

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

PROJECT TITLE

365 Recreation Club

APPLICANT

Chun Wa Tam – Applicant

Jordon Raftis – Representative

ADDRESS/LOCATION

2750 Mendocino Avenue

PROPERTY OWNER

The Arvind N. Patel and Daxa A. Patel
Trust

ASSESSOR'S PARCEL NUMBER

180-040-003

FILE NUMBER

CUP18-042

APPLICATION DATE

April 17, 2018

APPLICATION COMPLETION DATE

July 2, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

None

PROJECT SITE ZONING

CG (General Commercial)

GENERAL PLAN DESIGNATION

Retail and Business Service

PROJECT PLANNER

Aaron Hollister

RECOMMENDATION

Approval

Agenda Item #10.2
For Planning Commission Meeting of: January 10, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR EDMONDSON AND MEMBERS OF THE COMMISSION
FROM: AARON HOLLISTER, PLANNING CONSULTANT
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT
365 RECREATION CLUB CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve a Conditional Use Permit to allow a medical and adult use Cannabis Retail (dispensary) and Delivery Use at 2750 Mendocino Avenue.

EXECUTIVE SUMMARY

The applicant requests approval of a Major Conditional Use Permit (CUP) to allow a Medical and Adult Use Cannabis Retail Dispensary with Delivery Services in an existing 3,454 square-foot commercial retail building located on a 17,859 square-foot parcel that contains an existing commercial building and a surface parking lot. No changes are proposed to the building's exterior and no physical expansion of the building is proposed. The dispensary and delivery services will operate daily from 9 a.m. to 9 p.m. as allowed in Zoning Code Section 20-46.080(F)(4). The hours for inventory product delivery have been conditioned to allow for inventory delivery between 9 a.m. and 6 p.m. as per the applicant's project narrative.

BACKGROUND

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

1. Project Description

The project proposes a Medical and Adult Use Cannabis Retail Dispensary Use with Delivery Services that is proposed to occupy 3,406 square feet of a 3,454 square-foot commercial tenant space in a commercial retail building in the CG

Zoning District that measures one story in height for most of the building area with a small area at the rear measuring two stories in height. Of the 3,454 square feet of building space, 2,662 square feet of space would be dedicated to retail and 744 square feet would be dedicated to storage areas. The second floor building area (48 square feet) is accessed separately from the retail area and was most recently occupied by an illegal dwelling unit. The second-floor area would be converted to non-habitable space (i.e. the space cannot be utilized as building area that can be occupied as per Building and Fire Code standards) or legalized via a building permit as a dwelling unit if possible at the time of building permit. This space could not be utilized by the proposed business. If this space were to be utilized in the future, certain upgrades such as emergency ingress/egress, ventilation, fire suppression, and so forth, could be required in order to meet occupancy/safety requirements of the Building and Fire Codes. Hours of operation for the dispensary and retail delivery uses are proposed to be 9 a.m. to 9 p.m. daily, while the hours for inventory delivery of product to the site has been proposed between 9 a.m. and 6 p.m. The 17,859 square-foot property contains 17 off-street surface parking spaces and landscaped areas. A six-foot-tall good neighbor fence would be constructed at the rear portion of the property adjacent to Lomitas Avenue primarily to deter existing loitering activities that have been occurring in that area .

2. Surrounding Land Uses

North: Business Offices

South: Car Wash/Commercial Retail

East: Large Retailers

West: Sonoma County Government Campus

The project site is located on the east side of Mendocino Avenue between Bicentennial Way to the north and Chanate Road to the south. The portion of the Mendocino Avenue corridor where the project is located is commercial in nature and features a number of differing commercial uses including retail, business and medical offices, eating and drinking establishments, and automotive uses. The County of Sonoma Government Campus can be found immediately to the west of the project site across Mendocino Avenue. The nearest residential uses are located approximately 280 feet to the south of the project site on Lomitas Avenue.

