

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
**January 10, 2019**

**PROJECT TITLE**

Expanding Roots Dispensary

**APPLICANT**

Expanding Roots Inc./Grant Babbitt –  
Applicant

Rogoway Law Group - Representative

**ADDRESS/LOCATION**

3499 Industrial Dr.  
Santa Rosa, CA 95403

**PROPERTY OWNER**

Joseph and Jill Cabral

**ASSESSOR'S PARCEL NUMBER**

015-650-022

**FILE NUMBER**

CUP18-073

**APPLICATION DATE**

April 20, 2018

**APPLICATION COMPLETION DATE**

May 31, 2018

**REQUESTED ENTITLEMENTS**

Conditional Use Permit (CUP)

**FURTHER ACTIONS REQUIRED**

None.

**PROJECT SITE ZONING**

IL (Light Industrial)

**GENERAL PLAN DESIGNATION**

Light Industry

**PROJECT PLANNER**

Andrew Trippel

**RECOMMENDATION**

Approval

Agenda Item # 10.1  
For Planning Commission Meeting of: January 10, 2019

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR EDMONDSON AND MEMBERS OF THE COMMISSION  
FROM: ANDREW TRIPPEL, PROJECT PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: EXPANDING ROOTS CANNABIS RETAIL (DISPENSARY) AND  
DELIVERY CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

The Department of Planning and Economic Development recommends that the Planning Commission, by resolution, approve a Conditional Use Permit to allow a Medicinal and Adult Use Cannabis Retail (Dispensary) and Delivery use in 1,340 square feet of an existing 9,035 square-foot industrial building located at 3499 Industrial Drive as part of a Cannabis Microbusiness.

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EXECUTIVE SUMMARY

Expanding Roots seeks a Conditional Use Permit (CUP) to allow a Medicinal and Adult Use Cannabis Retail (Dispensary) and Delivery use in 1,340 square feet of an existing 9,035 square foot industrial building on a 0.72-acre parcel as part of a Cannabis Microbusiness. Retail and delivery hours of operation will be from 9:00 a.m. to 9:00 p.m. daily consistent with Zoning Code Section 20-46.080(F)(4) and with commercial deliveries to the retail (dispensary) limited to the hours of 9:00 a.m. – 5:00 p.m. Monday-Friday.

State law requires issuance of a Cannabis Microbusiness (Type 12) license for a cannabis operator to operate multiple cannabis businesses at a single location. Pursuant to approval of the proposed Medical and Adult Use Cannabis Retail (Dispensary) and Delivery use, Expanding Roots will seek a State Type 12 annual license to operate as a Cannabis Medical and Adult Use Microbusiness consisting of previously approved Cultivation (less than 10,000 sq. ft.), Manufacturing—Level 1 (non-volatile), and Distribution uses, and the Retail (Dispensary) and Delivery use currently under review.

## 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. The project site was previously approved for Medical Cannabis Cultivation, Manufacturing—Level 1 (non-volatile), and Distribution through Planning Commission Resolution No. 11873 dated January 11, 2018, authorized to add Adult Use Cannabis through Zoning Clearance ZC18-0464, and authorized to operate as a Cannabis Microbusiness (Type 12) through Zoning Clearance ZC18-0461.

### 1. Project Description

The Project will occupy 1,340 square feet of an existing 9,035 square foot industrial building on a 0.72-acre parcel within a Light Industrial zoning district in Northwest Santa Rosa. The applicant's project description is provided in Attachment 4. The applicant will hold a Type 12 State license for Microbusiness, which would be comprised of Retail (Dispensary) and Delivery, Cultivation less than 10,000 sq. ft., Manufacturing—Level 1 (nonvolatile), and Distribution cannabis uses. The Project will be required to adhere to State Bureau of Cannabis Control licensing and operating procedures in addition to the operational provisions of Zoning Code Chapter 20-46.

