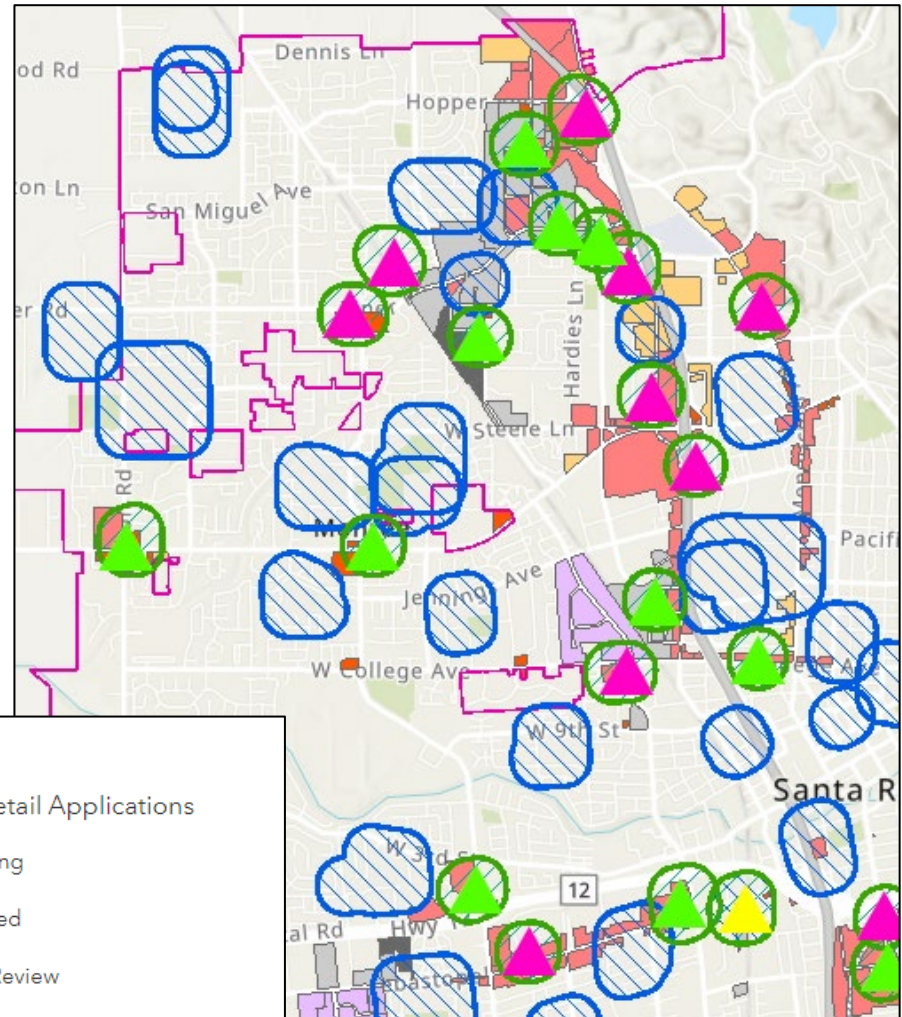
# Northwest/Noroeste

**NW**

8 Approved

6 Operating

**14**



**Cannabis**

Cannabis Retail Applications

- ▲ Operating
- ▲ Approved
- ▲ Under Review



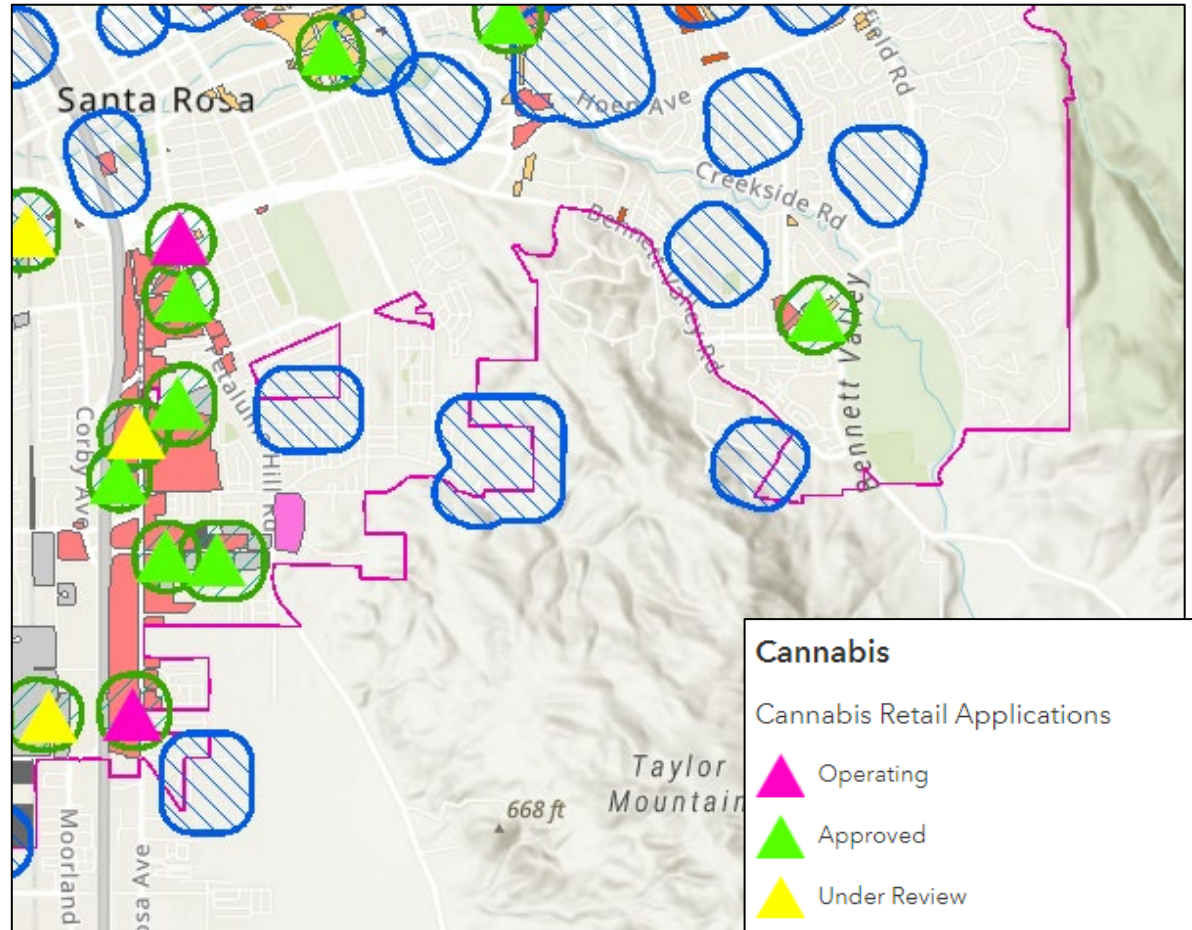
# Southeast/Sureste

SE

5 Approved

2 Operating

7



# Southwest/Southeast

**SW**

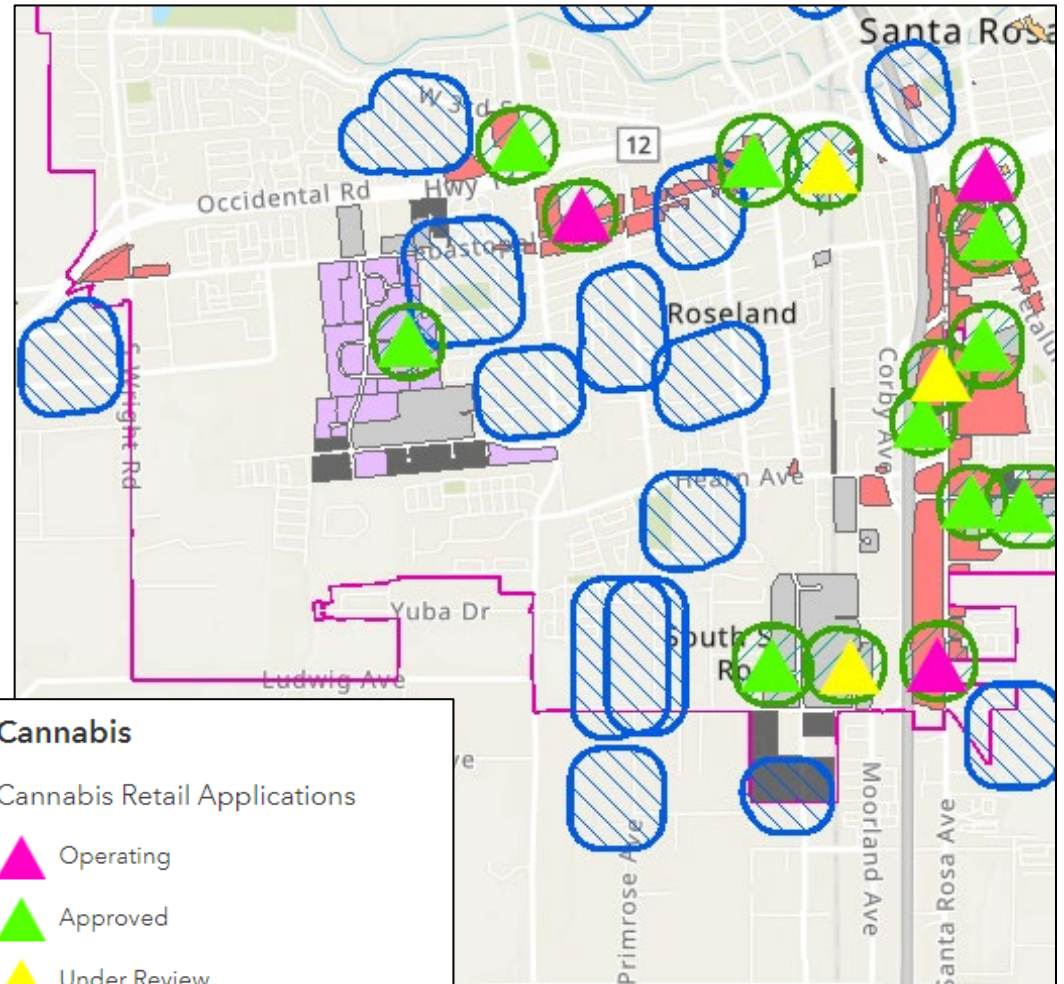
4 Approved

1 Operating

1 Pending




1 Appealed

7



**Cannabis**

Cannabis Retail Applications

-  Operating
-  Approved
-  Under Review