3. Existing Land Use – Project Site

The 17,859 square-foot project site is a developed commercial property that is occupied by a one- to two-story commercial retail building, a surface parking lot containing 17 off-street parking spaces, and landscaping. The building most recently housed another retail use, a digital cigarette store. The second story of the building is located toward the rear of the building (the easterly end) and contained an illegal dwelling unit. Research of City permit records revealed that the dwelling unit was not legally established with a building permit and this space

will be converted back to non-habitable space. Alternatively, the dwelling unit could be legalized (if possible) via a building permit prior to the issuance of the Certificate of Occupancy for the business. The second-floor area must be labeled as non-habitable space on the building permit plans should the illegal dwelling unit be removed. The space occupied by the illegal dwelling unit cannot be utilized as part of the conditional use for the site (if authorized) unless subsequently allowed by an amendment. Access to the site and the surface parking area is gained via an existing curb cut on the project site's street frontage along Mendocino Avenue. The project site's eastern property line fronts onto Lomitas Avenue. No vehicular or pedestrian access can be gained to the project site from Lomitas Avenue.

Project History

April 17, 2018	The CUP application was submitted to the Planning and Economic Development Department.
April 16, 2018	The Neighborhood Meeting was held. Four neighbors attended the meeting. The neighbors indicated that they would desire the construction of a good-neighbor fence at the rear of the property line adjacent to Lomitas Avenue primarily to deter existing activities that have been occurring in that area described by the neighbors as loitering and potential drug dealing activity.
July 2, 2018	Notice of Complete Application was sent to the Applicant.
July 20, 2018	Notice of Application was circulated.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

The project proposes the use of a Medical and Adult Use Cannabis Retail Dispensary with Delivery Services in a General Commercial Zoning District. Adult Use and Medical Cannabis Retail Dispensaries with Delivery Services are allowed uses with the approval of a Conditional Use Permit.

The Project adheres to the Medical and Adult Use Cannabis Retail Locational and Operational requirements set forth in Section 20-46 of the Zoning Code. The Project does not include manufacturing, cultivation, on-site consumption, or testing of any kind.

1. General Plan

The project site is designated Retail and Business Services on the Santa Rosa General Plan 2035 Land Use Diagram. This classification is intended to accommodate retail and service enterprises, offices, and restaurants.

The following General Plan goals and policies are applicable to the proposed Medical and Adult Use Cannabis Retail Dispensary Uses:

- 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.
- EV-A** Maintain a positive business climate in the community.
- 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-C** Promote new retail and higher density uses along the city's regional/arterial corridors.
- EV-D-1** Continue to promote Santa Rosa's role as a regional center.

The Zoning Code specifically identifies the General Commercial (CG) Zoning Districts as an area where Retail Cannabis Dispensary use would be appropriate. Although Cannabis uses are not explicitly addressed in the General Plan, the CG Zoning District is intended for many uses similar to Medical and Adult Use Cannabis Retail Dispensaries such as general retail.

Staff has determined that the proposed Medical and Adult Use Cannabis Retail Dispensary use is consistent with the applicable aforementioned General Plan Goals and Policies, and the associated Retail and Business Services General Plan Land Use Designation. The continued use would assist in maintaining the economic viability of the area and maintain the diverse types of employment opportunities available in the City, while remaining compatible with the surrounding businesses and neighborhoods through proposed operations and security measures.

2. Zoning

The project site is located within a General Commercial (CG) Zoning District.

Surrounding zoning districts include:

North: General Commercial (GC)

East: General Commercial (GC)

South: General Commercial (GC)/Single-Family Residential (R-1-6)

West: Public and Institutional (PI)

Zoning Code Section 20-23.020(B) describes the purposes of the General Commercial zoning district and the manner in which the district is applied as follows:

CG (General Commercial) district. The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed use projects, and independent residential developments. The CG zoning district is consistent with the Retail and Business Services land use classification of the General Plan

The City Council amended Zoning Code Section 20-24.030 to include Cannabis – Retail (dispensary) and Delivery uses, subject to an approved Major Conditional Use Permit, regardless of the size of the proposed use. Cannabis retail (dispensary) and delivery is an allowed use in the CG zoning district subject to discretionary approval of a conditional use permit when set back no less than 600 feet from a K-12 school and from any other cannabis retail use within and permitted by the City of Santa Rosa. “School” as defined by Health and Safety Code Section 11362.768 applies to this section of the Zoning Code.

Zoning Code Section 20-46.050 provides General Operating Requirements applicable to all Cannabis Businesses. Section 20-46.080 specifies additional operating requirements for Cannabis Retail (Dispensary). The applicant has demonstrated compliance with all General Operating Requirements and those specific to Cannabis Retail (Dispensary) and Delivery as required by Zoning Code Section 20-46.080 as further outlined below.

Additionally, 365 Recreation Club is required to adhere to all State Bureau of Cannabis Control licensing and operating procedures, as well as City ORD-2017-025. The applicant will display copies of all State Licenses as well as all City and County permits.

Proximity to Schools

Both City and State regulations prohibit establishment and operation of a retail cannabis delivery within 600 feet of K-12 school as defined by Health and Safety Code Section 11362.768. To determine compliance with the 600-foot separation, measurements are taken from the closest property lines, not the closest structures. The school with the nearest proximity to the proposed use, Steele Lane

Elementary School, is located approximately 2,000 feet to the southwest of the project site. A pre-school/day care center is located 590 feet south of the project site; however, a pre-school does not qualify as a “school” under Health and Safety Code Section 11362.768, and therefore, is not included in the proximity to schools measurements related to the proposed use. A project referral was sent to the Santa Rosa School District for comment on the project, but the school district did not offer any comments as a result of the project referral process. The project is consistent with the state and local school proximity regulations.

Concentration

The Zoning Code limits geographic concentration of cannabis retail facilities (dispensaries) by prohibiting dispensaries within 600 feet of each other. There are no other existing or proposed cannabis retail facilities within 600 feet of the subject site; therefore, the Project site is not located in an “over-concentration” area.

Employment

365 Recreation Club will complete background checks on all employees pursuant to State and City regulations. The project narrative, attached to this report, details hiring procedures, including background checks for all new employees. The proposed employment procedure complies with Zoning Code Section 20-46.

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 of the structure in which the Business operates.” To achieve compliance with the Zoning Code, and consistent with standard industry practices, carbon filtration through a dedicated exhaust fan and carbon filtration of re-circulated air are the proposed methods to control odors emitted from the facility. Administrative controls will be put in place to maintain the effectiveness of the carbon filtration system. Details of the filtration system and administrative controls are provided in the TEP Engineering letter dated May 5, 2018 (attached).

Outdoor Lighting

As a part of the project, the applicant proposes to comply with the requirements of Zoning Code Sections 20-30.080 and 20-46.80. According to the Project narrative, all outdoor areas of the premises will be illuminated with LED lights that will be fully shielded lights directed away from adjacent properties and from the public right-of-way. The Zoning Code requires (at Section 20-30.080) that exterior lights be shielded and cast downward to avoid light or glare spilling onto neighboring properties. A detailed lighting plan in compliance with the Zoning Code will be provided by the applicant as part of the building permit submittal.

Noise

Other than delivery vehicles, all operations are proposed to be located in the fully enclosed retail building on the site. Interior operations are not anticipated to generate excessive noise. The Project complies with the General Plan Noise and Safety Chapter 12-4, Land Use Compatibility Standards Figure 12-1 for Business Commercial uses where normally acceptable land use is acceptable and does not require special noise insulation requirements. The Project is located within an insulated building, which provides adequate sound dampening for a retail business. There are no existing or proposed generators on the premises. Additionally, the Project has been conditioned to restrict distributor/inventory delivery hours from 9 a.m. to 6 p.m., while the retail delivery services of the dispensary would be allowed from 9 a.m. to 9 p.m.

Security Plan

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan that has been reviewed and determined to be adequate by City Staff.

