

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

PROJECT TITLE

Sonoma Gardens

APPLICANT

The Bjork Group – Applicant

Rogoway Law Group– Representative

ADDRESS/LOCATION

2074 Armory Drive

Santa Rosa, CA 95401

PROPERTY OWNER

Joel Jaman

ASSESSOR’S PARCEL NUMBER

180-270-044

FILE NUMBER

CUP18-071

APPLICATION DATE

April 20, 2018

APPLICATION COMPLETION DATE

July 2, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

Design Review

PROJECT SITE ZONING

CG (General Commercial)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Gary Broad

RECOMMENDATION

Approval

Agenda Item #10.3
For Planning Commission Meeting of January 10, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR EDMONDSON AND MEMBERS OF THE COMMISSION
FROM: GARY BROAD, PLANNING CONSULTANT
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT
SONOMA GARDENS CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolution, approve a Conditional Use Permit to allow a medical and adult use retail cannabis dispensary in an existing 2,313 square foot tenant space within a 4,626 square foot building on a 10,018 square-foot parcel at 2074 Armory Drive and approve reduced on-site parking consisting of the existing five (5) parking spaces per Zoning Code Section 20-36.050(C)(1)(b).

EXECUTIVE SUMMARY

The proposed Sonoma Gardens (Project) seeks a Conditional Use Permit (CUP) to allow a medical and adult use retail cannabis dispensary in an existing 2,313 square foot tenant space in a 4,626 square foot building on a 10,018 square foot parcel. Retail hours of operation will be daily from 9 a.m. to 9 p.m. consistent with Zoning Code Section 20-46.080(F).(4.) Commercial deliveries will be limited to weekdays from 9 a.m. to 5 p.m. Reduced on-site parking consisting of the existing five (5) parking spaces per Zoning Code Section 20-36.050(C)(1)(b) is requested.

BACKGROUND

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

1. Project Description

The Project will occupy 2,313 square feet of tenant space in an existing 4,626 square foot building on a 10,018 square foot parcel within the General Commercial (CG) Zoning District. The 2,313 square feet will be used as 1,700 square feet of

retail, distributed between a 776 sq. ft. reception area, 710 sq. ft. retail display and 214 sq. ft. point of sale counter. A total of 613 square feet will be allocated to office/other space, including 412 sq. ft. of inventory space and 201 sq. ft. of hallway/restroom/utility space.

The General Plan designation for the site is Retail and Business Services, which anticipates “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.” The project will allow on-site medical and adult use retail cannabis sales, which is permitted in the General Commercial Zoning District with a Conditional Use Permit. The applicant’s project description is provided in Attachment 3. 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.

2. Surrounding Land Uses

North: CG (General Commercial)
South: CG (General Commercial)
East: R-1-6 (Single-Family Residential)
West: Highway 101 North and South

The Santa Rosa Junior College Custodial Center is located on the adjacent parcel north of 2074 Armory Drive and the Santa Rosa Junior College Pedroncelli Center District Police facility is located south of the Project site. Single family residences are sited to the rear/east of the building along Illinois Avenue. Highway 101 runs along the west side of Armory Drive and to the west of the Project site.

No other cannabis related uses are proximate to the Project site.

3. Existing Land Use – Project Site

The proposed project is located within an existing 4,626 square foot single-story building, divided into two commercial spaces. The existing ProClean Services, dry cleaning and laundry services, is within the 2,313 square foot tenant space on the north half of the building adjoining the proposed dispensary.

The dispensary would be sited within an existing 2,313 square foot space that formerly housed The Cheshire Club Vapor Boutique, which sold nicotine-based vaping products. A paved parking lot with 10 parking spaces to serve both uses is located in front of the building.

