

CITY OF SANTA ROSA  
 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
 STAFF REPORT FOR PLANNING COMMISSION  
**AUGUST 22, 2019**

**PROJECT TITLE**

R & B Dispensary and  
 South Park Rezoning

**APPLICANT**

Karen Mantele (on behalf of William  
 Wallahan, 900 Santa Rosa Avenue)

**ADDRESS/LOCATION**

Refer to Boundary Map (Attachment)

**PROPERTY OWNER**

Multiple

**ASSESSOR'S PARCEL NUMBER**

- 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

**FILE NUMBER**

PRJ18-055

**APPLICATION DATE**

September 8, 2017

**APPLICATION COMPLETION DATE**

April 17, 2018

**REQUESTED ENTITLEMENTS**

Rezoning and Conditional Use Permit

**FURTHER ACTIONS REQUIRED**

Rezoning (Council)

**PROJECT SITE ZONING**

PD (South Park Planned Development)

**GENERAL PLAN DESIGNATION**

Retail and Business Services

**PROJECT PLANNER**

Susie

**RECOMMENDATION**

Approval

Agenda Item #10.1  
For Planning Commission Meeting of: August 22, 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: R & B DISPENSARY & SOUTH PARK REZONING

AGENDA ACTION: TWO RESOLUTIONS

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission (Commission), by two resolutions, make a recommendation to City Council (Council) to Rezone 34 properties along the east side of the Petaluma Hill Road and Santa Rosa Avenue corridor, between Colgan Avenue and Bennett Valley Road, into the CG (General Commercial) zoning district and approve a Conditional Use Permit (CUP) for Cannabis Retail (dispensary) located at 900 Santa Rosa Avenue.

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EXECUTIVE SUMMARY

The project proposes to reclassify one property located at 900 Santa Rosa Avenue from the PD (South Park Planned Development) zoning district to the CG (General Commercial) zoning district and to operate a cannabis dispensary for medical and adult use products. Pursuant to Zoning Code Section 20-64.020(B), staff is recommending that the Commission expand the area to be rezoned to include 33 additional properties (as shown on the attached boundary map), all within the same PD zoning district and all designated as Retail and Business Services on the General Plan Land Use Diagram, be included in the proposed rezoning.

BACKGROUND

1. Project Description

On September 8, 2017, Planning and Economic Development accepted a Rezoning application requesting that the property located at 900 Santa Rosa

Avenue be reclassified from the PD zoning district to the CG zoning district. The Policy Statement, which governs allowable uses in this area, limits commercial uses and allows industrial uses that are not consistent with the General Plan. Because similar conditions apply to several contiguous properties south of that site, staff is recommending that the rezone boundary be expanded to include 33 additional properties for General Plan consistency. All of these parcels are within the South Park Planned Development area and are within an area designated as Retail and Business Services on the General Plan land use diagram. As shown on the attached boundary map, the following street addresses are included in the area proposed for rezoning:

- 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
- 614, 618 & 630 Aston Avenue



On April 17, 2018, a companion CUP application was submitted to operate the R & B Dispensary at 900 Santa Rosa Avenue. The two applications were merged into a single project file in compliance with the California Environmental Quality Act.

2. Surrounding Land Uses (for 900 Santa Rosa Avenue)

North: Retail & Business Services/Medium Density Residential (13-18 units per acre) and Low Density Residential (2-8 units per acre) – Bennett Valley Road and Highway 12 are located directly to the north. The area north of that is developed primarily with residential uses along Maple Avenue.

South: Retail & Business Services and Medium Density Residential (13-18 units per acre) – Lola’s Market and multi-family residential uses.

East: Medium Density Residential (13-18 units per acre) and Low Density (2-8 units per acre) – Primarily developed with residential uses and the Bennett Valley Senior Center.

West: Retail and Business Services, Medium High Density Residential (18-30 units per acre), Medium Density Residential (13-18 units per acre) and Low Density (2-8 units per acre) – Currently developed commercial uses on the northern portion and residential uses on the southern portion.

3. Existing Land Use – Project Site

The commercial building located at 900 Santa Rosa Avenue is currently under construction. The building was designed as an automobile repair facility and was granted Final Design Review in 2015. The building is currently unoccupied.