Video Surveillance: To monitor the interior and exterior of the building, the applicant will install 16 security cameras that will run 24 hours a day, will be maintained in good working condition, and will comply with standard industry format to support criminal investigations with recordings maintained for six months.

Alarm System: An internal alarm system will be installed and continually monitored by security personnel.

Secure Storage and Waste: Expired, opened, or otherwise unsellable cannabis products will be disposed of in secure waste containers. The operator will contract with permitted disposal transportation services when cannabis goods need to be removed in compliance with the California Code of Regulations.

Secure Entrance: All interior and exterior doors are proposed to be equipped with electrified door lock-sets. The doors to the dispensary property will be locked at all times. Secured reinforced steel doors are proposed at both building entrances and in select internal areas. Employees will be required to have identification badges at all times that will also allow access to areas with radio-frequency readers including the building entrances and select interior spaces. All members must show identification at the reception area before entry is granted.

Security Personnel: The dispensary proposes to have security personnel on-site that will be present during all operating hours and will also monitor all exterior areas of the site.

Additional Security Measures: The exterior windows of the dispensary will be replaced with reinforced secured windows with locks and a six-foot-tall wood fence

will be constructed at the rear of the property. The fence proposal has been memorialized as a condition of approval as the fence was not included on the project's plans that were submitted as part of the application.

Staff reviewed the applicant's Security Plan and determined that the plan is adequate for this site and meets all requirements set forth in Section 20-46.050(G).

Delivery Services

365 Recreation Club will only sell and deliver cannabis goods that were received from a licensed distributor and are properly packaged and labeled by the manufacturer prior to sale.

The following procedures will apply:

- Delivery vehicles will be equipped GPS tracking software.
- Drivers will need to pass a criminal and driving background check. On-going background checks will occur annually at a minimum, as well as random drug testing for illegal drugs.
- Drivers will carry only small amounts of cash with all product payments already having occurred online.
- Customers will be required to provide valid identification and sign for all deliveries.

365 Recreation Club will adhere to all delivery requirements established by City Council ORD-2017-025 Section 20-46.080(B) and Title 16 CCR Section 5415.

Special Events

A request for special events is not included with the project. If the applicant wishes to host a cannabis special event in the future, the applicant would be required to obtain a Temporary Use Permit, pursuant to Section 20-52.040 (Temporary Use Permit).

Storefront, Signage, and Window Treatments

All signs will be subject to Santa Rosa Zoning Code Section 20-38 and will be subject to a separate sign permit(s). 365 Recreation Club will install a security window film to ensure products are not readily visible to the public.

Parking

Seventeen off-street parking spaces are currently located on the project site. Based on a floor area of 3,454 square feet, 14 parking spaces are required for the cannabis retail use (per Zoning Code Table 3-4). All 17 on-site parking spaces will be dedicated to the on-site use. The project complies with the parking

requirements of the Zoning Code.

On-Site Consumption

The applicant will not be pursuing on-site consumption of cannabis products at this time. On-site consumption is not a part of this permit application.

3. Design Guidelines

Lighting and the rear fence are exterior modifications to the existing site and will be reviewed through the City's over-the-counter design review process.

4. Historic Preservation Review Standards

Not Applicable.

5. Public Comments

In response to neighborhood meeting and project notifications, neighbors in the vicinity of the project site voiced a desire to have a good neighbor fence constructed at the rear of the property where the property contains mature trees and cover. Due to the existing vegetation and the dead-end configuration of Lomitas Avenue, the area sees less traffic than a similar through street, and thus, has been an attractive area for loitering.

The project applicant has agreed to construct such a fence at the rear property line to help deter these activities. The fence proposal has been included as a condition of approval. The neighbors on Lomitas Avenue also requested that employees of the business not be allowed to park on Lomitas Avenue. The project is providing 17 parking spaces on site, which are deemed sufficient for use by employees and customers.

County of Sonoma staff have provided public correspondence that indicates concerns with the location of the proposed use in relation to uses on the nearby County of Sonoma Government Campus. Specifically, County staff indicated that they have concerns with the location of the proposed as it relates to the Family Justice Center, the Sheriff's Office, the State Courts, and the County jail. The Family Justice Center is located immediately to the west of the project site (across Mendocino Avenue approximately 75 feet away) and provides assistance to survivors of domestic violence, dating violence, sexual assault, child abuse, elder abuse, and stalking. The County staff also expressed concern with the location of the proposed use in relation to a guns and ammunition store located approximately 415 feet south of the project site on the east of Mendocino Avenue, as well as "other sensitive receptors." The comments from the County also identify on-site consumption of cannabis products.

A nearby gun and ammunition store owner also submitted comments outlining concerns with the location of the proposed use in relation to the guns and ammunition store.

Both state and local law require the 600-foot setback from K-12 schools. A setback from the aforementioned County Campus land uses and the gun and ammunition store is not required under either the state and local law. As was previously outlined in the proximity to schools and concentration sections of this report, staff has determined that the project meets and exceeds the City standards for locational requirements of cannabis retail with no K-12 school located within 600 feet of the project site, as well as having no other cannabis retail use proposed or existing within 600 feet of the site.

Also, as was previously outlined in the operational analysis section of this staff report, as well as in the applicant's project narrative (see Attachment 4), on-site consumption of cannabis products is not proposed under this application. On-site consumption of edible products was proposed in the initial application; however, the applicant elected to remove the on-site consumption element of the project via the submittal of a revised project narrative approximately six months ago. The latest version of the project narrative (reflecting no on-site consumption) is the version attached to this staff report.

The applicant has provided a letter (see Attachment 4) in response to comments from the County. The applicant letter clarifies that on-site consumption is not proposed as part of the application. The letter also clarifies that no complimentary refreshments would be provided and that a café or similar element is not proposed that would offer food and/or refreshments at the project site. Furthermore, the letter clarified that no loud music or live entertainment will take place at the business.

Public safety and neighborhood compatibility are central to decisions on conditional use permit applications. After considering the proposal, all public input, and the evidence presented in the Staff Report, including the staff analysis, the Planning Commission may use its discretion to determine whether or not the Project meets the CUP criteria including criteria pertaining to public safety and neighborhood compatibility.

Operational standards of Zoning Code Chapter 20-46 are designed to address public safety and neighborhood compatibility and the Zoning Code includes provisions for site security, lighting, and odor control, as described above in this Staff Report and in detail in the applicant's operation plan. The Project's operation plan includes on-site security personnel that will only grant access to persons over the age of 21 years and qualified patients with a state-issued medical card over the age of 18. Prospective patrons will be screened by a security guard or lobby receptionist that scans patrons' ID or cards upon entry. In addition, there will be video surveillance of the entry and parking lot.

Zoning Code Section 20-46.080(F) prohibits cannabis retail facilities from advertising or marketing cannabis products within 1,000 feet of a day care, a school providing instruction in kindergarten or any grades 1 through 12, playground or youth center, and therefore, visual exposure to minors will be limited.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

The Planning Commission must make all of the following findings as required in Zoning Code Section 20-52.050 (Conditional Use Permits), to grant the Major 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 Cannabis Retail Dispensary with Delivery use will occupy 3,454 square feet of an existing building in the CG (General Commercial) Zoning District, which is allowed subject to Planning Commission approval of a Major Conditional Use Permit.

- 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 uses are consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Retail and Business Services General Plan land use designation that allows retail and service enterprises, offices, and restaurants.

- 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 an allowed use under Section 20-33.030 Table 2-6 with approval of a Conditional Use Permit. The existing site is located within the CG (General Commercial) Zoning District. As such, the area is well-suited for the use and the hours of operation are within those permitted in Zoning Code Section 20-46.080(F)(4). The project site is already developed for a retail use, and parking is adequate for the staffing and operations associated with the use. The project complies with the Locational and General Operating Requirements for Cannabis Businesses and those operating requirements specific to Medical and Adult Use Cannabis Retail Dispensary.

- 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 3,454 square-foot commercial retail building. Vehicular access to the site is provided via one existing access point located along the project's frontage on Mendocino Avenue. The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building will remain 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, east, and south, which are within the CG – General Commercial, R-1-6 – Single-Family Residential and Public and Institutional Zoning Districts, and comprise a wide variety of commercial uses, as well as government uses on the County of Sonoma Government Campus.

The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources (see Attachment 5 – Certified Odor Mitigation Plan dated May 5, 2018). The project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency. The project Security Plan also proposes to discourage loitering, crime, and illegal or nuisance activities by having an existing interior and exterior camera surveillance system, on-site security personnel with nightly patrols, a professionally monitored alarm system, access controls, and secure storage and waste areas. Inventory controls will be implemented, employee safety and security operational procedures will be implemented, and delivery service operation standards and procedures will be implemented. The parking area for this business will be monitored by a security guard during normal business hours.

Entry into the retail facility will be controlled and monitored by a trained security guard during operation hours. Video surveillance operating 24 hours a day, seven days a week will be monitored and retained for a period of six months.

The existing building is set back approximately 285 feet from the nearest habitable space in the residential neighborhood to the southeast. Per Zoning Code Section 20-46.050 (E), the project is subject to Building and Fire permits. An annual Fire Department Operational Permit is required, as well as Health and Safety Code for this business. Visual exposure to minors (including the daycare use located approximately 590 feet to the south of the project site and immediately across

Mendocino Avenue to the west) will be limited by Zoning Code standards as advertising or marketing of cannabis products within 1,000 feet of a day care, a school providing instruction in kindergarten or any grades 1 through 12, playground or youth center, is prohibited. Additionally, as conditioned, a good-neighbor fence will be constructed at the rear of the property.

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The proposed project has been reviewed in compliance with CEQA. Refer to the Environmental Impact section of this report for further discussion.

ENVIRONMENTAL IMPACT

The project qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project involves minor modifications to an existing facility and no expansion of use to the structure/site is proposed.

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 minor exterior modifications to the structure/site.

Pursuant to CEQA Guidelines Section 15332, the project qualifies for a Class 32 Categorical Exemption as infill development as 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:

- **Biology** – The project site is covered by an existing building and parking lot and has no habitat value. No trees or other vegetation will be removed from the site as a part of the project; and
- **Traffic** – The project will have a less-than-significant impact on traffic in that the project proposes an increase of AM and PM peak hour trips of less 50 trips as per the standards of the ITE Trip Generation Manual and consistent with the City's *Standards for the Preparation of Traffic Impact Analysis*.
- **Air Quality** – The project would not result in impacts to air quality. The project is well below the project screening thresholds established by the Bay Area Air Quality Management District. Furthermore, an Odor Mitigation Plan was prepared and signed by Andrew Souza, PE, TEP Engineering, dated May 5, 2018, and was prepared in compliance with Zoning Code Section 20-46.
- **Noise** – The proposed Project will operate within an existing building, which will not result in excessive noise on the exterior of the building and will operate within the hours established for Retail Cannabis in Zoning Code Section 20-46.080(4) as outlined in an analysis dated May 5, 2018 prepared by TEP Engineering. Inventory

delivery hours will be limited between 9 a.m. and 6 p.m. daily, while the dispensary and associated customer delivery hours would also be consistent with the hours of operation allowed by the Zoning Code which are 9 a.m. to 9 p.m. seven days a week; and

- Odor – An Odor Mitigation Plan was prepared and signed by Andrew Souza, PE, TEP Engineering, dated May 5, 2018, and was prepared in compliance with Zoning Code Section 20-46.
- Water – There are no changes in impervious surfaces or storm water drainage proposed. In addition, the site has municipal water and wastewater service.

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

None.

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 – Location Map
Attachment 3 – General Plan & Zoning Map
Attachment 4 – Project Narrative dated received April 17, 2018
Attachment 5 – Odor Control Plan dated May 5, 2018
Attachment 6 – Project Plans dated received April 17, 2018
Attachment 7 – Public Correspondence
Resolution – Conditional Use Permit

CONTACT

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