

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
MARCH 28, 2019

PROJECT TITLE

Doobie Nights

ADDRESS/LOCATION

3011 SANTA ROSA AVE, #A

ASSESSOR'S PARCEL NUMBER

043-132-033

APPLICATION DATE

April 19, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit

PROJECT SITE ZONING

CG (General Commercial)

PROJECT PLANNER

Susie Murray

APPLICANT

Damon Crain & Brandon Levine

PROPERTY OWNER

Floorcam Partners

FILE NUMBER

CUP18-063

APPLICATION COMPLETION DATE

June 26, 2018

FURTHER ACTIONS REQUIRED

Building Permit

GENERAL PLAN DESIGNATION

Retail & Business Services

RECOMMENDATION

Approve

Agenda Item # 10.3
For Planning Commission Meeting of: March 28, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION

FROM: SUSIE MURRAY, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: DOOBIE NIGHTS

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve Doobie Nights, a cannabis dispensary for medical and adult use cannabis products.

EXECUTIVE SUMMARY

The proposed Doobie Nights dispensary project (Project) seeks a Conditional Use Permit (CUP) to allow a Cannabis Retail (dispensary) for both medicinal and adult-use cannabis products. The proposed hours of operation for both the dispensary and delivery service would be daily from 10:00 a.m. to 7:00 p.m.

BACKGROUND

On December 19, 2017, the City Council enacted comprehensive regulations for cannabis (ORD-2017-025) after the State of California approved the sale of cannabis for adult use.

1. Project Description

The Project will occupy 5,820 square feet of tenant space within an existing 22,680-square foot retail commercial building. Approximately 1,600 square feet of the space will be designated as the public retail dispensing area; 1,400 square feet will be designated for lobby and security check areas; and the balance of the space will be reserved for employee lounge and restrooms, vault, inventory storage and a loading/unloading area. A floor plan is attached to this report.

The Project site is located on the west side of Santa Rosa Avenue between Elsa Drive and Powderhorn Avenue. The dispensary will occupy the northern most suite of the existing commercial building. Other tenants include Shutterbug Camera and Cycle Gear.

2. Surrounding Land Uses

North: Mobile Home Park; currently developed with a mobile home park.

South: Retail and Business Services; currently developed with similar commercial uses.

East: Retail and Business Services; currently developed with similar commercial uses.

West: Retail and Business Services; currently developed with similar commercial uses.

3. Existing Land Use – Project Site

The site is fully developed with a commercial building, which was constructed in 1996.

4. Project History

On February 28, 2018, a Neighborhood Meeting was held. Three members of the public attended the meeting in addition to four members of the applicant team. Comments are discussed in the Public Comment Section of this report.

On April 19, 2018, the subject CUP application was submitted to Planning and Economic Development.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The General Plan land use designation is Retail and Business Services, which is intended for retail and service enterprises, offices and restaurants.

The Project implements the following goals from [General Plan 2035](#):

LAND USE AND LIVABILITY

LUL-I Maintain vibrant, convenient and attractive commercial centers.

LUL-J Maintain the economic vitality of business parks and offices, and Santa Rosa's role as a regional employment center.

ECONOMIC VITALITY

EV-A Maintain a positive business climate in the community.

EV-C Promote new retail and higher density uses along the city's regional/arterial corridors.

EV-D Maintain the economic vitality of the downtown, business parks, offices and industrial areas.

The Project will contribute to a broad range of commercial services and employment opportunities available in the area; it will occupy a currently vacant commercial space along Santa Rosa Avenue, identified as an arterial street on the General Plan Land Use Diagram; and will attract regional clientele.

2. Other Applicable Plans

Not applicable.

3. Zoning

The following development standards, regulated by [Zoning Code Chapter 20-46](#), have been met:

Hours of Operation

Permissible hours of operation for a cannabis dispensary are from 9:00 a.m. to 9:00 p.m. seven days per week. The proposed hours of operation for Doobie Nights are from 10:00 a.m. to 7:00 p.m. seven days per week, with delivery service available during those hours.

