

ORDINANCE NO. ORD-2019-017

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF 34 PROPERTIES LOCATED AT 900 & 910 SANTA ROSA AVENUE; 920, 930, 940, 950, 964, 972, 1014, 1026, 1038, 1110, 1212, 1240, 1310, 1316, 1320, 1400, 1426, 1452, 1540, 1576, 1580 PETALUMA HILL ROAD; 625 WARE AVENUE; ASSESSOR’S PARCEL NO. 038-155-016 (NO STREET ADDRESS ASSIGNED); 612 FRAZIER AVENUE; 611, 612 & 628 MILTON STREET; 636 & 1341 RUTLEDGE AVENUE; AND 614, 618 & 630 ASTON AVENUE TO THE CG (GENERAL COMMERCIAL) ZONING DISTRICT; FILE NUMBER PRJ18-055

WHEREAS, after public hearing, the Council determined that the Policy Statement for the present PD (Planned Development, #73-001 (South Park)) zoning district limits commercial uses for the properties located at 900 & 910 Santa Rosa Avenue; 920, 930, 940, 950, 964, 972, 1014, 1026, 1038, 1110, 1212, 1240, 1310, 1316, 1320, 1400, 1426, 1452, 1540, 1576, 1580 Petaluma Hill Road; 625 Ware Avenue; Assessor’s Parcel No. 038-155-016 (no address assigned); 612 Frazier Avenue; 611, 612 & 628 Milton Street; 636 & 1341 Rutledge Avenue; and 614, 618 & 630 Aston Avenue, otherwise known as Assessor’s Parcel Nos. 009-334-011, -012, -013, -015; 038-154-003, -007, -010, -011, -012; 038-155-016, 022, -031, -032; 038-156-020; 038-161-015, -014, -020, -021; 038-163-015, -016, -021, -022, -024; 038-163-025, -027; 038-171-011, -014, -015; 038-172-003, -016, -018, -024; 038-172-026 and -027, that would otherwise be allowed in the CG (General Commercial) zoning district, which is one of the standard zoning districts that implements the General Plan land use designation of Retail and Business Services; and

WHEREAS, the Council of the City of Santa Rosa determined that the Policy Statement for the present PD (Planned Development, #73-001 (South Park)) zoning district allows industrial uses that are not consistent with the General Plan land use designation of Retail and Business Services.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The proposed amendment (rezoning) is consistent with the goals and policies of all elements of the General Plan and any applicable specific plan in that the subject properties are all within an area designated as Retail & Business Services on the General Plan Land Use Diagram, and the CG (General Commercial) zoning district implements that land use; and

Section 2. The proposed rezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The project plans for the R&B Dispensary were reviewed by City staff. The project provided circulation appropriate for the retail use and the project site is designated on the General Plan land use diagram for retail uses. There are no changes in use proposed for the additional 33 properties included in the rezoning boundary, and businesses that are operating legally that would otherwise not be allowed will be grandfathered in as legal nonconforming uses. All 34 properties are within the South Park Planned Development area and share the same General Plan land use designation. The current South Park Policy Statement allows industrial uses not intended for areas designated as Retail and Business Services on the General Plan Land Use Diagram, and does not allow uses that would otherwise be permitted within the CG zoning district, which implements the Retail and Business Services land use designation; and

Section 3. The rezoning area is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments in that the area. The area is generally developed, and any commercial development proposed in the future would require additional review based on the merits of the individual project; and

Section 4. Environmental Determination. The Rezoning has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to section 15183, subdivision (i), any rezoning action consistent with the general plan shall not require additional environmental review except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site.

The Cannabis Retail use has been found in compliance with the California Environmental Quality Act (CEQA). The project is consistent with the General Plan for which an Environment 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 CG 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.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on November 5, 2019.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of November 2019.

AYES: (4) Vice Mayor Rogers, Council Members Fleming, Olivares, Tibbetts

NOES: (0)

ABSENT: (1) Mayor Schwedhelm

ABSTAIN: (2) Council Members Combs, Sawyer

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Acting City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney