CITY OF SANTA ROSA PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT FOR PLANNING COMMISSION February 28, 2019

PROJECT TITLE APPLICANT

Santa Rosa Craft Collective Jonathan Sklar

Microbusiness

ADDRESS/LOCATION PROPERTY OWNER

335 O'Hair Court, Units A and B SBRI O'Hair II LLC

ASSESSOR'S PARCEL NUMBER FILE NUMBER

043-135-008 CUP18-052 (Retail) and CUP 18-129

(Cultivation and Distribution)

APPLICATION DATE APPLICATION COMPLETION DATE

April 19, 2018 (CUP 18-052) June 27, 2018 (CUP 18-052)

September 7, 2018 (CUP 18-129) October 15, 2018 (CUP 18-129)

REQUESTED ENTITLEMENTS FURTHER ACTIONS REQUIRED

Conditional Use Permit (CUP) Sign Permit and Design Review

PROJECT SITE ZONING GENERAL PLAN DESIGNATION

IL (Light Industrial)

Light Industrial

PROJECT PLANNER RECOMMENDATION

Emmanuel Ursu Approval

Agenda Item # 10.4

For Planning Commission Meeting of: February 28, 2019

CITY OF SANTA ROSA PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION

FROM: EMMANUEL URSU, CONSULTING PLANNER

PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: SANTA ROSA CRAFT COLLECTIVE CANNABIS

MICROBUSINESS WITH ADULT AND MEDICINAL USE RETAIL

DISPENSARY, CULTIVATION, AND DISTRIBUTION

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 cannabis microbusiness with adult and medicinal use retail (dispensary), cultivation, and distribution uses located at 335 O'Hair Court, Unit A and B.

EXECUTIVE SUMMARY

Santa Rosa Craft Collective (Project) proposes to operate a cannabis microbusiness for adult and medicinal use with retail (State license Type 10), cultivation, and distribution (State license Type 11) in a 9,745- square foot portion of an existing 23,224 square foot single-story building. Retail operations of the dispensary are proposed seven days a week between 9 a.m. and 9 p.m. and non-retail business operations (cultivation and distribution) are proposed seven days a week between 7 a.m. and 9 p.m. On-site consumption and retail delivery are not proposed.

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 is located in the southeast quadrant of Santa Rosa on a 1.75-acre

site in the Light Industrial (IL) zoning district. There is an existing 23,224-square foot building on the Project site of which the proposed operations will occupy 9,745 square feet. The remaining portion of the building will remain vacant and available for lease. Vehicular access is provided via an existing driveway and a new ADA-compliant pedestrian path will be added from the street to the retail entrance. ADA parking spaces and bicycle parking will also be added.

Interior improvements include new demising walls in the cultivation and distribution areas of the building. The retail area and associated support areas (office and bathrooms) exist and do not require modifications. Likewise, the support areas associated with distribution are existing and no modifications are proposed other than a new hallway and doors between the employee breakroom and the packaging and labeling room.

Exterior building improvements are limited to security lighting and cameras. Site improvements include ADA-compliant parking and paths of travel, installation of bicycle racks, striping 22 new parking spaces and two landscape peninsulas in between the new parking stalls.

Floor area will be allocated as follows:

- retail sales and associated office and bathrooms: 1,690 square feet;
- cultivation area and associated hallways: 4,319 square feet;
- distribution area: 3,736 square feet consisting of:
 - o loading, storage & batch sampling, (1,729 square feet; and
 - packing and labeling, offices, breakroom, hallway, lobby and restrooms (2007 square feet).

As designed, there are interior doors connecting the cultivation and distribution areas to the adjacent vacant warehouse spaces that are not a part of the Project. A recommended condition of approval is that both doorways be removed from the plans and, if required to meet the Building Code, separate points of egress be provided that do not include a connection between any areas of the cannabis business and the vacant warehouse areas. In addition, as a condition of approval, access to the stairs near the packaging and labeling room will be locked and the mezzanine at the top of the stairs will not be used as a part of the microbusiness. The applicant has agreed to these conditions.

