

RESOLUTION NO. PC-2022-029

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR JANE DISPENSARY TO ALLOW 1,997-SQUARE-FEET OF CANNABIS RETAIL (DISPENSARY) WITH DELIVERY - LOCATED AT 4040 HIGHWAY 12) - FILE NO. CUP21-071 - NEIGHBORHOOD MEETING WAS CONDUCTED ON NOVEMBER 22, 2021

WHEREAS, an application was submitted on August 12, 2021, requesting the approval of a Conditional Use Permit for Jane Dispensary to operate a 1,997-square-foot cannabis retail dispensary with delivery, located at 4040 Highway 12, also identified as Sonoma County Assessor's Parcel Number 032-500-040;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the Neighborhood Commercial (CN) Zoning District and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Section 20-23.030 Table 2-7 lists allowable uses within the Neighborhood Commercial Zoning District, which implements the Retail and Business Services General Plan land use designation. The proposed commercial cannabis retail (dispensary) use with delivery will occupy 1,997-square-feet of an existing 4,776-square-foot multi-tenant commercial building in the Neighborhood Commercial (CN) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit; and
- B. The proposed use is consistent with the General Plan land use designation of Retail and Business Services. The proposed use is consistent with the applicable underlying General Plan goals and policies related to economic vitality and the associated Retail and Business Services land use designation; 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 proposed project is allowed under Section 20-23.030 Table 2-7 of the City Zoning Code with approval of a Conditional Use Permit. The project site is developed for commercial uses with a total of 36 vehicle parking spaces, including 2 ADA accessible spaces. One bicycle parking space

is required for this project. No additional vehicle parking spaces are required per Zoning Code Section 20-36.040.

The Project complies with the general operating requirements for cannabis businesses and the operating requirements specific to medical and adult use cannabis retail dispensaries. The entrance to the retail dispensary is located on the north side of the building and is visible from Highway 12. The proposed project is compatible with the existing adjacent uses on the property and is adequately screened from the residential uses located to the south; 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 proposed use will be located entirely within an existing commercial building. The proposed project plans comply with all operational standards as specified in Chapter 20-46. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services; 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 applicant has provided an Odor Mitigation Plan certified by a licensed engineer ensuring that all mitigation controls are sufficient to mitigate odors. The project is compliant with Zoning Code Section 20-46.050(G) which states that Cannabis Businesses shall provide adequate security on the premises, including lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft. A security plan has been provided by the applicant which states that hired security personnel will be on-site during hours of operation and will track and monitor the entryway and the parking lot. Additionally, the project shall have video surveillance, intrusion detection systems and outdoor security lighting. There are no schools or established cannabis dispensaries within 600 feet of the subject property; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project qualifies for the following exemptions:
 - Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).
 - Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will require only minor exterior modifications to the structure/site.
 - Class 32 Categorical Exemption under CEQA Guidelines Section 15332 (In-fill Development Projects) in that:
 1. The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code. The site is zoned

Neighborhood Commercial (CN) and dispensaries are a permitted use through a Major Conditional Use permit;

2. The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
3. The project site is currently developed with one multi-tenant commercial building and parking lot, and does not have any habitat value for endangered, rare, or threatened species;
4. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Traffic Report prepared by W-Trans, dated January 27, 2022, concludes the Project would result in a less-than-significant transportation impact on VMT. The proposed project will occupy 1,997-square-feet of an existing 4,776-square-foot multi-tenant commercial building and most of the work will take place inside the building, and all the work will be required to meet the City noise ordinance. Based on the certified Odor Control Plan, the Project will not emit cannabis-related odors. The City Sewer Treatment facility will treat any wastewater; and
5. The Project site is located in a developed area where it can be adequately served by all required utilities and public services. Staff have reviewed the plans and conditions the project appropriately.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for the Project to allow include 1,997-square-feet of Cannabis Retail (dispensary) with delivery, to be located at 4040 Highway 12, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

3. Operations of the project shall be consistent with the project description dated August 12, 2021. Any changes to operations may be subject to review by the Planning and Economic Development Department.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

6. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

7. Compliance with all conditions as specified by the attached Exhibit "A" dated December 7, 2021.

FIRE DEPARTMENT

8. Compliance with all conditions as specified by the attached Exhibit "B" dated October 26, 2021.

PLANNING DIVISION:

9. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
10. The sale of any cannabis related paraphernalia products must comply with the City's zoning code and any other applicable State regulations.
11. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
12. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
13. At least 1 bike parking space shall be installed in compliance with Zoning Code Chapter 20-36.

14. All exterior lighting shall comply with Zoning Code Section 20-30.080.
15. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22nd day of September, 2022 by the following vote:

AYES: (6) Chair Weeks, Vice Chair Peterson, Commissioner Cisco, Commissioner Duggan, Commissioner Holton, and Commissioner Okrepkie

NOES: ()

ABSTAIN: ()

ABSENT: (1) Commissioner Carter

APPROVED: 
[Karen Weeks \(Nov 14, 2022 19:50 PST\)](#)
KAREN WEEKS, CHAIR

ATTEST: 
CLARE HARTMAN, EXECUTIVE SECRETARY

ATTACHMENTS:

Exhibit A: Engineering Development Services Exhibit “A” dated December 7, 2021.