#### Retail (Dispensary) and Delivery

The proposed Cannabis Retail (Dispensary) and Delivery use of the 1,340 square-foot space will include 1,117 square feet for sales to public, a 120 square foot stock room, and a 103 square foot office. Break room and bathroom spaces are shared with previously approved cannabis uses in the building. In compliance with Zoning Code Section 20-46.080 (F)(4), the applicant's retail facility will be open to the public and will conduct deliveries between 9:00 A.M. and 9:00 P.M. daily.

#### Cultivation (Less than 10,000 square feet)

A Cannabis Cultivation use was previously approved though Planning Commission Resolution No. 11873 dated January 11, 2018. This approved use will utilize 3,303 square feet of the existing 9,035 square foot building. The applicant will use approximately 3,303 square feet of indoor cultivation at the microbusiness facility comprised of two cultivation rooms of 800 square feet and 1,543 square feet and one nursery cultivation room of approximately 640 square feet. Applicant will utilize approximately 320 square feet for processing and storing cultivated cannabis on site (see Attachment 5 – Site Plans). No cultivation will take place outdoors.

#### Manufacturing—Level 1 (non-volatile)

A Cannabis Manufacturing—Level 1 (non-volatile) use was previously approved though Planning Commission Resolution No. 11873 dated January 11, 2018. This approved use will utilize 1,722 square feet of the existing 9,035 square foot building. City Ordinance Section 20-70.020, "Cannabis Manufacturing – Level 1" means "the processing or manufacturing of medical or adult use cannabis products

# EXPANDING ROOTS CANNABIS RETAIL (DISPENSARY) AND DELIVERY

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using nonvolatile solvents, or no solvents. The use of post-extraction ethanol “winterization” is allowed within Cannabis Manufacturing Level 1 only to the extent such use is permitted by the State in a Type 6 license.”

The applicant will conduct infusion and rosin press extraction, and may conduct CO2 extraction, as described in further detail in Attachment 4 – Project Description. All of these processes are solvent-free and will be non-flammable and nontoxic. The applicant will only use extraction equipment that has been listed or otherwise certified by an approved third-party testing agency, or a licensed professional engineer prior to use (City Ordinance Section 20-46.070). Furthermore, all of Applicant’s manufacturing equipment will be approved for the intended uses by the City’s Building Official and Fire Code Official prior to use.

## Distribution

A Cannabis Distribution use was previously approved though Planning Commission Resolution No. 11873 dated January 11, 2018. This approved use will utilize 2,670 square feet of the existing 9,035 square foot building. Pursuant to Zoning Code Section 20-70.020, Cannabis Distribution includes “the procurement, sale, and transport of Medical or Adult Use Cannabis and Medical or

Use	Room Name	Size (in Square Feet)
<b>Cultivation</b>	Cultivation 1	800
	Cultivation 2	1,543
	Nursery/Clone	640
	Drying	320
<b>TOTAL CULTIVATION WITH PROCESSING (DRYING &amp; STORAGE): 3,303</b>		
<b>Manufacturing</b>	Commercial Kitchen	650
	Manufacturing	400
	Storage	75
	Remainder	597
<b>TOTAL MANUFACTURING: 1,722</b>		
<b>Distribution</b>	Ship/Rec	720
	G’s Office	143
	Vault/Quarantine	64
	Storage/Mech	58
	Storage	49
	Hallway 1	925
	Hallway 2	450
	Break Room	99
	Bathrooms	162
<b>TOTAL DISTRIBUTION: 2,670</b>		
<b>Retail</b>	Dispensary	1,117
	Stock Room	120
	Office	103
<b>TOTAL RETAIL: 1,340</b>		

Adult Use Cannabis Products between Cannabis Businesses.” Applicant will arrange for testing, check for appropriate packaging and labeling, collect taxes, transport cannabis and cannabis products, and may act as a wholesaler, all in accordance with MAUCRSA, the Bureau of Cannabis Control Regulations, and local law.

### Building Modifications

Minor exterior modifications are proposed to the existing building, including removal of entry façade located on the western (left) portion of the façade, installation of security equipment around the structure; and landscaping in conjunction with required accessibility improvements. In addition to reconfiguring the interior walls, interior modifications will include fire sprinklers and security equipment. No on or offsite improvements are required.

### State Requirements

The applicant will hold a Type 12 State license, which allows a “microbusiness” comprised, in this case, of cultivation, manufacturing (non-volatile), distribution, and retail uses. The Project will be required to adhere to State Bureau of Cannabis Control licensing and operating procedures in addition to operational provisions of Zoning Code Chapter 20-46.

### Cannabis Subcommittee Merit-based Review

The project application was reviewed by the Cannabis Subcommittee on August 30, 2018, as part of a three-application overconcentration area in Northwest Santa Rosa. The project’s Merit-based Review score was 81 out of 100, which was the highest score received by applications in that overconcentration area (see Attachment 6 – Cannabis Subcommittee Review). Reviewers noted that the applicant provided “very detailed descriptions addressing each [Neighborhood Compatibility] criterion” and noted the sustainable characteristics of proposed interior and exterior upgrades.

## 2. Surrounding Land Uses

North: IL (Light Industrial)  
South: IL (Light Industrial)  
East: CG (General Commercial)  
West: IL (Light Industrial)

Land uses within the surrounding Light Industrial and General Commercial zoning districts include a mix of retail uses such as sewing materials and furniture sales, veterinary and fitness services, a Moose Lodge, construction-related contracting operations, and light manufacturing. Other Cannabis uses approved or proposed on parcels adjacent to the site include an approved Manufacturing—Level 1 (non-

volatile) use at 3415 Industrial Dr. (west of project site) and an application for Cultivation (>5,000 sq. ft.) at 3555 Airway Dr. (north of site).

3. Existing Land Use – Project Site

The use is proposed within an existing 9,035 square-foot, single-story building that was previously used for furniture sales and warehousing. The building is sited to the rear of the parcel, and all on-site parking is located between the building and adjacent public rights-of-way. The primary street frontage is on Industrial Drive with access to the parcel from Industrial and Airway drives.

Project History

- January 11, 2018** Planning Commission Resolution No. 11873 approving Cannabis Cultivation, Manufacturing—Level 1 (non-volatile), and Distribution uses
- April 20, 2018** CUP application submitted to the Planning and Economic Development Department
- May 31, 2018** Notice of Complete Application issued
- August 30, 2018** Cannabis Subcommittee review was conducted
- September 25, 2018** Notice of Application mailed

PRIOR CITY COUNCIL REVIEW

Not applicable

ANALYSIS

1. Santa Rosa General Plan 2035

The site is designated as Light Industry on the General Plan Land Use Diagram. This classification is intended to accommodate light industrial, warehousing and heavy commercial uses.

The following General Plan goals and policies are applicable to the Project:

**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 office, and Santa

Rosa's role as a regional employment center.

LUL-K Protect industrial land supply and ensure compatibility between industrial development and surrounding neighborhoods.

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

The Zoning Code specifically identifies IL (Light Industrial) zoning districts as locations appropriate for cannabis retail, distribution and retail uses. Although Cannabis uses are not explicitly addressed in the General Plan, the IL zoning district is intended for many uses similar to cannabis retail, cultivation and distribution related uses.

Staff has determined that Cannabis Cultivation, Manufacturing, Distribution and Retail (Dispensary) and Delivery uses are consistent with the General Plan goals and policies of the Light Industry land use designation. Specifically, the proposed Microbusiness use would assist in maintaining the economic viability of the area; broaden the available positions for both full and part time employment within the City; and provide a viable commercial service, while ensuring compatibility with the surrounding neighborhoods through proposed operational and security measures.

2. Other Applicable Plans

Not applicable.

3. Zoning

The project site is located within a Light Industrial (IL) Zoning District and is surrounded by IL and General Commercial (CG) zoning districts. The surrounding zoning districts support light manufacturing and retail sales and services uses.

The IL (Light Industrial) zoning district implements the Light Industry General Plan land use designation. Pursuant to Zoning Code Chapter 20-24, Table 2-10, Microbusiness for Cannabis, including Cultivation (up to 10,000 sq. ft.),

Manufacturing, Distribution and Retail (Dispensary) and Delivery, are allowed within the IL zoning district with the approval of a Conditional Use Permit.