All but three of the parcels recommended for inclusion in the Rezoning are developed with a variety of commercial and industrial uses. Existing uses that are operating legally and that would not otherwise be permitted in the CG zoning district will be allowed to continue to operate as “legal non-conforming uses” and be subject to [Zoning Code Chapter 20-61](#), which governs nonconforming uses, structures and parcels. The properties located at 1014 & 1452 Petaluma Hill Road, and 611 Milton Street are undeveloped.

4. Project History

On July 2, 2015, the Zoning Administrator approved a minor Conditional Use Permit and minor Design Review to construct a new commercial building and operate an automobile repair facility at 900 Santa Rosa Avenue.

On September 8, 2017, the subject Rezoning application was submitted to Planning and Economic Development.

On February 1, 2018, Building Permit No. B15-4586 was approved to construct the commercial building at 900 Santa Rosa Avenue.

On February 12, 2018, a Neighborhood Meeting was held for the cannabis dispensary proposed at 900 Santa Rosa Avenue.

On April 17, 2018, the subject CUP application was submitted to Planning and Economic Development.

On August 23, 2018, the Cannabis Subcommittee selected the R&B Dispensary application from an area of overconcentration to continue through the entitlement review process.

### PRIOR CITY COUNCIL REVIEW

Not applicable.

### ANALYSIS

#### 1. General Plan

All the properties within the proposed rezoning boundary are designated as Retail and Business Service on the General Plan Land Use Diagram, which is intended for retail and service enterprises, offices, and restaurants.

The following General Plan goals and policies are relevant to the proposed cannabis retail use:

#### **LAND USE AND LIVABILITY**

LUL-I-1 Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele.

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

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.

#### **ECONOMIC VITALITY**

EV-A-1 Continue to promote Santa Rosa as the North Bay's premier location for technology, clean/green technologies, and entrepreneurial businesses, which create new products and business models that will attract national and international markets.

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

- EV-B-7 Focus business attraction efforts on filling vacancies in commercial and industrial structures. With the Redevelopment Agency and Economic Development and Housing Department, develop incentives for those efforts such as low-cost loans for tenant improvements, façade improvements, and new business incubation.
- EV-C Promote new retail and higher density uses along the City's regional/arterial corridors.
- EV-C-2 Establish an inventory of ready-to-go non-residential sites complete with zoning, infrastructure, and environmental clearances.
- EV-D Maintain the economic vitality of the downtown, business parks, offices and industrial areas. EV-D-1 Continue to promote Santa Rosa's role as a regional center.

The proposed project is consistent with applicable goals and policies of the General Plan and will provide for a more efficient implementation of the area's Retail and Business Services designation. The operation of a dispensary from within the newly constructed commercial building would contribute to maintaining the economic viability of the area, provide diverse employment opportunities, and would remain compatible with existing businesses and residential uses in the area.

As previously mentioned in this report, the Policy Statement that governs allowable uses for this area limits commercial uses and allows industrial uses that would not otherwise be permitted in zoning districts that implement the Retail and Business Services land use designation. The 33 properties that staff is recommending be included on the rezone share the same General Plan land use designation of Retail and Business Services.

2. Other Applicable Plans

Not applicable.

3. Zoning

The property at 900 Santa Rosa Avenue is currently located in the South Park PD zoning district. The Policy Statement for that planned development area does not allow the Cannabis Retail use. As such, the project includes a request to rezone the property from the PD zoning district into the CG zoning district, which is consistent with the General Plan land use.

Planning staff is recommending that the Planning Commission include 33 additional properties, all within the South Park Planned Development area, in its rezoning recommendation to Council. As discussed in the General Plan section of this report, the current PD zoning limits commercial uses and allows industrial

uses that are not consistent with the Retail and Business Services General Plan land use designation. Businesses that are currently operating legally that would not otherwise be permitting in the proposed CG zoning district will be allowed to operate pursuant to Zoning Code Chapter 20-61.

The project also involves a request for a Conditional Use Permit. 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 R&B Dispensary 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. There are no schools within 600 feet of 900 Santa Rosa Avenue.