Exhibit B: Fire Department Memorandum Exhibit “B” dated October 26, 2021.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"
12/07/2021

JANE 4040 INC DBA JANE DISPENSARY
4040 Highway 12
CUP21-071

Tenant Improvement Conditions

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. Per City Code Section 18-12.015 (C), all properties including commercial and industrial parcels shall be subject to public improvement requirements when the value of any proposed building or site improvement exceeds \$200,000.00. A formal valuation shall be submitted with the building permit application. If the valuation is determined to be below the \$200,000 threshold, the project will not be required to perform public street and sidewalk improvements under the Public Street and Sidewalk Improvements section shown below.
- III. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received August 12, 2021:

EASEMENTS AND DEDICATIONS

1. The applicant shall provide a 6-foot wide sidewalk easement (SWE) along Streamside Drive for the full width of the lot if one does not already exist.

PUBLIC STREET AND SIDEWALK IMPROVEMENTS

2. It is recommended that any non-standard sidewalk sections and driveway approaches along the property's frontage be upgraded to the current standard in order to ensure a compliant path of travel within the public right-of-way or public easements and to mitigate any potential trip hazards. Per City Code Section 13-32.020, the abutting property owner shall maintain the sidewalk in a manner that avoids creating a dangerous situation for the property owner and any members of the public utilizing the corridor.
3. Per City Code 18-12.010, one-half of the street along the abutting frontage adjacent to the existing or proposed improvement located on the lot or lots shall be improved for the full width of such lot or lots in accordance with City standards. Improvements shall include:

- a. The pedestrian ramp at the corner of Streamside Drive and Highway 12 per Caltrans Standard Plan A88A Detail B.
 - b. A contiguous permanent 6-foot wide sidewalk per City Standard 230 along Streamside Drive for the full width of the lot.
4. All sidewalk shall maintain a continuous ADA accessible surface a minimum of 4-feet wide. Concrete sidewalk shall transition to match the existing grades to adjacent properties.
 - a. The northeastern parking stall at the corner of Streamside Drive and Highway 12 may be removed to avoid encroachments into the required sidewalk easement.
 - b. The existing shed and retaining wall along the southeast corner of the parcel may be removed or relocated to avoid encroachments into the required sidewalk easement.
5. The curb shall remain in its current location and all improvements shall be behind the existing curb line.
6. An encroachment permit shall be obtained from the Planning and Economic Development Department prior to performing any work within or adjacent to the public right-of-way.

STORM WATER COMPLIANCE

7. Note on the plans submitted with the building permit application that “no debris, soil, silt, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into or be placed where it may be washed by rainfall into the storm drain system. When operations are complete, any excess material or debris shall be removed from the work area.”

BUILDING – (from Michael Enright dated October 26, 2021)

8. Obtain building permits for the proposed project.

WATER AND WASTEWATER

9. A sewer cleanout per City Standard 513/513A shall be installed on the existing sewer lateral if one does not already exist. The location of the cleanout shall be shown on the utility plan submitted with the building permit application. The type of cleanout and the placement shall be based on the depth of the existing lateral. The installation of the clean out shall be performed under an encroachment permit.

ENVIRONMENTAL COMPLIANCE

10. Tenant improvements performed in conjunction with a change of use or an expansion of an existing use may result in additional requirements associated with the discharge to the City's public wastewater system. Contact the Water Department's Environmental Compliance section at 707-543-3369 to determine the necessary permitting path and to better understand the specific requirements that will be brought forward during the review of the building permit application.

FIRE – (from Scott Moon dated October 26, 2021)

11. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies" including General Requirements and those specific to Dispensary. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> .
12. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code. Six inch numeric or alpha-numeric shall be provided for suites.
13. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.



12/07/2021

CLEVE GURNEY - EDS ASSISTANT ENGINEER



FIRE DEPARTMENT MEMORANDUM

Date: October 26, 2021
To: Conor McKay, City Planner
From: Scott Moon, Division Chief Fire Marshal
Subject: CUP21-071 – 4040 Sonoma Hwy – Jane 4040 Inc DBA Jane Dispensary

Occupy 1997 sf of an existing 4776 sf building zoned Neighborhood Commercial for Medical and Adult Use Cannabis - Retail (Dispensary), California State License Type 10 (Dispensary; General)

The Fire department has the following **general comments** on this application.

1. Facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies” including General Requirements and those specific to Dispensary. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> .
2. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code. Six inch numeric or alpha-numeric shall be provided for suites.
3. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.









Resolution - Jane Dispensary

Final Audit Report

2022-11-15

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"Resolution - Jane Dispensary" History

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