Zoning Code Section 20-46.050 provides General Operating Requirements applicable to all Cannabis Businesses and Section 20-46.080 specifies additional operating requirements for Cannabis Retail (Dispensary) and Delivery. Below is an analysis of the relevant subsections of Sections 20-46.050 and 20-46.080.

**Section 20-46.050 General operating requirements – analysis of relevant sections**

- A. **Dual licensing.** Applicant is required to demonstrate local authorization prior to obtaining a State Cannabis Operator license. Approval of this application for a Conditional Use Permit to operate Cannabis Retail (Dispensary) and Delivery is a necessary step in order to comply with the dual licensing requirement. The application reflects a thorough understanding of required compliance with local and state regulations.
- B. **Minors.** Access to the retail area will be limited to individuals who are at least 21 years of age, or who are at least 18 years of age with a valid physician's recommendation. Identification and doctor recommendations will be verified. Employees will be present in the retail area at all times that non-employees are present.
- C. **Inventory and tracking.** Applicant has provided policies and procedures for the inventory and tracking of Cannabis and Cannabis products, as well as maintenance of associated records. Planned security procedures and access protocols will additionally help to prevent diversion of Cannabis and Cannabis products.
- D. **Multiple permits per site.** The applicant has indicated that it will pursue licensure as a Cannabis Microbusiness in compliance with State law. Cannabis Microbusinesses are allowed to operate at least 3 and up to 4 different Cannabis businesses at one location. The applicant has previously received approval for three (3) Cannabis uses at the project site.
- E. **Building and fire permits.** The project application has been reviewed by Building and Fire departments, and it has been conditioned as necessary by those departments. The applicant demonstrates a clear understanding of what is required to comply with Building and Fire requirements, including to provide access with a Fire Department lock box for keys to gates and doors, and has indicated that it will comply with all Building and Fire code regulations.
- G. **Security.** The applicant has provided a detailed security plan that includes the following security enhancements:
  - 1. Security Personnel as required by the Bureau of Cannabis Control Regulations and a Security Surveillance System with video footage retention and descriptions of the number and location of motion-sensor



cameras throughout the facility;

2. Access Controls on external and internal doors and windows with 2-level verification (key and code) required on some doors. Alarm systems will be monitored and appropriate permits obtained for installation and ongoing use.
3. Secure waste and storage areas, including securing an existing outdoor non-Cannabis waste receptacle, are addressed and protocols for disposing for Cannabis and Cannabis product waste are provided.
4. Transportation and delivery procedures for Distribution and Retail Delivery activities, and currency are provided in detail.
5. Emergency response and emergency access protocols are described in detail.

H. **Odor Control.** Zoning Code Section 20-46.050(H) requires cannabis businesses to “incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside the structure in which the business operates.” The applicant has provided a certified Odor Mitigation Plan, which includes the installation of activated carbon inline filters on recirculating air systems serving spaces at risk for emitting cannabis odors [see Attachment 4 – Project Description (subsection f) and Attachment 8 – Certified Odor Mitigation Plan]. The Odor Mitigation Plan has been certified by TEP Engineering, a registered professional engineering firm, verifying that the proposed odor control and mitigation plan complies with Zoning Code Chapter 20-46.

I. **Lighting.** The applicant has indicated that “all external lighting will be installed and operated in accordance with the City of Santa Rosa codes and ordinances to offer safety to customers and employees, while minimizing the impact on surrounding businesses. All exterior lighting systems will be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress, in accordance with Section 20-46.050(I) of the City Ordinance.” [see Attachment 4 – Project Description (subsection g)].

1. Exterior lights will be installed to the edge of the building and surrounding perimeters (minimum of 500 lux) including driveways, parking lots, landscaped areas, trash areas, walkways and entry areas to sufficiently illuminate the external property and enable the security cameras to capture clear images.
2. Exterior lighting will be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood.
3. The applicant will be utilizing LED down-lighting on all exterior exits and in the interior cultivation canopy areas, and motion activated lighting will illuminate exterior doors and windows.