Dispensary

In compliance with Zoning Code Section 20-46.080(f)(4), the applicant proposes the dispensary to be open to the public from 9:00 a.m. to 9:00 p.m. seven days per week. Delivery of cannabis products are not included in the proposal and neither is on-site consumption.

Operational details of the retail operation are included below and in the project narrative.

Cultivation

Cannabis cultivation is proposed in three rooms with a total area of 4,319 square feet, including hallways. Cultivation operations will be staffed by a maximum of six employees seven days per week from 7 a.m. to 9 p.m. Cultivation will occur in a space not accessible to the public.

Distribution

Distribution activities will be conducted in a 3,736-square foot area of the building consisting of a 886 square foot loading and delivery shipment room accessible by a roll-up door, a 840 square foot storage and batch sampling room, and the balance of the space is approximately 2,007 square feet and consists of a packaging and labeling room and support areas (restrooms, lobby, offices and breakroom). A maximum of three employees will be employed for the distribution operations of the business.

Distribution activities will include:

- Providing samples to labs for quality control;
- Collection of taxes;
- Transporting cannabis to and from other vendors; and
- Transporting product to and from cannabis manufacturing companies.

Note: Distribution is permitted by right in light industrial zoning districts.

Building Modifications

As described above, exterior building improvements are limited to security lighting and cameras. No other modifications are proposed to the exterior of the building.

Site improvements include the addition of two ADA-compliant parking stalls near the retail entrance, an ADA-compliant path of travel (walkway) from the public sidewalk to the existing walkway near the building entrance, installation of bicycle racks near the retail entrance, striping 22 parking stalls on the north and west sides of the property and installing two landscape peninsulas between the parking stalls striped on the west side of the building.

Interior construction consists of demising walls in the cultivation and distribution areas of the building. The retail area and associated support areas (office and bathrooms) exist and do not require modifications. Likewise, support areas

associated with the cultivation and distribution functions also exist and, other than a new hallway and doors between the employee breakroom and the packaging and labeling room, no other construction is proposed.

Any new signs will require sign permit approval.

State Requirements

The applicant will hold a Type 10 State license which allows retail sales of cannabis products, a Type 11 State license which allows distribution and a Type 12 State license for a cannabis microbusiness with indoor cultivation and a plant canopy area up to 5,000 square feet. 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.

2. Surrounding Land Uses

North: Light Industrial

South: Light Industrial

East: Light Industrial and Kids Party Central (birthday party venue)

West: Colgan Creek and Single Family Residential beyond the creek

The Project is in an area zoned and used primarily for light industrial uses. A children's birthday party business is located in the adjacent industrial building located approximately 140 feet east of the retail entrance of the proposed cannabis dispensary. Parking and a landscape planter separate the proposed cannabis business and the adjacent children's birthday party venue. Colgan Creek runs the length of the west property line and a neighborhood of single-family homes is located on the west side of Colgan Creek.

There are no other cannabis related uses near the Project and the closest K-12 school is the Elsie Allen High School located approximately 2,160 feet to the west at 599 Bellevue Ave, Santa Rosa.

3. <u>Existing Land Use – Project Site</u>

A vacant, single-story, 23,224 square foot warehouse building constructed in 1993 occupies the project site. The building has a history of light industrial and wholesale uses including a solar power company and a wholesale distributor of heating, ventilation and air conditioning systems.

4. Project History

- On April 19, 2018, Conditional Use Permit application (CUP 18-052) for a Retail Dispensary was submitted to Planning and Economic Development.
- On June 20, 2018, a Neighborhood Meeting was held and no members of the public attended the meeting.
- On May 31, 2018 the application was deemed incomplete.
- On June 27, 2018 the application was deemed complete.
- On July 25, 2018 Notice of Application was mailed to property owners within a 400-foot radius of the Project site.
- On September 7, 2018, Conditional Use Permit application (CUP 18-129) for the indoor cultivation and distribution microbusiness was submitted.
- On December 20, 2018, CUP 18-129 was deemed complete.
- On February 18, 2019 Notice of Planning Commission Public Hearing was mailed to property owners within a 400-foot radius of the Project site, posted on the property and published in the newspaper.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. Santa Rosa General Plan 2035

The site is designated Light Industrial on the General Plan Land Use Diagram. This classification is intended to accommodate, among other uses, auto repair, warehousing, manufacturing/assembly, home improvement and landscape material retail, research oriented industrial, and services with large space needs, such as health clubs. (General Plan p. 2-12)

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.