### **Concentration**

The Zoning Code limits concentration for cannabis retail facilities (dispensaries) prohibiting dispensaries within 600 feet of each other. The proposed dispensary was included in an area with high concentration and was selected to advance through the Conditional Use Permit process. There are no other approved dispensaries within 600 feet of 900 Santa Rosa Avenue.

### **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**

R & B Dispensary will have a professionally installed carbon filtration system to prevent odors from escaping the building. The plan, prepared by Warner Engineering, Inc., dated April 10, 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**

The dispensary will install lighting sufficient to provide illumination and clear

visibility to all outdoor areas of the premises, including all points of ingress and egress, that is capable of providing enhanced visibility for nighttime video surveillance and any law enforcement response to trespassing or other criminal activity.

### **Noise**

The dispensary is not anticipated to exceed the allowable noise levels, however, the project has 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, the system includes:

- Security cameras and surveillance footage will be retained for a minimum of 90 days.
- A secure alarm system to monitor after-hours entry onto the property.
- Secured areas will be accessible to authorized personnel only.
- Commercial grade doors and window locks.

### **Delivery Services**

The following delivery procedures will apply:

- Deliveries will be made during dispensary hours.
- Deliveries and pick-ups will be made from a secure access point with limited access.
- 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 3,550 square feet. Pursuant to Zoning Code Table 3-4, the project is required to provide 14 onsite parking spaces. The project site plan provides 11



onsite parking spaces and eight additional spaces at an offsite parking area located across Santa Rosa Avenue that will be designated for use by employees. Pursuant to Zoning Code Section 20-36.040, when a building's use changes to a new use, for example a retail use to a restaurant, without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, 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. Because the building design was approved and is being constructed as part of a previously approved project, and the parking deficit is less the ten spaces and 25% of the parking requirement, the request to operate a cannabis dispensary from this location does not require a parking reduction.

### **Required Findings**

Pursuant to Zoning Code Section 20-.52.050(F), the Planning Commission must make six findings before approving the 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; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Pursuant to Zoning Code Section 20-64.050(B), the following finding must be met for Zoning Code Map amendments:

- The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
- The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

- The site 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; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

As shown on the attached draft resolutions, all required findings can be met.

4. State Requirements

The applicant will hold a Type 10 State license, which allows a cannabis retail use. 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

No changes other than exterior painting are proposed as part of this project. Any exterior changes to the approved design for the commercial building being constructed at 900 Santa Rosa Avenue with require Design Review.

6. Historic Preservation Review Standards

Not applicable.

7. Neighborhood Comments

Staff has received several phone calls from several people that own property within the rezoning boundary, all of which have indicated support of the rezoning.

8. Public Improvements/On-Site Improvements

A comprehensive list of on and offsite improvements can be found in the Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated August 2, 2019, attached to the draft CUP resolution. Most of the conditions carry over from the Design Review and CUP approval for the automotive repair facility approved in 2015. Conditions specific to the proposed cannabis retail use include:

- The addition of queuing areas at driveway entrances; and
- The removal of a driveway approach from Bennett Valley Road.

FISCAL IMPACT

Not applicable.

### ENVIRONMENTAL IMPACT

The Rezoning has been reviewed in compliance with the California Environmental Quality Act (CEQA) because it is consistent with the General Plan, for which an Environment Impact Report (EIR) was certified by Council in 2009.

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.

- A Traffic Study and Technical Memorandum, both prepared by Janice Spuller, TJKM, and both dated April 16, 2019, conclude that “Based on the City impact criteria the project is expected to have a less-than-significant impact at all of the study intersections.”
- R & B Dispensary 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 10, 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.

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.

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.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

No other review authorities have reviewed this project.

### NOTIFICATION

On February 27, 2018, a letter was sent to all affected property owners expressing City staff’s intent to recommend expansion of the area to be rezoning (attached).

On March 13, 2018, a Notice of Application was sent to property owners within 400 feet of the properties proposed for rezoning.

On March 20, 2018, a revised land use table comparing allowable uses for the PD zoning district and CG zoning district was sent to affected property owners (attached).

Pursuant to Zoning Code Chapter 20-66, all required public noticing was done, including the installation of three 32-square foot public hearing signs along the Rezoning boundary frontage, a mailed Notice of Public Hearing to property owners within 400 feet of the properties proposed to be rezoned, and a Notice of Public Hearing was published in the Press Democrat.