4. Exit door lighting will be on a photo voltaic sensor actuating the lighting when it gets dark. The applicant is working with an architect to ensure all lighting within and outside the facility complies with the City Code. Applicant does not intend to install light poles unless otherwise recommended by the City.
- J. **Noise.** The applicant does not propose any outdoor mechanical equipment other than standard HVAC systems that would be typical for light industrial and commercial retail uses. Any ground- or roof-mounted HVAC equipment must be screened from public view, which also helps to contain nuisance noise on-site. The application notes that the facility will be heavily insulated reducing any potential nuisance noise from the interior of the building. Windows and doors will remain closed at all hours. Applicant proposes commercial deliveries during the hours of 9:00 a.m. – 5:00 p.m. Monday-Friday, and the project approval will be conditioned accordingly.

The applicant recognizes that according to the Santa Rosa City Code (Chapter 17-16) it is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

#### **Section 20-46.080 Cannabis Retail (Dispensary) and Delivery Requirements**

- A. **Conditional use.** Application has been made for a Conditional Use Permit to operate Cannabis Retail (Dispensary) and Delivery, and the application clearly indicates that the use is for medical and adult use retail.
- B. **Delivery Services.** Delivery Services are proposed in conjunction with this application for a Retail (Dispensary) operation at a physical location and with a retail storefront that is open to the public. The application provides an operational plan for delivery services that includes:
1. A description of the delivery process from the point at which cannabis and cannabis products are entered into a tracking system at the retail location until the delivery person receives a signed copy of the prepared delivery receipt;
  2. Minimum requirements for hiring of delivery employees. The application indicates that at least two (2) delivery drivers will be operating at one time. Specialized training courses will be provided to delivery drivers to enhance safety for employees, customers, and the community;
  3. Standards for the types of delivery vehicles used, how cannabis and cannabis products will be stored out in the vehicle trunk or out of public sight, the use of GPS tracking to provide geographic information about the location of vehicles; and
  4. Demonstrates compliance with local regulations and Bureau of Cannabis Controls Regulations Sections 5415-5417.

- D. **Location Requirements.** In addition to those location requirements established in Allowable Land Use Tables 2-6 and 2-10, Cannabis Retail is subject to these additional location requirements:
1. **Overconcentration.** The application was originally subject to Merit-based review due to its proximity to other Cannabis Retail applications at 3535 Industrial Drive and 3791 Cleveland Avenue. The Cannabis Subcommittee did not select 3535 Industrial Drive for further review, so the overconcentration issue was resolved. The proposed Cannabis Retail use is not within 600 feet of another Cannabis Retail use.
  2. **Setback to Schools.** Both City and State regulations prohibit establishment and operation of retail cannabis dispensaries within 600 feet of a K-12 school as defined by Health and Safety Code Section 11362.768. Schools closest to the project site are Schaefer Charter (Elementary) School at 1370 San Miguel Rd. and Lattice Educational Services, both of which are located at least 1,000 feet from the project site (see Attachment 7 – Distance to Nearest Schools Map); therefore, the project is compliant with school proximity requirements.
  3. **Visibility of entrance.** The storefront is located on the existing building's primary street frontage and is highly visible from Industrial and Airway public rights-of-way.
- E. **Edible products.** The applicant will manufacture and sell edible Cannabis products and has acknowledged that it must obtain a Sonoma County Health Permit prior to commencing operation of the Cannabis Manufacturing or Retail uses.
- F. **Operational Requirements.** The application demonstrates compliance with all operational requirements by providing an operational plan that describes policies and procedures addressing those requirements described in subsections 1-11. The project proposes hours of operation from 9:00 a.m. to 9:00 p.m. daily as allowed by Section 20-46.080 (F)(4).
- G. **On-site consumption.** No on-site consumption is proposed. The application indicates that signage prohibiting the smoking or vaping of Cannabis is prohibited on-site or in the vicinity of the site except as permitted in accordance with City Code Chapter 9-20 and State Law will be installed.

