

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

PROJECT TITLE

R & B Dispensary and
South Park Rezoning

APPLICANT

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

ADDRESS/LOCATION

Refer to Boundary Map (Attachment)

PROPERTY OWNER

Multiple

ASSESSOR'S PARCEL NUMBER

- 009-334-011, -012, -013, -015;
- 038-154-003, -007, -010, -011, -012;
- 038-155-016, 022, -031, -032;
- 038-156-020;
- 038-161-015, -014, -020, -021;
- 038-163-015, -016, -021, -022, -024;
- 038-163-025, -027;
- 038-171-011, -014, -015;
- 038-172-003, -016, -018, -024;
- 038-172-026 and -027

FILE NUMBER

PRJ18-055

APPLICATION DATE

September 8, 2017

APPLICATION COMPLETION DATE

April 17, 2018

REQUESTED ENTITLEMENTS

Rezoning and Conditional Use Permit

FURTHER ACTIONS REQUIRED

Rezoning (Council)

PROJECT SITE ZONING

PD (South Park Planned Development)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Susie

RECOMMENDATION

Approval

Agenda Item #10.1
For Planning Commission Meeting of: August 22, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION

FROM: SUSIE MURRAY, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: R & B DISPENSARY & SOUTH PARK REZONING

AGENDA ACTION: TWO RESOLUTIONS

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

BACKGROUND

1. Project Description

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

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

- 900 & 910 Santa Rosa Avenue;
- 920, 930, 940, 950, 964, 972, 1014, 1026, 1038, 1110, 1212, 1240, 1310, 1316, 1320, 1400, 1426, 1452, 1540, 1576, 1580 Petaluma Hill Road
- 625 Ware Avenue
- Assessor's Parcel No. 038-155-016 (no address assigned)
- 612 Frazier Avenue
- 611, 612 & 628 Milton Street
- 636 & 1341 Rutledge Avenue
- 614, 618 & 630 Aston Avenue



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

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

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

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

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

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

3. Existing Land Use – Project Site

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

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

4. Project History

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

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

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

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

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

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

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

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

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

LAND USE AND LIVABILITY

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

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

LUL-J-1 Maintain an adequate supply of employment centers in a variety of locations and settings to ensure the city's continued economic vitality.

ECONOMIC VITALITY

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

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

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

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

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

2. Other Applicable Plans

Not applicable.

3. Zoning

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

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

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

The project also involves a request for a Conditional Use Permit. The following development standards, regulated by [Zoning Code Chapter 20-46](#), have been met:

Hours of Operation

Permissible hours of operation for a cannabis dispensary are from 9:00 a.m. to 9:00 p.m. seven days per week. The proposed hours of operation for R&B Dispensary are from 10:00 a.m. to 7:00 p.m. seven days per week, with delivery service available during those hours.

Proximity to Schools

Pursuant to both City and State regulations, a retail dispensary may not operate within 600 feet of a school. There are no schools within 600 feet of 900 Santa Rosa Avenue.

Concentration

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

Employment

The Project narrative, attached to this report, details hiring procedures, including background checks for all new employees, which have been found in compliance with Zoning Code Chapter 20-46.

Odor Control

R & B Dispensary will have a professionally installed carbon filtration system to prevent odors from escaping the building. The plan, prepared by Warner Engineering, Inc., dated April 10, 2018, summarizes that the odor control mitigation plan exceeds what is expected for a retail facility and is consistent with best available technologies designed to mitigate cannabis odors.

Lighting

The dispensary will install lighting sufficient to provide illumination and clear

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

Noise

The dispensary is not anticipated to exceed the allowable noise levels, however, the project has been conditioned to comply with the City's Noise Ordinance, [City Code](#) Chapter 17-16.

Security Plan

The project Security Plan seeks to ensure safety and to effectively prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities. The Project Narrative discusses the Project's security plan in detail. To summarize, the system includes:

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

Delivery Services

The following delivery procedures will apply:

- Deliveries will be made during dispensary hours.
- Deliveries and pick-ups will be made from a secure access point with limited access.
- Deliveries will be made using company-owned vehicles.
- Drivers will be at least 21-years of age.
- Customers will be required to provide valid identification for all deliveries.

Parking

The building is 3,550 square feet. Pursuant to Zoning Code Table 3-4, the project is required to provide 14 onsite parking spaces. The project site plan provides 11

onsite parking spaces and eight additional spaces at an offsite parking area located across Santa Rosa Avenue that will be designated for use by employees. Pursuant to Zoning Code Section 20-36.040, when a building's use changes to a new use, for example a retail use to a restaurant, without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater. Because the building design was approved and is being constructed as part of a previously approved project, and the parking deficit is less the ten spaces and 25% of the parking requirement, the request to operate a cannabis dispensary from this location does not require a parking reduction.

Required Findings

Pursuant to Zoning Code Section 20-.52.050(F), the Planning Commission must make six findings before approving the CUP:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- The proposed use is consistent with the General Plan and any applicable specific plan;
- The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

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

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

- The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments; and
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

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

4. State Requirements

The applicant will hold a Type 10 State license, which allows a cannabis retail use. The Project is required to adhere to State Bureau of Cannabis Control licensing and operating procedures in addition to operational provisions of Zoning Code Chapter 20-46.

5. Design Guidelines

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

6. Historic Preservation Review Standards

Not applicable.

7. Neighborhood Comments

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

8. Public Improvements/On-Site Improvements

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

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

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

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

The Cannabis Retail use has been found in compliance with the California Environmental Quality Act (CEQA). The project is consistent with the General Plan for which an Environment Impact Report (EIR) was certified by Council in 2009. In December 2017, Council enacted comprehensive regulations for cannabis. Analysis concluded that cannabis-related uses were similar in terms of environmental impacts to other allowable uses in the CG zoning district.

- A Traffic Study and Technical Memorandum, both prepared by Janice Spuller, TJKM, and both dated April 16, 2019, conclude that “Based on the City impact criteria the project is expected to have a less-than-significant impact at all of the study intersections.”
- R & B Dispensary will have a professionally installed carbon filtration system to prevent odors from escaping the building. The odor mitigation plan, prepared by Warner Engineering, Inc., dated April 10, 2018, states that the odor control mitigation plan exceeds what is expected for a cannabis retail facility and is consistent with best available technologies designed to mitigate cannabis odors.

Pursuant to section 15183, subdivision (i), any rezoning action consistent with the general plan shall not require additional environmental review except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site.

No further environmental review is necessary for the Project as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

No other review authorities have reviewed this project.

NOTIFICATION

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

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

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

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

ISSUES

There are no unresolved issues.

ATTACHMENTS

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

CONTACT

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