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 the Light Industrial zoning district as a district appropriate for cannabis cultivation, distribution, and retail (dispensary). Although Cannabis uses are not explicitly addressed in the General Plan, the Light Industrial zoning district is intended for manufacturing, cultivation, distribution and retail uses with operational patterns similar to the operational patterns (i.e. traffic, parking, hours of operation) of the proposed Project, including restaurants, bars, and neighborhood centers.

Medical and adult use cannabis retail are consistent with the General Plan goals and policies of the Light Industrial land use designation. Specifically, the proposed dispensary 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 conditions of approval and operational and security measures.

2. Other Applicable Plans

Not applicable.

3. Zoning

The Project site is within the Light Industrial (LI) zoning district, which is consistent with the Light Industrial General Plan land use designation. Surrounding zoning districts include:

North: Light Industrial (IL)

South: Light Industrial (IL)

East: Light Industrial (IL)

West: Residential PD – 0432A

Zoning Code Section 20-24.020(B) describes the purposes of the Light Industrial zoning district and the manner in which the district is applied as follows:

"The IL zoning district is applied to areas appropriate for some light industrial uses, as well as commercial service uses and activities that may be incompatible with residential, retail, and/or office uses.

Residential uses may also be accommodated as part of work/live projects. The IL zoning district is consistent with the Light Industry land use classification of the General Plan."

Cannabis cultivation, distribution and retail (dispensary) are allowed uses in the IL zoning district subject to discretionary approval of a conditional use permit when setback no less than 600 feet from a 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 Chapter 20-46 provides operational requirements for commercial cannabis facilities. The applicant's building improvement plans and operational plans are in compliance with standards relating to requirements of the Zoning Code including security, lighting, odor control and noise. These requirements are summarized below.

Proximity to Schools

Both City and State regulations prohibit establishment and operation of a retail cannabis dispensary within 600 feet of a K-12 school as defined by Health and Safety Code Section 11362.768. Elsie Allen High School, located at 599 Bellveue Ave, is the closest school to the Project site and is located approximately 2,160 feet to the west. The project is consistent with the state and local 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 cannabis retail facilities within 600 feet of the subject site; therefore, the Project site is not located in an "over-concentration" area.

Employment

Santa Rosa Craft 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 procedures comply with Zoning Code Section 20-46.

Odor Control

Zoning Code Section 20-46.050(H) require 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 Zoning Code and consistent with standard industry practices, the cannabis business will be negatively pressurizing in relation to the

outside and an activated carbon filtration system will be installed. Administrative controls will be put in place to monitor and maintain the effectiveness of the carbon filtration system. Details of the filtration system and administrative controls are provided in the Odor Control Plan dated April 17, 2018 and certified by Matthew Torre, Registered Professional Engineer of 15000 Inc. Consulting Engineers pursuant to City Code section 20-46.050(H). A copy of the certified plan is attached.

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. All outdoor areas of the premises will be illuminated, including all points of ingress and egress with stationary, 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 recommended condition of approval is that the applicant's building permit submittal include a detailed lighting plan in compliance with the Zoning Code.

Noise

Other than delivery vehicles, all operations are proposed in the fully enclosed building located on the site in the Light Industrial zoning district. Interior operations are not anticipated to generate excessive noise.

Mechanical equipment will be required to comply with the Noise Ordinance, City Code Chapter 17-16 (attached).

