

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
**September 12, 2019**

**PROJECT TITLE**

Green Pen Dispensary

**ADDRESS/LOCATION**

353 College Avenue

Santa Rosa, 95403

**ASSESSOR'S PARCEL NUMBER**

180-750-046

**APPLICATION DATE**

April 18, 2018

**REQUESTED ENTITLEMENTS**

Conditional Use Permit (CUP)

**PROJECT SITE ZONING**

CG (General Commercial)

**PROJECT PLANNER**

Adam Ross

**APPLICANT**

Green Pen, LLC.

**PROPERTY OWNER**

David Gates

Linda Gates

**FILE NUMBER**

CUP18-080

**APPLICATION COMPLETION DATE**

June 27, 2018

**FURTHER ACTIONS REQUIRED**

Not Applicable

**GENERAL PLAN DESIGNATION**

Retail and Business Services

**RECOMMENDATION**

Approval

Agenda Item # 10.1  
For Planning Commission Meeting of September 12, 2019

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION  
FROM: ADAM ROSS, CITY PLANNER  
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT  
GREEN PEN DISPENSARY CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

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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 with delivery in an existing 2,943 square-foot building on a 5,928 square-foot parcel at 353 College Avenue and approve reduced on-site parking consisting of the existing six (6) parking spaces (50% reduction) per Zoning Code Section 20-36.050(C)(1)(b).

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EXECUTIVE SUMMARY

The proposed Green Pen Dispensary (Project) seeks a Conditional Use Permit (CUP) to allow a medical and adult use retail cannabis dispensary with delivery in an existing 2,943 square-foot building on a 5,928 square-foot parcel. Retail and delivery hours of operation will be daily from 9 a.m. to 9 p.m. consistent with Zoning Code Section 20-46.080(F)(4). Distributor deliveries will be limited on the weekdays from 6 a.m. to 10 p.m. All other deliveries will occur no earlier than 8:00 a.m. Reduced on-site parking consisting of the existing six (6) 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.

On March 14, 2019, the Planning Commission held a duly noticed public hearing on the application, at which all those wishing to be heard were allowed to speak or present written comments and other materials. At the end of the Public Hearing the Planning

Commission requested a continuance to allow time for additional information to be incorporated into the Trip Generation and Parking Study by W-Trans, provided by the Applicant, on the Project's parking and traffic impacts as it relates to the following:

- The onsite circulation (movement around the parking on the facility and how it effects the intersection).
- The increased pedestrians crossing at the intersection of College Avenue and Mendocino Avenue and the effects on traffic.
- The effect on daily trips generated from the delivery.

1. Project Description

The Project will occupy a 2,943 square-foot building on a 5,928 square-foot parcel within the CG-H (General Commercial – Historic) Zoning District. The 2,943 square-foot building includes 1,772 square feet of retail space, 338 square feet of storage space, and 914 square feet of office, employee, administration, and delivery operations.

The project is not proposing any exterior changes to the building. Minor interior modifications and onsite security cameras are proposed as required by state and local law. The project is located in the Ridgeway Historic District. Pursuant to Zoning Code Section 20-58.060(C), a Landmark Alteration Permit would be required if the project was proposing changes to the property, however no changes are proposed.

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 with delivery, 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-H (General Commercial-Historic)

South: CD-5-H/CD-5 (Commercial Downtown/Commercial Downtown-Historic)

East: CG-H (General Commercial-Historic)

West: CG-H (General Commercial-Historic)

The site is located within a commercial corridor on College Avenue with the Ridgeway Historic Neighborhood to the north and St. Rose Historic Neighborhood to the south of College Avenue. Immediately adjacent to the north is a legal non-conforming single-family home, with commercial office and retail uses immediately adjacent east, south, and west of the site.

No other cannabis related uses are proximate to the Project site. The site is located within 1,000 feet of Highway 101. St. Luke Lutheran School is approximately 1,225 feet from parcel line to parcel line; Ridgway High School is approximately 1,440 feet from parcel line to parcel line; Santa Rosa Charter School for the Arts is approximately 1,735 feet from parcel line to parcel line; Abraxis Charter School is approximately 1,775 feet from parcel line to parcel line.