Project History

April 20, 2018	Conditional Use Permit application submitted to the Planning and Economic Development Department
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May 31, 2018	Notice of Incomplete application sent to applicant
June 20, 2018	Neighborhood meeting held
June 21, 2018	Response to incomplete letter received by City Staff
July 2, 2018	Application deemed complete
August 15, 2018	Notice of Application mailed to neighboring and interested parties

PRIOR CITY COUNCIL REVIEW

Not applicable

ANALYSIS

The project proposes establishment of a medical and adult use retail cannabis dispensary in the General Commercial Zoning District. Retail cannabis dispensaries are allowed with Conditional Use Permit approval.

The Project adheres to the cannabis retail operational requirements per Section 20-46 of the Zoning Code. The Project does not include manufacturing, cultivation, 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.

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.

- EV-A-1** Encourage unique local retail and service businesses to locate within the Plan area.
- 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-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.
- EV-D-2** Maintain space in business parks for distribution and research uses. Attract a wide range of industries which serve local and regional needs and contribute to the community's economic vitality, and at the same time protect the local environment and quality of life.

The Zoning Code specifically identifies the General Commercial Zoning District as appropriate for retail cannabis dispensaries, subject to Conditional Use Permit approval. Although cannabis uses are not explicitly addressed in the General Plan, the CG Zoning District, which implements the General Plan Retail and Business Services designation, allows other uses with operational patterns similar to medical and adult cannabis retail dispensaries, including general retail, grocery store (small), pharmacy, medical service and tasting rooms.

Staff has determined that the proposed medical and adult use cannabis retail dispensary use is consistent with the applicable identified General Plan goals and policies, and the associated Retail and Business Services General Plan land use designation. The re-use of this tenant space would assist in maintaining the economic viability of the area and maintaining the diverse types of employment opportunities available in the City, while continuing compatibility through proposed conditions of approval and operational and security measures with surrounding businesses and neighborhoods.

2. Zoning

The project site is located within a General Commercial (CG) Zoning District and is surrounded by General Commercial zoning to the north and south, Single Family

Residential zoning to the east and Highway 101 to the west. The surrounding zoning districts support restaurant, hotel, and residential uses.

The City Council amended Zoning Code Section 20-24.030 to include cannabis – retail (dispensary), subject to an approved Major Conditional Use Permit, regardless of the size of the proposed use.

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 dispensaries. The applicant has demonstrated compliance with all general operating requirements and those specific to a cannabis retail dispensary.

Sonoma Gardens 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 County and City permits.

Proximity 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. The closest school to the Project site based on the City of Santa Rosa's Public GIS map is Steele Lane Elementary located approximately 1,463 feet from the parcel line of the Project property (see Attachment 6.)

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 planned cannabis retail facilities within 600 feet of the subject site, therefore, the Project is not within an "over-concentration" area.

Employment

The application indicates that, "All of applicant's employees will undergo full criminal background checks. All employees will undergo a three-month probationary period before becoming permanent employees, eligible for benefits, raises and on-going reviews. Employees will undergo formal training to acquaint them with all applicable state and local regulations affecting their roles as well as company rules and guidelines to which they must adhere. Failure to adhere to local and state laws and regulations and company policies and guidelines will result in termination."

All potential employees will be required to submit fingerprints to an approved Live Scan vendor and pass an electronic background check.

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 indicated that, “odor mitigation will be accomplished through the use of carbon filtration throughout the facility, to ensure no cannabis odors escape the facility. Odor mitigation systems will be operational at all times cannabis is present within the facility. All fans and filters will be sized to exchange air approximately ten (10) times per hour. A carbon filter is a round, hollow device with a membrane that contains activated charcoal (carbon). ‘Dirty’ air passes through the carbon filter and clean, odorless air exits the other side. Carbon filters are the most popular odor control option on the market because they are highly effective, widely available, and low maintenance. Granular Activated Carbon charcoal is so effective because of its high degree of micro-porosity. Carbon filters are low maintenance and with a proper pre-filter, applicant will only have to change the activated carbon every 12 to 18 months, although this can vary based on variables such as fan speed, hours of use, carbon quality, etc. As stated above, the carbon filters utilized on-site will filter the air in the facility approximately ten (10) times per hour. This will reduce irritants for employees, customers, and neighbors of the facility. Fans will create air circulation to avoid stagnant areas where odors can collect. Applicant’s air filtration system will be properly maintained in accordance with industry standards to ensure appropriate air quality.”