### Parking

The existing building was formerly the location of Cokas Diko Home Furnishings, a large retail store, and the project's original site development provided ample parking for a variety of retail or light manufacturing uses. The facility's site plan demonstrates compliance with the City of Santa Rosa's Design Guidelines for vehicle and bicycle parking. The minimum required vehicular parking is 18 spaces, and the minimum required bicycle parking is four (4) short-term parking spaces. The site plan identifies twenty-five (25) total parking spaces, including two (2) ADA-compliant spaces, and one (1) parking space inside the building, and it proposes

EXPANDING ROOTS CANNABIS RETAIL (DISPENSARY) AND DELIVERY  
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installation of four (4) bicycle parking facilities. An ADA-accessible path of travel will be located along the western edge of the parking lot.

The applicant indicates that the large amount of vehicle parking spaces on-site will contribute to attracting a regional clientele, while bicycle parking will contribute to allowing people who live and work in Santa Rosa, but who may not drive, to have easy access to Applicant's retail facility.

Use	Parking Required	Total Square Footage	Parking Spaces Required
<b>Cultivation</b>	1 vehicle parking space per 1,000 sf; 1 bicycle space per 14,000 sf	3,303	Vehicle: 4 Bicycle: 1
<b>Manufacturing</b>	1 vehicle parking space per 350 sf; 1 bicycle space per 7,000 sf	1,722	Vehicle: 5 Bicycle: 1
<b>Distribution</b>	1 vehicle parking space per 1,000 sf; 1 bicycle space per 14,000 sf	2,670	Vehicle: 3 Bicycle: 1
<b>Retail</b>	1 vehicle parking space per 250 sf; 1 bicycle space per 5,000 sf	1,340	Vehicle: 6 Bicycle: 1
<b>Total Parking Spaces Required</b>			<b>Vehicle: 18 Bicycle: 4</b>

4. Design Guidelines

Proposed exterior modifications will be subject to administrative design review approval at the time of building permit submittal.

5. Historic Preservation Review Standards

Not applicable.

6. Neighborhood Comments

No public comments have been received in response to the Notice of Application.

7. Public Improvements/Onsite Improvements

No public improvements or onsite improvements are proposed, and the City's Engineering Division has indicated there are no additional conditions to those existing in the Engineering Department Exhibit "A" dated June 1, 2017, of Planning Commission Resolution 11873, for this project site.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

The Planning Commission must make the following findings as required in Zoning Code Section 20-52.050 to grant the Conditional Use Permit. Each finding is followed by a staff response.

**A. 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.**

Staff Response: The proposed medical and adult use retail cannabis dispensary with delivery will occupy 1,340 square feet of a 9,035 square foot existing industrial building in the IL (Light Industrial) Zoning District, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with district requirements and all other applicable provisions of the Zoning Code and City Code.

**B. The proposed use is consistent with the General Plan and any applicable specific plan.**

Staff Response: The proposed medical and adult use cannabis retail dispensary with delivery service is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Light Industry General Plan land use designation that is implemented by the Light Industrial Zoning District in which the proposed use is located.

**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.**

Staff Response: The proposed medical and adult use cannabis retail dispensary and delivery is allowed under Section 20-24.030 Table 2-10 with approval of a Conditional Use Permit.

The Project is located within the IL – Light Industrial Zoning District. As such, the area is suitable for the use as proposed and the hours of operation are within those permitted in Zoning Code Section 20-46.080(F)(4.) The project site is developed for light manufacturing and commercial retail sales and services uses, and parking meets Zoning Code requirements and is adequate for the staffing and operations associated with the use. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to medical and adult use cannabis retail dispensaries.

Cannabis Cultivation, Manufacturing—Level 1 (non-volatile), and Distribution uses were previously approved by Planning Commission Resolution No. 11873 dated January 11, 2018. Pursuant to approval of the proposed Medical and Adult Use Cannabis Retail (Dispensary) and Delivery use, Expanding Roots will operate as a Cannabis Medical and Adult Use Microbusiness consisting of the previously approved Cannabis uses, and the Retail (Dispensary) and Delivery use currently under review. State law requires issuance of a Cannabis Microbusiness (Type 12) license for a cannabis operator to operate multiple cannabis businesses at a single location.