### ISSUES

There are no unresolved issues.

### ATTACHMENTS

- Attachment 1: Disclosure Form
  - Attachment 2: Location Map/Rezoning Boundary
  - Attachment 3: Neighborhood Context Map
  - Attachment 4: Notices of Inclusion, dated February 14, 2018, and March 20, 2018
  - Attachment 5: Notice of Application, mailed March 13, 2018.
  - Attachment 6: General Plan Land Use Diagram
  - Attachment 7: South Park Policy Statement
  - Attachment 8: Land Use Table
  - Attachment 9: Project Narrative,
  - Attachment 10: Project Plans, prepared by 4dPerspective, dated July 3, 2019
  - Attachment 11: Parking Incentive, provided by applicant
  - Attachment 12: Odor Mitigation Plan, prepared by Warner Mechanical Engineering, dated April 10, 2018
  - Attachment 13: Lighting Plan, prepared by E Steve Powers Architect, Rev. date October 3, 2017
  - Attachment 14: Daycare and School Exhibit, stamped received on April 17, 2018
  - Attachment 15: Zoning Administrator Resolution No. MNP14-016, dated July 2, 2015
  - Attachment 16: Traffic Study
  - Attachment 17: Public Correspondence
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- Resolution 1: Recommendation to Rezone
  - Resolution 2: Conditional Use Permit (with Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated August 2, 2019)

### CONTACT

Susie Murray, Senior Planner  
707-543-4348  
[smurray@srcity.org](mailto:smurray@srcity.org)

RESOLUTION NO. 11977

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL REZONING OF 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 Planning Commission of the City of Santa Rosa 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 Planning Commission 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; and

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050 (Findings), hereby finds and determines:

- A. The proposed amendment 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 designated Retail and Business Services on the General Plan Land Use Diagram, and the CG (General Commercial) zoning district implements that land use.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the zoning will be consistent with the General Plan land use designation; and
- A. The proposed amendment has been found in compliance with the California Environmental Quality Act (CEQA). It is consistent with the General Plan land use designation for which an Environment Impact Report (EIR) was certified by Council in 2009.

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 also 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. The following technical studies were completed, both concluding that impacts related to the cannabis retail use would be less than significant.

- A Traffic Study and Technical Memorandum, both prepared by Janice Spuller, TJKM, both dated April 16, 2019, conclude that “Based on the City impact criteria the project is expected to have a less-than-significant impact at all of the study intersections.”
- R & B Dispensary 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 10, 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 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.

- D. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.
- E. The area to be rezoned (the east side of the Petaluma Hill Road/Santa Rosa Avenue corridor, spanning from Colgan Creek to Bennett Valley Road) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested CG zoning designation and anticipated land uses/developments. All but three of the affected properties are currently developed and, with the exception of the subject project’s CUP for a Cannabis Retail facility, there are no changes in land use or new development being proposed within the scope of this Rezoning.

BE IT RESOLVED that the Planning Commission recommends to the City Council approval and adoption of the rezoning of properties situated 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, to the CG (General Commercial) zoning district for General Plan consistency.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22<sup>nd</sup> day of August 2019, by the following vote:

AYES: (6) Chair Cisco, Vice Chair Weeks, Commissioner Carter, Commissioner Duggan  
Commissioner Kalia and Commissioner Okrepiek.

NOES: (0)

ABSTAIN: (0)

ABSENT: (1) Commissioner Peterson

APPROVED:   
Patti Cisco (Sep 12, 2019)

PATTI CISCO, CHAIR

ATTEST:   
CLARE HARTMAN, EXECUTIVE SECRETARY

RESOLUTION NO. 11978

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE R&B DISPENSARY, A 3,550-SQUARE FOOT CANNABIS RETAIL FACILITY, TO BE LOCATED AT 900 SANTA ROSA AVENUE; FILE NUMBER PRJ18-055

WHEREAS, on April 17, 2018, an application was submitted requesting the approval of a Conditional Use Permit for R & B Dispensary, a 3,550-square foot cannabis retail facility selling both medical and adult use cannabis products, to be located at 900 Santa Rosa Avenue, also identified as Sonoma County Assessor's Parcel Number 009-334-015;