TEP Engineering, registered professional Mechanical Engineers, has indicated that “as required by the City of Santa Rosa’s Cannabis – Conditional Use Permit Application, the owner has hired TEP Engineering to address three items regarding HVAC filtration and noise” (see Attachment 8.)

TEP Engineering has indicated with respect to Dual EHS Permitting – Storage of Cannabis Products/Inventory that the project must comply with Zoning Code Chapter 20-46. “Sonoma Gardens will store and display packaged edible cannabis goods in spaces that have temperature and humidity-controlled heating, ventilation and air conditioning (HVAC) systems. The outside and recirculated air for these HVAC systems will include filters that mitigate environmental contaminants such as smoke and dust. These filtration systems must be specified and sized properly by a Professional Mechanical Engineer and maintained by the Owner per the manufacturer’s instructions. The areas in which edible medical cannabis goods are stored also may not be exposed to direct sunlight.”

TEP Engineering has indicated with respect to Odor Control – Engineering Controls that the project must comply with the City of Santa Rosa’s odor mitigation standards in Zoning Code Chapter 20-46. “The industry accepted method to remove cannabis odors for exhaust airstreams is carbon filtration.

Sonoma Gardens will install activated carbon filter canisters or inline filters on their exhaust systems serving spaces at risk for emitting cannabis odors. Sonoma Gardens will also install activated carbon inline on their recirculating air systems serving spaces at risk for emitting cannabis odors. These carbon filters are designed for the recirculating air systems serving spaces at risk for emitting cannabis odors. These carbon filters are designed for the control of VOC's, odors and other gaseous contaminants. The spaces at risk for emitting cannabis odors are noted on the odor-control floor plan provided by Sonoma Gardens; these include the Reception/Retail Display/POS Counter and Inventory. The exhaust and recirculated air for these spaces will pass through an activated carbon filter, which uses chemical absorption to remove organic compounds from the airstream. These organic compounds carrying the cannabis odor are captured through a process of absorption in the microporous carbon." TEP Engineering, a registered professional engineer, has certified the above Odor Mitigation Plan for compliance with Zoning Code Chapter 20-46.

Outdoor Lighting

The applicant has indicated the following with respect to outdoor lighting: "at applicant's facility, 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. Applicant will have lights installed at various locations on the exterior of the building, some of which will be motion sensor lighting. 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. All exterior lighting will be Building Code compliant and will comply with Section 20-30.080 of the City of Santa Rosa Municipal Code. Interior light systems will be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure."

Noise

Sonoma Gardens application provides the following related to noise, "applicant recognizes that according to 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 or any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Accordingly, the applicant will ensure all noise from Applicant's facility complies with the provisions of Chapter 17-16, including by (i) ensuring the operation of machinery, equipment, pumps, fans, air conditioning apparatus, or similar mechanical devices do not cause the noise level at the property line that exceeds the ambient base noise level by more than five decibels; (ii) not operating or allowing employees to operate a pandemoniac motor vehicle or operating a motor vehicle in any way

that a reasonable person of normal hearing sensitivity is caused discomfort or annoyance; and (iii) not utilizing any sound-amplifying equipment.”

TEP Engineering has further indicated that, “HVAC equipment shall comply with the City of Santa Rosa’s Chapter 17-16 (Noise) requirements.”

Additionally, the dispensary is located within an interior space, which should provide adequate sound dampening for a retail business. There are no records of noise complaints associated with the previous retail use that occupied the space.

Security Plan

As required in Zoning Code Section 20-46.050(G), the applicant has provided a security plan for the Project. The applicant has indicated that they will provide and install a variety of security devices to ensure that only authorized personnel have access to any location where cannabis is stored, so that employees, vendors, and customers are safe and secure inside the facility. The facility will be adequately equipped with security personnel, access controls, security surveillance, electronic security systems, failure notification systems, electrical backup, and emergency procedures, as described in detail below.