Security Plan

Zoning Code Section 20-46.050(G) requires cannabis businesses to provide adequate security to ensure the public safety and safety of persons in the facility and to protect the business premises from theft. Cannabis business applications are required to provide a security plan that includes lighting and alarms, secure storage and waste, procedures for the safe transportation of products and currency, controlled building access and emergency access. A detailed Security Plan designed to prevent theft or diversion of any cannabis or currency, and to discourage loitering, crime, and illegal or nuisance activities was included with the Project application. Details of the plan are provided in the Project narrative which includes the following key features:

 Surveillance – Video cameras will provide 24-hour surveillance and recordings will be retained for 60 days. Cameras will be oriented to allow

- "clear and certain identification" of all areas of the site where cannabis is stored, sold and transferred.
- Alarm A professionally monitored alarm system will be installed and maintained.
- Access Commercial grade security doors will be installed at all building entrances and internally at restricted areas. In compliance with the Zoning Code, the front entrance is visible from the street. Persons under the age of 21 will not be allowed in the facility, unless they are a qualified medical patient over the age of 18.
- Security Personnel Security personnel will patrol the exterior of the premises on a regular interval to ensure compliance with the age restrictions and to prevent nuisance activity on the site.
- Delivers and pickups will be scheduled in advance and pre-approval given by management for deliveries at specified delivery times.
- Transportation of cannabis and cannabis products will be via secured vehicles with alarms.

Special Events

A request for special events is not included with the subject Project. However, if in the future, the applicant wishes to host a special event, approval of a Temporary Use Permit, per Section 20-52.040 (Temporary Use Permit) will be required.

Parking

There are 41 existing parking spaces on the Project site and 22 additional parking spaces proposed for a total of 63 spaces. Twenty parking spaces are required for the proposed Project leaving 43 additional spaces for future uses of the vacant portions of the building, as shown in Table 1. Depending on the future use(s) of the portion of the building to remain vacant, parking demand for all uses on the site will be between 37 and 65 parking stalls, leaving between three and 26 excess parking spaces.

Table 1 – Parking Requirements

Use	Square Feet	Code Requirement	Required Spaces		
Proposed Cannabis Microbusiness (355 O'Hair Ct.)					
Retail	1,690	1space/250 SF	7		
Cultivation	4,319	1 space/1000 SF	4		
Distribution	2,007	1 space/1000 SF	2		
Admin, Lobby, etc.	1,729	1space/250 SF	<u>7</u>		
Subtotal	9,745		20		
Existing Vacant Building					

Warehouse or	12,131 ⁽¹⁾	1 space/1000 SF	12
Manufacturing		1 space/350 SF	35
Admin Support	1,347	1space/250 SF	<u>5</u>
Subtotal	13,479		17-40
Total Required Spaces			37-60
Total Spaces Provided			63

⁽¹⁾ Assumes 10% of floor area is devoted to support functions (hallways, restrooms, breakrooms, office, etc.)

Existing parking on the site exceeds the number of parking spaces required for the proposed Project and for potential future uses that could occupy the remaining vacant area of the building as allowed in the Light Industrial zoning district per the parking requirements of Zoning Code Table 3-4.

Required Findings (as shown on the draft resolution)

Decisions on conditional use permits are based on the six discretionary standards found in Zoning Code Section 20-.52.050(F). Applicable conditional use permit standards followed by a staff analysis of the project's compliance with the standards is as follows:

A. The proposed Project is allowed in the Light Industrial (IL) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code.

Zoning Code Table 2-6 lists allowable uses within the Light Industrial Zoning District, which implements the Light Industrial General Plan land use designation, and allows cannabis cultivation, distribution, and retail with the approval of a major Conditional Use Permit; and

B. The proposed Project is consistent with the General Plan land use designation of Light Industrial, which is applied to areas that are intended for cultivation, distribution and retail uses.

On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis cultivation, distribution, and retail (dispensaries) uses appropriate in areas designated as Light Industrial on the land use diagram; and

C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The site is in area zoned and predominately occupied by light industrial uses. Property to the north, east and south are zoned light industrial, and the areas to the west is zoned residential. The children's birthday party venue, Kids Party Central, located on the adjacent property inside an industrial building

that is setback approximately 140 feet from the entrance to the cannabis dispensary and separated by parking, drive aisles and landscaping. Residences to the west are approximately 240 feet away and buffered by Colgan Creek and existing landscaping along the west property line and along the creek.

The Project contains a well-designed and landscaped parking area; security measures including lighting, restricted access for employees, refuse disposal areas, on-site security personnel, surveillance cameras and security fencing and gates.