3. Existing Land Use – Project Site

The proposed project is located within an existing 2,943 square-foot building. The previous use was general retail-hydroponics store.

The proposed project is located within the CG-H (General Commercial - Historic) Zoning District, and the Retail and Business Services General Plan Land Use Designation. Cannabis Retail Dispensary uses are allowed under Zoning Code Section 20-23.030 Table 2-6, with approval of a Conditional Use Permit.

**Project History**

April 20, 2018	Conditional Use Permit application submitted to the Planning and Economic Development Department
May 29, 2018	Notice of Incomplete application sent to applicant
April 16, 2018	Neighborhood meeting held
June 21, 2018	Response to incomplete letter received by City Staff
June 27, 2018	Application deemed complete
July 23, 2018	Notice of Application mailed to neighboring and interested parties
Oct 16, 2018	Notification of Staff Issues was sent to the applicant
Feb 14, 2019	Staff received updated application with all Issues corrected
Mar 14, 2019	The Project was reviewed by the Planning Commission as a Public hearing where the Commission continued the item to a date uncertain with a request for more information on the Trip Generation and Parking Study
June 18, 2019	The Applicant provided the May 16, 2019, Revised Addendum to the Trip Generation and Parking Study to Staff

PRIOR CITY COUNCIL REVIEW

Not applicable

ANALYSIS

The project proposes establishment of a medical and adult use retail cannabis dispensary with delivery in the General Commercial Zoning District. Adult Use and Medical Cannabis Retail Dispensaries with Delivery are allowed with a 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, 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.
- 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 (CG) 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 CG zoning to the north, east, and west, and Downtown Commercial (CD) zoning to the south. The surrounding zoning districts support Retail, Office, and Business Services with a legal non-conforming single-family residence on the north side of the property.

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.

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 Cannabis Retail (Dispensary) and Delivery.

Green Pen Dispensary 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 schools to the Project site based on the City of Santa Rosa's Public GIS map is approximately as follows:

- St. Luke Lutheran School 1,225 feet
- Ridgway High School 1,440 feet
- Santa Rosa High School 1,670 feet
- Santa Rosa Charter School for the Arts 1,735
- Abraxis Charter School 1,775 feet

### **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**

All potential employees will be required to pass a background check. The applicant also indicates that, "All employees hired by the Applicant will be over 21 years of age...The Applicant is committed to hiring employees locally."

### **Odor Control**

As required by Zoning Code Section 20-46.050(H), the applicant has provided an Odor Mitigation Plan, signed by a licensed professional engineer.

The applicant has provided an Odor Mitigation Plan by Jeff Warner, PE, with Warner Mechanical Engineering, dated April 4, 2018. Based on the findings provided in the Odor Mitigation Plan, the retail dispensary will use a combination of Administrative and Engineering Controls. The Administrative Controls include but are not limited to; Standard Operating Procedures; routine carbon filter replacement and testing; and routine inspections. The Engineering Controls

include but are not limited to; Carbon filters and environmental exhaust fans; carbon filters exhaust air inlets; exhaust fans; system testing and balancing.

### **Outdoor Lighting**

The applicant will incorporate exterior lighting systems for security and safety purposes. The light fixtures will comply with Zoning Code Section 20-30.080. The interior lighting will be fully shielded with and comply with Zoning Code Section 20-46.080.

### **Noise**

The project will comply with City Code Chapter 17-16 (Noise). No generators are proposed, except as short-term temporary emergency back-up systems as specified in Zoning Code Section 20-46.80(J).

The residents of the Ridgway neighborhood have voiced concerns regarding potential noise from delivery to the retail location. The applicant has provided the following restrictions on delivery outside of those required by Zoning Code Section 20-46.080(F)(4):

- Distributor delivery hours from 6:00 a.m. to 10:00 p.m. seven days a week.
- All other deliveries shall be no earlier than 8:00 a.m. seven days a week.

### **Security Plan**

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan. Staff has reviewed and determined the applicant's Security Plan to be adequate for the proposed Medicinal and Adult-Use Cannabis Retail Dispensary with Delivery.