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 application for the proposed Cannabis Retail (dispensary) facility includes a request to rezone the site from the PD (Planned Development – South Park) zoning district to the CG (General Commercial) zoning district. The Cannabis Retail use is allowed within the CG (General Commercial) zoning district and the project complies with all other applicable provisions of the Zoning Code and the City Code; 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 applications include a request to rezone to the CG (General Commercial) zoning district, which is consistent with the General Plan 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. Pursuant to Zoning Code Table 3-4, the 3,550-square foot cannabis retail facility is required to provide 14 onsite parking spaces. The site plan provides 11 parking spaces, and the applicant has negotiated an offsite location for eight additional spaces designated for employee parking



at 901 Santa Rosa Avenue 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, except that the new use shall comply with current ADA standards for parking, 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. Because the building design was approved and is being constructed as part of a previously approved project, and the parking deficit is less the ten spaces and 25% of the parking requirement, the request to operate a cannabis dispensary from this location does not require a parking reduction.

The proposed site circulation has been reviewed and approved by Traffic Engineering staff; the business will provide adequate security; and the project is required to comply with operational standards pursuant to Zoning Code Chapter 20-46.

The subject property is bordered to the north by Bennet Valley Road and Highway 12; to the east by Rutledge Avenue and the Bennet Valley Senior Center; to the south by similar commercial uses; and to the west by Santa Rosa Avenue, similar commercial uses and a vacant lot; and

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 site is bordered to the north by Bennet Valley Road and Highway 12; to the east by Rutledge Avenue and the Bennet Valley Senior Center; to the south by similar commercial uses; and to the west by Santa Rosa Avenue, similar commercial uses and a vacant lot. The general nature of commercial uses was included in the scope of review in the General Plan 2035 Environmental Impact Report certified by the Council in 2009; and
- F. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4. The project proposes to operate from an approved commercial building and has maximized the amount of parking onsite. The project is providing eight offsite parking spaces designated for employees, which will reduce the onsite parking demand; and
- G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. The project will provide eight offsite parking spaces designated for employee parking. Any unused parking spaces will be available for customer use; and

- H. The Rezoning has been found in compliance with the California Environmental Quality Act (CEQA). It is consistent with the General Plan land use designation for which an Environment Impact Report (EIR) was certified by Council in 2009.

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. The following technical studies were completed, both concluding that impacts related to the cannabis retail use would be less than significant.

- A Traffic Study and Technical Memorandum, both prepared by Janice Spuller, TJKM, both dated April 16, 2019, conclude that “Based on the City impact criteria the project is expected to have a less-than-significant impact at all of the study intersections.”
- R & B Dispensary 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 10, 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 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.

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 R & B Dispensary, a Cannabis Retail (dispensary) facility for medical and adult use products, located at 900 Santa Rosa Avenue, is approved subject to each of the following conditions:

## **PLANNING AND ECONOMIC 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. All work shall be done according to the final approved plans dated July 3, 2019.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

### **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 a modification to the existing building permit or obtain an additional building permit for the proposed project.

### **ENGINEERING DIVISION:**

7. Compliance with all conditions of approval as shown on Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated August 2, 2019, attached hereto and incorporated herein.

### **PLANNING DIVISION:**

8. Contingent upon reclassification of the property at 900 Santa Rosa Avenue into the CG zoning district.
9. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

10. Any exterior modifications to the approved building design, including but not limited to fences, landscaping, replacement of building materials, storage areas, or exterior mounted equipment, will require Design Review.
11. The Project shall comply with all applicable operational standards pursuant to Zoning Code Chapter 20-46.
12. The Project shall comply with the Noise Ordinance, City Code Chapter 17-16, for commercial uses along the east, west and south property lines, and for residential uses along the north property line.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
14. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
15. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
16. LIGHTING:
  - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
  - B. Light sources shall be concealed from public view.
  - C. All lighting shall be directed toward the subject property and away from adjacent properties.
  - D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height.
17. PARKING:
  - A. Day-shift employees shall be provided with an offsite parking area. Two onsite spaces shall be reserved for employees working after dark.
  - B. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

NOW, THEREFORE, BE IT 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 22<sup>nd</sup> day of August 2019, by the following vote:

AYES: (6) Chair Cisco, Vice Chair Weeks, Commissioner Carter, Commissioner Duggan  
Commissioner Kalia and Commissioner Okrepkie.