Furthermore, the project site is in the Light Industrial zoning district on a site with a history of light industrial and warehouse uses. The entrance to the retail dispensary is visible from the street and the proposed project is compatible with the existing light industrial uses located on property to the north and south of the project site and adequately screened and separated from the residential uses located across Colgan Creek and from the children's indoor birthday party venue. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity; and

D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Chapter 20-46, and the subject site is within a fully developed area zoned for light industrial uses; and

E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The physical appearance of the property will remain largely unchanged and on-site security personnel will monitor the parking lot to prevent loitering, consumption of cannabis or other nuisance activities. In addition, with the proposed odor control measures, the proposed operational procedures including site and building security, the lack of on-site consumption, storage and waste handling, inventory tracking, hours of operation, and age/medical restrictions; and compliance with all applicable state and local regulations, the proposed Project will not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, or welfare, or materially injurious to persons, property or improvements in the vicinity.

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

Refer to the Environmental Review section of this report for further discussion.

4. Design Guidelines

Exterior modifications to the existing structure will require design review approval by the City.

5. <u>Historic Preservation Review Standards</u>

Not applicable.

6. Public Comments

No member of the public attended the neighborhood meeting and no public input has been received to date.

7. <u>Public Improvements/On-Site Improvements</u>

ADA pathway from the public sidewalk to the existing path near the building entrance and two ADA-compliant parking stall will be included.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

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

- The proposed project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will require minor exterior modifications to the structure/site.
- The proposed project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 in that it involves minor modifications to an existing facility, with no expansion of use.
- Pursuant to CEQA Guidelines Section 15332, the project qualifies for a
 categorical infill exemption as it 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:

- Traffic. Based on the Institute of Transportation Engineers (ITE) Trip general Manual, 10th Edition, 2017, trip generation rates for "Marijuana Dispensary" (LU #882) and for "General Light Industrial" (LU #110) the Project is expected to generate 24 vehicle trips in the AM peak hour and 42 trips in the PM peak hours.¹ Because the proposed Project would be expected to generate fewer than 50 trips during either the AM or the PM peak hours, a full traffic impact study is not required per the City's guidelines and there are no foreseeable significant adverse traffic impacts as a result of the project.
- Biology. The Project site is covered by an existing building and unpaved parking areas and has no habitat value. No trees or other vegetation will be removed from the site as a part of the Project.
- 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 hours established for Retail Cannabis in Zoning Code Section 20-46.080(4)
- Air Quality/Odor The letter addressed to the City of Santa Rosa, dated April 17, 2018, from Matthew Torre, Registered Professional Engineer of 15000 Inc. certifies that the Odor Mitigation Plan dated April 17, 2018 prepared for the Project meets or exceeds the requirements of the City of Santa Rosa, pursuant to Zoning Code Section 20-46; and
- Water –No changes are proposed to storm water drainage from the Project site. In addition, the site has municipal water and wastewater service.
- 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

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<u>NOTIFICATION</u>

¹ ITE trip generation rates:

1000 SF	Use	AM Peak Hour Trip	AM Peak	PM Peak Hour Trip	PM Peak
		Generation Rate	Hour Trips	Generation Rate	Hour Trips
1.69	Dispensary	10.44/1000 SF	18	21.83/1000 SF	37
8.61	Cultivation/Distribution	6.02/1000 SF	6	0.63/1000 SF	5
Total AM	and PM trips		24		42

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.

<u>ISSUES</u>

There are no unresolved issues.

ATTACHMENTS

Attachment 1: Disclosure Form Vicinity Map

Attachment 3: Neighborhood Context Map
Attachment 4: Distance to Schools Exhibit

Attachment 5: Project Narrative (Retail Dispensary)

Attachment 6: Project Narrative (Cultivation and Distribution)

Attachment 7: Project Plans
Attachment 8: Odor Control Plan

Attachment 9: City Council Ordinance ORD-2017-025

Attachment 10: Zoning Code Chapter 20-46

Attachment 11: Noise Ordinance (City Code Chapter 17-16)

Resolution 1: Conditional Use Permit

CONTACT

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