On-Site Security Personnel: “In accordance with Bureau of Cannabis Control Regulations Section 5045, Applicant will have security guards present at the retail premises at all hours. In addition to many on-site security cameras, Applicant’s 24-hour security personnel will deter thieves from attempting any crimes both during business hours and overnight.”

Access Controls: “All points of ingress and egress to the facility will be secured with Building Code compliant commercial-grade, non-residential door locks and window locks. However, all security measures will be designed to ensure emergency access in compliance with the California Fire Code and Santa Rosa Fire Department standards. The front and back dispensary doors will be secured with commercial grade locks and will also be alarmed and monitored by a third-party professional security service per BCC Chapter 1, Article 5 § 5047.”

Security Surveillance System: “The facility will be retrofitted inside and out with 24/7 live video and audio recording security cameras which will provide a continuous video feed. Applicant’s practice is to install enhanced lighting to facilitate effective video monitoring of the facility and surrounding neighborhood areas, so that any activity may be clearly captured by the security system and to discourage loitering or congregation on-site.”

“Security surveillance video cameras will be installed and maintained in good working order to provide coverage on a twenty-four (24) hour basis of all interior and exterior areas where cannabis is stored, transferred, and dispensed. Cameras

will remain active at all times and will be capable of operating under any lighting condition. Security video will use standard industry format to support criminal investigations and will be maintained for sixty (60) days.”

Electronic Security System: “In addition to the surveillance system, Applicant will implement a comprehensive electronic security system, including third-party monitoring of all surveillance and alarms, intrusion detection electronic alarms, and panic/duress buttons at strategic locations within the facility. The alarm will call an outside security operator who will alert local police if it is triggered.”

“The professionally monitored robbery alarm system will be installed and maintained in good working condition. An alarm permit from the Santa Rosa Police Department will be obtained prior to installing the alarm system. The alarm system will include sensors to detect entry and exit from all secure areas and all windows. Applicant will keep the name and contact information of the alarm system installation and monitoring company as part of the onsite books and records.”

Product Storage and Waste Management: “Many inventory controls and loss documentation procedures will be implemented on-site. The facility will have a secure Inventory room to ensure product security. All cannabis, cannabis products, and associated waste will be stored in a manner that prevents diversion, theft, loss, hazards, and nuisance within the secure Inventory room. Cannabis waste will not be moved outside to the waste receptacles unless it is completely destroyed.”

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

Delivery

This application proposes a retail dispensary within the existing building and the applicant does not propose to conduct retail delivery.

On-Site Consumption

The City of Santa Rosa allows for on-site consumption (City Code section 20-46.080(F)), however, the City does not allow the smoking or vaping of cannabis products on-site. The applicant does not plan to allow on-site consumption of cannabis products by patients or adult use customers.

The applicant has indicated that, “according to City Ordinance, employees of a Cannabis retail facility who are qualified patients may consume medical Cannabis or Cannabis products on-site within designated spaces not visible by members of the public, provided that such consumption is in compliance with Chapter 9-20 (Smoking Regulations) and State law. Accordingly, Applicant plans to allow on-

site consumption for employees who are qualified medical cannabis patients. Such allowed consumption by employees who are qualified patients will occur in the designated break area for use only by employees.”

Special Events

Sonoma Gardens has indicated that they do not propose to hold any special events on-site. If they do decide to hold a special event at the retail location in the future, they will consult with the City and the State to ensure they acquire all necessary permits, licenses, and approvals prior to hold a special event.

Storefront and Signage

The application indicates that, “the design of the facility will be ‘Sonoma County modern.’ Applicant will change the exterior building color, awning, signage and lighting. Applicant will use Kendall Charcoal to paint the façade a deep grey color with rust-colored accents. Applicant will use a mix of corten lettering and raw brass lettering for signs and addresses. Applicant will also add a suspended corten awning with blue burned fir to the exterior of the building” (see Attachment 7.)