NOES: (0)

ABSTAIN: (0)

ABSENT: (1) Commissioner Peterson

APPROVED:   
Patti Cisco (Sep 12, 2019)

PATTI CISCO, CHAIR

ATTEST:   
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit A Attached

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT  
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"  
August 2, 2019

Mercy Wellness  
900 Santa Rosa Ave  
CUP18-043

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Division of the Planning & Economic Development 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. Developer's engineer shall comply with all requirements of the City Storm Water Low Impact Development Technical Design Manual in effect at the time this application was deemed complete.
- III. Submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 4051, on December 1, 2015.
- IV. All properties including, commercial and industrial properties shall be subject to public improvement requirements where the cost of any improvement to an existing building exceeds a value of \$200,000.00.**
- V. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans dated July 3, 2019:

**PUBLIC EASEMENT DEDICATION**

1. Prior to finaling of EP16-0254 or the issuance of any other Encroachment Permit for this site the following shall be dedicated to the City;
  - a. a sidewalk easement of sufficient size to contain any portion of a minimum 4-foot sidewalk landing not already contained within 6-inches of the right-of-way at the northeast curb return per City Standard 231 and the most recent version of Caltrans Standard A88A
  - b. a sidewalk easement of sufficient size to contain any portion of a minimum 4-foot sidewalk landing not already contained within the right-of-way behind the northerly drive approach with sidewalk to City Standards 231
  - c. a Public Utility Easement starting at the property line and ending 7.5-feet behind the back of sidewalk along the project frontage. If the applicant wishes to reduce or eliminate the Public Utility Easement along any frontage, they

shall apply for a Variance during the review period for the Encroachment Permit.

2. All costs associated with map, plan, easement, plat, legal description, and/or support document preparation shall be the sole responsibility of the subdivider.

## **PUBLIC STREET IMPROVEMENTS**

3. All public and private improvements, both on-site and off-site; all rights-of-way and easement acquisitions, be they on-site or off-site; and all removal, relocation, or undergrounding of existing public utilities and any coordination thereof required or necessitated as a result of the review and approval of the project and the cost thereof shall be the obligation of the subdivider unless express written provision to the contrary is agreed to by the City. The full installation of all such required improvements to the satisfaction of the City Engineer shall be completed prior to the acceptance of the improvements by the City.
4. An Encroachment Permit must be obtained from Engineering Development Services of the Planning and Economic Development Department prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements.
5. The minimum and maximum cross-slope for all streets shall be 2% and 5% respectively. Minimum gutter slope for all streets shall be 0.5%.
6. Existing streets being cut by new services will require edge grinding per City Standard 209, trenching per Standard 215, and an A.C. overlay.
7. Install a Caltrans Standard A88A handicap ramp with a 4-foot sidewalk landing at the intersection of Bennett Valley Road and Rutledge Avenue. The curb return radius shall be 35-feet.
8. Any broken sidewalk behind the handicap ramp at the intersection of Bennett Valley Road and Santa Rosa Avenue shall be replaced per current City Standards 231, 235 and 237.
9. Improvements to Bennett Valley Road shall consist of;
  - a. the removal to City Standards of the drive approach and the installation of sidewalk per City Standards 235 and 237
  - b. any broken or missing curb, gutter and/or sidewalk shall be replaced per current City standards 235 and 237
10. Improvements to Rutledge Avenue shall consist of;
  - a. the removal and replacement to City Standard 250 A of the northerly drive approach with sidewalk to City Standards 231, 235 and 237 around the back
  - b. the removal to City Standards of the southerly drive approach and the installation of sidewalk per City Standards 235 and 237