**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.**

Staff Response: The proposed use will be located entirely within an existing 9,035 square foot industrial building where a portion of the existing building has previously served a retail use. Vehicular and pedestrian access to the site is provided from Industrial and Airway Drives, the site is accessible by bicycle, and it is within a quarter mile of public transit. The project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site, as conditioned, will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services.

**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.**

Staff Response: The proposed project will be consistent with the surrounding land uses to the north, west, and south, which are within the IL—Light Industrial Zoning District and occupied by a variety of light manufacturing and commercial retail sales and services uses. The proposed retail use is consistent with other commercial retail sales and services uses operating in the CG—General Commercial Zoning District to the east of the project across Airway Drive.

The Odor Mitigation Plan has been certified by TEP Engineering, licensed engineers, verifying that the proposed odor control and mitigation plan “meets, or exceeds, the requirements of the City of Santa Rosa for cannabis odor mitigation.”

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan. Applicant has indicated that “in accordance with Bureau of Cannabis Control Regulations Section 5045, Applicant will have security guards present at the retail premises at all hours” (24-hour security.) Applicant will provide and install a variety of security devices to ensure that only authorized personnel have access to the office and the stock/POS room where cannabis is stored. All access points from outside the facility will have both locks and alarms. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7. In addition to surveillance system, a comprehensive electronic security system, including third party monitoring, will be provided. All cannabis/cannabis product waste and associated water will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

Sited on a corner parcel, the existing industrial building is oriented toward the public rights-of-way with parking area clearly visible from the building and public rights-of-way. Adjacent development to the west and north is industrial in nature

and uses at these locations are industrial or commercial. The proposed dispensary location within the building is highly visible from public rights-of-way, which enhances security due to public exposure and provides 24-hour security personnel with clear sight lines.

The subject property is located approximately 1,097 feet from the parcel line for the nearest school, Lattice Educational Services at 3273 Airway Drive. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

Per Zoning Code Section 20-46.050 (E), the project is subject to Building and Fire permits. Additionally, an annual Fire Department Operational Permit is required, and the project must meet Health and Safety Code requirements.

### FISCAL IMPACT

Approval of this action will 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) and staff has determined that the Project qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).

The Project qualifies for a 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.

The project qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 infill development in that it is consistent with applicable General Plan Land Use Designation and Zoning District, is located on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts to traffic, noise, air quality or water quality:

- The Project site is fully developed with a building and 25-space parking lot and has no habitat value and is surrounded developed parcels with urban uses;
- The Project is connected to City water and wastewater services and is served by all necessary utilities and public services;
- The Project includes a Trip Generation Study that concluded that there will be no significant impacts to City streets and was vetted by City staff.
- An Odor Mitigation Plan was prepared in compliance with Zoning Code Section 20-46 and certified by TEP Engineering, licensed engineers.

- City staff reviewed the Project and no foreseeable significant adverse impacts to traffic, noise, air quality or water quality were identified;

The City has further determined that 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

The Project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings 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 remaining with the project.

#### ATTACHMENTS

Attachment 1	Disclosure Form
Attachment 2	Vicinity Map
Attachment 3	Neighborhood Context Map
Attachment 4	Project Description (revised) dated received by the City on December 18, 2018
Attachment 5	Plan Set (revised) dated received by the City on January 3, 2019
Attachment 6	Cannabis Subcommittee Review memorandum dated August 21, 2018
Attachment 7	Distance to Nearest Schools Map dated received by the City on April 20, 2018
Attachment 8	Certified Odor Mitigation Plan (revised) dated received by the City on December 31, 2018
Attachment 9	Security Plan (revised) dated received by the City on December 31, 2018
Attachment 10	Focused Traffic Study dated received by the City on December 18, 2018
Attachment 11	Planning Commission Resolution No. 11873 dated January 11, 2018



EXPANDING ROOTS CANNABIS RETAIL (DISPENSARY) AND DELIVERY  
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Resolution	Conditional Use Permit
Exhibit A	Engineering Development Services Exhibited A dated June 1, 2017

CONTACT

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