Proximity to Schools

Pursuant to both City and State regulations, a retail dispensary may not operate within 600 feet of a school. The closest school is Taylor Mountain, located at 1210 E. Bellevue Avenue, which is over 1,500 feet away.

Concentration

The Zoning Code limits concentration for cannabis retail facilities (dispensaries) prohibiting dispensaries within 600 feet of each other. The Project site is not located in an "over-concentration" area.

Employment

The Project narrative, attached to this report, details hiring procedures, including background checks for all new employees, which have been found in compliance with Zoning Code Chapter 20-46.

Odor Control

Doobie Nights will have a professionally installed carbon filtration system to prevent odors from escaping the building. The plan, prepared by Warner Engineering, Inc., dated April 4, 2018, summarizes that the odor control mitigation plan exceeds what is expected for a retail facility and is consistent with best available technologies designed to mitigate cannabis odors.

Lighting

As provided in the Security Plan, stamped received on February 28, 2019 (attached), the Project will install “commercial grade lighting capable of providing enhanced visibility for nighttime video surveillance and any law enforcement response to trespassing or other criminal activity.”

Noise

The subject site is located within the CG zoning district bordered to the north by residential uses, where the allowable noise levels at the property line are more restrictive, ranging from 45-55 dBA depending on the time of day. The allowable noise level at all other property lines range from 55-60 dBA. The dispensary is not anticipated to generate excessive noise. The Project has also been conditioned to comply with the City’s Noise Ordinance, [City Code](#) Chapter 17-16.

Security Plan

The project Security Plan seeks to ensure safety and to effectively prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities. The Project Narrative discusses the Project’s security plan in detail. To summarize:

- There is one designated customer entrance. Because this is an adult-use facility, no persons under the age of 21 may enter the premises.
- Video cameras will be installed and monitored by a Department of Consumer Affairs Bureau, Security and Investigative Services (BSIS) - licensed alarm company. Surveillance footage will be retained for a minimum of 90 days.

- A secure alarm system to monitor after-hours entry onto the property and into the building will be installed.
- Secured areas will be accessible to authorized personnel only.
- Extensive employee training will be provided.

Pick-up & Delivery Services

The following delivery procedures will apply:

- Deliveries and pick-ups will be made from a secure access point, with limited access, in the back of the building.
- Deliveries will be made using company-owned vehicles.
- Drivers will be at least 21-years of age.
- Customers will be required to provide valid identification for all deliveries.

Parking

The building is 22,680 square feet, of which 15,000 square feet is leasable space; the building owners use the remainder of the building for personal storage.

- The leased area is divided into three retail spaces and, pursuant to [Zoning Code Chapter 20-36](#) requires one space for every 250 square feet of retail use, in this case 60 spaces.
- The area used for storage requires one space per 1,000 square feet, in this case eight spaces.

The site has 61 spaces available, a deficit of seven spaces. Pursuant to Zoning Code Section 20-36.040(C)(2), 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, provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater.

Required Findings (as shown on the draft resolution)

Pursuant to Zoning Code Section 20-.52.050(F), the Planning Commission must make six findings before approving the CUP, as follows:

- A. The proposed Cannabis Retail (dispensary) facility is allowed within the CG (General Commercial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-6 lists allowable uses within the CG zoning district, which implements the Retail and Business Services General Plan land use designation, and allows Cannabis Retail facilities with the approval of a major Conditional Use Permit; and
- B. The proposed Cannabis Retail facility is consistent with the General Plan land use designation of Retail and Business Services which is intended for retail and service enterprises, offices and restaurants. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding Cannabis Retail uses appropriate in areas designated as Retail and Business Services on the land use diagram. The project site is located within a fully developed commercial area; and
- 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. The site plan includes adequate parking and circulation; the business will provide adequate security; and the Project is required to comply with operational standards pursuant to Zoning Code Chapter 20-46.

The property is located adjacent to a mobile home park to the north and is surrounded by other similar commercial business to the east, west and south. Proximity of commercial and residential land uses was considered in the scope of the General Plan 2035 Environmental Impact Report, which was certified by the Council in 2009.