The replacement sign will be subject to Santa Rosa Zoning Code Section 20-38 and will be addressed under a separate sign permit. Exterior façade modifications, such as the proposed awning replacement, will require design review approval.

3. Design Guidelines

As indicated above, exterior façade modifications, such as the proposed awning replacement, will require design review approval.

4. Historic Preservation Review Standards

Not applicable.

5. Neighborhood Comments

A neighborhood meeting was held on June 20, 2018 with no members of the public attending.

A neighbor from a residence to the east submitted email on August 23, 2018 indicating that if there is use of products sold on-site, then she was “vehemently against this property being converted” and expressed concern about “the possibility of increased crime” and “more traffic” (see Attachment 9.)

As previously indicated, the applicant does not plan to allow on-site patient or adult use customer consumption of cannabis products. On-site use would be restricted to employees of a cannabis retail facility who are qualified patients and would occur

only within designated spaces not visible by members of the public.

The building entrance and parking area are located on the west side of the existing building away from the residential uses to the east. There is no direct access from the subject parcel onto these residential parcels because of on-site fencing along the rear property line. The proposed dispensary abuts a dry cleaner/laundry within the existing building on-site and is contiguous to Santa Rosa Junior College security and cleaning facilities to the south and north. The proposed dispensary does abut residential development to the east, however, the cannabis ordinance does not require setbacks from residential development beyond what is standard for any commercial retail land use.

6. Public Improvements/Onsite Improvements

The City's Engineering Division has indicated there are "no conditions for public improvements or dedications with approval of this application."

7. Parking

W-Trans submitted a Focused Traffic Study for the Sonoma Gardens Dispensary Project dated December 5, 2018 (see Attachment 11), including a parking analysis for the proposed dispensary use. Per Section 20-36.040 of the Zoning Code, total required parking for property is 18 parking spaces based on one space/250 square feet for the dry cleaner and one space/250 square feet for cannabis retail. One bicycle parking space is required per 5,000 square feet of floor area. The study indicates that 10 total on-site spaces are provided for the two tenants, the drycleaner and the proposed dispensary, and there are an additional 10 spaces of on-street parking available. The study states:

- "The proposed supply and City requirements are shown in Table 2. Although the on-site supply would be eight spaces short of satisfying City requirements, according to ITE Parking Generation rates the total supply available (for on-site and on-street) would be adequate to accommodate the peak demand. Due to the project's proximity to street parking on Armory Drive, it is reasonable to expect some customers to park off-site when demand exceeds the supply. Additionally, to reduce parking demand, the application would provide bike parking on-site for use by employees as well as customers. To further reduce parking demand, it is recommended that the applicant make transit passes available to all employees.
- **Finding** – Although the proposed on-site parking supply is insufficient to meet City requirements, the total parking supply available (on- and off-site) is expected to be adequate to accommodate the anticipated peak demand."

Zoning Code Section 20-36.050(C)(1)(b) provides that if a project requires a Conditional Use Permit, the review authority may reduce the amount of parking by any amount after making the following findings:

- Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Table 3-4.
- The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

The building and the parking are both existing and previously accommodated the use of a retail “vapor boutique” on the site. There is on-street parking that is available in the immediate vicinity that is not being used by others due to the unusual circumstance of Highway 101 running along the west side of Armory Drive, so only one side of Armory Drive is developed and there are a limited number of commercial developments along that stretch. The W-Trans Focused Traffic Study further indicates that the reduced parking demand for the dispensary using the ITE Parking Generation rates instead of the Zoning Code requirements and the availability of on-street parking to address total peak parking demands. Staff believes the Planning Commission can make the required above findings to allow reduced parking.

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 will occupy 2,313 square feet within an existing 4,626 square foot building in the CG (General Commercial) Zoning District, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with zoning district requirements and all other applicable provisions of the Zoning Code and City Code.