- c. any broken curb, gutter and/or sidewalk shall be replaced per current City standards 235 and 237
11. Installation of street lights and the street lighting pattern will be determined during plan check phase of the improvement plans as approved by the City Engineer.
- a. City Standard 611 cobra style street lights are to be installed along the frontage to current spacing requirements, using LEOTEK LED fixtures. Street light spacing, wattages, and locations will be determined during the improvement plan review process.
  - b. Electrical boxes for new and/or relocated street lights and signals shall be provided with grounded vandal resistant inserts, McCain Tamper Resistant Inserts or City approved equal, in street light pull boxes at locations as directed by the City. Catalog cuts shall be provided with the first plan check submittal for review and approval by the City Engineer. The street light Encroachment Permit shall include the following note; "The contractor may use their own locks during construction for ease of access, however once the conductors in the pull box are live the contractor shall coordinate with the City Inspector to have the City lock installed. Electrical pull boxes in planter strips shall be provided with a 2-foot concrete apron around box."
12. New services (electrical, telephone, cable or conduit) to new structures shall be underground.

#### **TRAFFIC AND LINE OF SIGHT**

13. The height of signs, vegetation or other obstructions near street intersections shall maintain clear line of sight for all vehicles approaching the intersection to the satisfaction of the City Traffic Engineer during review of (Building Permit, Encroachment Permit, Improvement Plans).
14. Vegetation over 3-feet in height shall be planted no closer than 40-feet from stop bar of stop sign controlled intersections.

#### **DRIVEWAY IMPROVEMENTS**

15. A queuing area shall be provided at all driveway entrances between the street and the first point where vehicles may maneuver within the parking facility with a minimum of 15 feet clear behind the sidewalk to the first parking space.

#### **STORM DRAINAGE**

16. Drainage facilities and drainage easements shall be provided to the satisfaction of the City Engineer or the Chief Engineer of the Sonoma County Water Agency at the subdivider's expense.



**GRADING** (from Building Memo dated October 4, 2018)

17. Obtain a modification to the existing building permit or obtain an additional building permit for the proposed project.

**WATER AND WASTEWATER**

18. Water and sewer systems and appurtenances thereto shall be designed to serve the project in accordance with the City of Santa Rosa Design and Construction Standards and shall be constructed to the satisfaction of the City Engineer.
19. Provide square footage of each area of the building: Office, retail, warehouse, lab, cultivation etc.
20. Install a reduced pressure backflow device on the domestic meter per std 876 if none exists (for existing bldgs.)\*\* Use standard service conditions if this is new construction. Reduced Pressure backflow per Std. 876 will always be required on the domestic and irrigation meters for this industry.\*\*
21. Submit proof of application with the North Coast Regional Water Quality Control Board. (if not connected to sewer or has an outdoor grow area with project)

**FIRE** (from Memo dated October 16, 2018)

22. Facility shall comply with the requirements of the California Building and Fire Codes, for referenced guidelines see, "Building and Fire Code Requirements for Cannabis Related Occupancies" including General Requirements and those specific to manufacturing, cultivation, distribution and dispensaries. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support>.
23. An annual Fire Department Operational Permit is required for cannabis cultivation, manufacturing, testing and laboratory, and distribution facilities.
24. The building is required to be protected by automatic fire sprinkler system.
  - a. The fire department connection (FDC's) shall be located within 100 feet of a fire hydrant.
25. Fire flow and location of fire hydrants, fire protection appurtenances shall be in strict accordance with California Fire Code Chapter 5, Appendix B, and Appendix C as adopted by the City of Santa Rosa.
26. Provide a Fire Department key box (Knox box) access to the building and if a gate is installed across the driveway Opticom and key-switch/Knox pad-lock access through electric/manual gates will be required.
  - a. Gates shall be automatic and electronically controlled with Opticom strobe activated device for emergency vehicles, have a Knox Key switch override and battery backup for operation during a power failure.
  - b. Gates shall be set back from the street a minimum of 10 feet to allow emergency vehicle to pull out of the traffic lane. *This dimension has been*

*mitigated from the code required 20 feet, due to site constraints. The developer shall provide as much setback as possible up to 20 feet but shall not be less than 10 feet.*

- c. Gates shall be a minimum of 20 ft. wide but shall not obstruct any portion of the roadway width.
27. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards.
- a. Address numbers shall be placed at a high point on the building that is visible from the street.
28. Storage or use of any hazardous materials at the site will 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 permit 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.



A. R. Jesús McKeag

PROJECT ENGINEER