The plans have been reviewed by City staff and the Project has been conditioned appropriately; and

- 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 in that the Project plans demonstrate compliance with all operational standards as specified in Zoning Code Chapter 20-46, and the subject site is within a fully developed area designated for commercial uses; and
- 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. The property is located adjacent to a mobile home park to the north and has been conditioned to comply with the more restrictive residential sound allowances set for in the City's Noise Ordinance along the north property line. The proximity of the commercial and residential land uses was considered within the scope of the General Plan 2035 Environmental Impact Report certified by the Council in 2009.

The Project is surrounded by similar commercial uses to the east, west and

south.

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Refer to the Environmental Review section of this report for further discussion.

4. State Requirements

The applicant will hold a Type 10 State license, which allows a cannabis retail use. “microbusiness” comprised, in this case, of cultivation, distribution and retail. The Project is required to adhere to State Bureau of Cannabis Control licensing and operating procedures in addition to operational provisions of Zoning Code Chapter 20-46.

5. Design Guidelines

Minor exterior modifications to the building are anticipated, including but limited to fencing, lighting, and installation of security measures. The Project has been conditioned to require Design Review for any exterior changes.

No on or offsite improvements are required.

6. Neighborhood Comments

On February 28, 2018, a Neighborhood Meeting was held. Comments received during the meeting included the following concerns:

- Will the approval of this business attract more homeless people?
- Will gang-related activities increase as a result of this business being approved?
- Will site security be adequate to protect against crime?

The plans submitted for the Project include a Security Plan, stamped received on February 28, 2019, which meets the requirements set forth in Zoning Code Chapter 20-46, which provides operational standards for cannabis uses.

The Project plans were referred to the Police Department and no concerns were raised.

Additional public correspondence includes letters of recommendation from the City of Cotati, copies attached.

7. Public Improvements/On-Site Improvements

None required.

FISCAL IMPACT

Approval of this action does 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):

- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and 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 has been reviewed in compliance with the California Environmental Quality Act (CEQA) and 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.
- Pursuant to CEQA Guidelines Section 15332, the project qualifies for a categorical exemption as infill development as it is located on a site of less than five acres within City limits and is substantially surrounded by urban uses; it has no value as habitat for endangered, rare or threatened species because the property is already developed; the property is already receiving all necessary utilities and public services; and the project has no foreseeable significant adverse impacts to traffic, noise, air quality or water quality:

A Focused Traffic Study, prepared by TJKM, dated March 6, 2019, concluded that there will be no impact to a.m. peak hours because the business will not be open until 10:00 a.m. The study also concluded that an additional 106 p.m. peak hour trips (53 inbound and 53 out) would result from the project and would not cause a significant environmental impact. City staff has reviewed the report and concluded that no additional improvements are warranted.

Doobie Nights will have a professionally installed carbon filtration system to prevent odors from escaping the building. The odor mitigation plan, prepared by Warner Engineering, Inc., dated April 4, 2018, states that the odor control mitigation plan exceeds what is expected for a cannabis retail facility and is consistent with best available technologies designed to mitigate cannabis odors.

- 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

On February 14, 2018, a Notice of Neighborhood Meeting was sent to property owners within 400 feet of the subject property.

The project was noticed as a public hearing pursuant to Zoning Code Chapter. 20-66. A public hearing sign was posted on site, a Public Hearing Notice was published in the Press Democrat, a Public Hearing Notice was mailed to property owners within 400 feet of the property; and bulletin board postings were provided 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 and Buffer Maps
- Attachment 3: Project Narrative (Merit Based Review Comments)
- Attachment 4: Floor Plan & Site Plans, by Henderson Architect, 1/31/18
- Attachment 5: Traffic Study, by TJKM, 3/6/19
- Attachment 6: Odor Plan, by Warner Mechanical Engineering, Inc, 4/4/18
- Attachment 7: Parking Analysis, stamped received on 8/24/18
- Attachment 8: Public Correspondence

Resolution: Conditional Use Permit

CONTACT

Susie Murray, Senior Planner
707-543-4348
smurray@srcity.org