The proposed five on-site parking spaces is approved based on the following findings:

- The building and the parking are both existing and previously accommodated the use of a retail “vapor boutique” on the site. There is on-street parking that is available in the immediate vicinity that is not being used by others due to the unusual circumstance of Highway 101 running along the west side of Armory Drive, so only one side of Armory Drive is developed and there are a limited number of commercial developments along that stretch. The W-Trans Focused Traffic Study further indicates that

the reduced parking demand for the dispensary using the ITE Parking Generation rates instead of the Zoning Code requirements and the availability of on-street parking to address total peak parking demands.

- The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. Although the proposed on-site parking supply does meet City Zoning Code requirements, the total parking supply available (on-site and off-site) should be adequate to accommodate the anticipated peak demand.

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 use is 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 is allowed under Section 20-33.030 Table 2-6 with approval of a Conditional Use Permit.

The Project is located within the General Commercial 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 commercial use. A traffic study has determined that adequate on-site and street parking exists 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.

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 2,313 square foot building and adequate vehicular access to the site is provided from Armory Drive. The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site will be fully accessible and compliant with the 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, west and south. Armory Drive and Highway 101 are located to the west of the project site. Santa Rosa Junior College facilities are located to the north and south. Single family residences are located to the east of commercial development on Armory Drive. The proposed dispensary abuts a dry cleaner/laundry within the existing building. The building entrance and parking area are located on the west side of the existing building away from the residential uses to the east of the building and there is no direct access from the subject parcel onto the residential parcels.

The City of Santa Rosa cannabis ordinance does not require setbacks from residential development for a cannabis dispensary beyond what is standard for any commercial retail land use.

W-Trans Focused Traffic Study has concluded that although the proposed on-site parking supply is insufficient to meet City requirements, the total parking supply available (on- and off-site) is adequate to accommodate the anticipated peak demand. There is on-street parking that is available in the immediate vicinity that is not being used by others due to the unusual circumstance of Highway 101 running along the west side of Armory Drive, so only one side of Armory Drive is developed and there are a limited number of commercial developments along that stretch.

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, as well as Health and Safety Code requirements for this business.

The closest school to the Project site based on the City of Santa Rosa's Public GIS map is Steele Lane Elementary located approximately 1,463 feet from the parcel line of the Project property. This exceeds the minimum 600-foot separation required under both State and City of Santa Rosa regulations.

An odor mitigation plan has been submitted in Attachment 9 prepared by TEP Engineering which provides dispensary requirements to comply with standards set forth in City of Santa Rosa Zoning Code Chapter 20-46. TEP Engineering, a registered professional engineer, has certified the above Odor Mitigation Plan for compliance with Zoning Code Chapter 20-46

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The Project qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that project is located within an existing structure involving negligible expansion of use.

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 not require 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:

- The Project site is fully developed with buildings and a parking lot with ten parking spaces 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 included a Focused Traffic Study that concluded that there will be no significant impacts to City streets and that adequate on-and off-site parking was available to meet accommodate peak parking demand and was vetted by City staff.
- An odor mitigation plan prepared by TEP Engineering provides dispensary requirements in order to comply with standards set forth in City of Santa Rosa Zoning Code Chapter 20-46. TEP Engineering, a registered professional engineer, has certified the above Odor Mitigation Plan for compliance with Zoning Code Chapter 20-46. 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 – Neighborhood Context Map
Attachment 3 – Project Description
Attachment 4 – Zoning Map
Attachment 5 – General Plan Map
Attachment 6 – Distance to Nearest Schools
Attachment 7 – Elevations/Floor Plans/Materials
Attachment 8 – Certified Odor Mitigation Plan
Attachment 9 – Public Correspondence
Attachment 10 – Focused Traffic Study
Resolution – Conditional Use Permit

CONTACT

Gary Broad, Planning Consultant
garybroad@srcity.org
(707) 543-4660