**Video Surveillance:** The applicant will install security cameras to monitor the interior and exterior of the building; the cameras will run 24 hours a day, be maintained in good working condition, comply with standard industry format to support criminal investigations and shall be maintained for 90 days.

**Alarm System:** An alarm system will be installed and continually monitored giving the applicant notification of any unauthorized access to the premises. The alarm system will be registered and permitted with the City of Santa Rosa.

**Secure Storage and Waste:** All cannabis products and any cannabis waste will be stored in an area secured with commercial-grade non-residential locks, that is not visible to the public and that prevents diversion, theft, loss, hazards and nuisance according to Santa Rosa as required by Zoning Code Section 20-46.050(G)(3). In addition, all vendors will be scheduled to pick up cannabis waste and deliver cannabis products for storage. All waste removals will be



documented.

**Secure Entrance:** The door to the dispensary property shall be locked at all times. All customers must show identification and be over the age of 21 before entry is granted. Medicinal customers aged 18-20 will not be admitted entrance to the dispensary and will only be allowed to purchase products through delivery.

There are three doors at the site, however two of the doors will not be accessible. The first inaccessible is the built-over door as indicated on the site plans. The built-over door is an existing door on the north side of the building that was built over from the inside of the building, making it inaccessible for use. The second inaccessible door faces the corner of College Avenue and Glenn Street; that door will remain locked with commercial grade locks.

**Security Personnel:** Security personnel will be present at the location during business hours. The security personnel will also monitor the site and adjacent alleyway to prevent any nuisance and criminal activity as well as include a patrol unit during non-operating hours.

### **Delivery**

The applicant 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.

Cannabis goods will be delivered by employees. All products will be kept in their original packaging, placed in opaque bags, and then carried to the delivery vehicle. The applicant will use GPS tracking for all delivery vehicles.

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

### **On-Site Consumption**

No on-site consumption is proposed with this project.

### **Special Events**

The applicant will not host any events requiring a cannabis permit at this location. If the applicant requests approval to host a cannabis event permit at this location in the future, the applicant would be required to obtain a Temporary Use Permit, pursuant to Section 20-52.040 (Temporary Use Permit).

### **Storefront and Signage**

There is one wall sign that fronts Glenn Street between the parking lot entrance

and College Avenue. All replacement signs will be subject to Santa Rosa Zoning Code Section 20-38. The applicant has indicated that the signs, “will not contain any logos or information that identifies, advertises, or lists the specific products or services offered by the dispensary.” The applicant will ensure products are not readily visible to the public. There are no schools within 1,000 feet of the Project.

3. Design Guidelines

Any exterior façade modifications would require design review approval.

4. Historic Preservation Review Standards

The applicant is proposing to remove one illegal awning that would allow the room needed for the ADA van accessible space. Under Zoning Code Section 20-58.060(A)(2)(e), demolition of a non-contributing building is exempt from a Landmark Alteration Permit. Additionally, the awning is an illegal structure and in violation of the Zoning Code under Section 20-61.060 because the awning never received an Entitlement or Building Permit.

The site is located in the CG-H (General Commercial-Historic) Zoning District within the Ridgway Preservation District. A Landmark Alteration Permit subject to the City’s Zoning Code Section 20-58.060 for non-exempt exterior modifications would be required if there were additional modifications proposed, however no modifications are proposed. There is no Code Enforcement Case open at the site, but the applicant will be required to remove the awning after obtaining a demolition permit.

5. Neighborhood Comments

A neighborhood meeting was held on April 16, 2018 with members of the public attending. After the Notice of Application was sent, Staff received 20 emails, several phone calls, three written letter delivered via email that was signed by 30 residents from 23 homes in the Ridgway Preservation District. After the March 14, 2019, meeting Staff received more comments from the surrounding neighbors. The common concerns provided during the Neighborhood Meeting, the response to the March 14, 2019, Planning Commission Public Hearing, and the Notices of Application for both Planning Commission Public Hearings:

- Neighborhood Compatibility
- Entrance to Site
- Loitering
- Increased Crime
- Proximity to Schools
- Odors
- Noise
- Traffic

- Parking

The site is located in a commercial corridor along College Avenue. There are many different uses located within this corridor that include but are not limited to general retail, business serving retail, bars, gas stations, and offices. The use is allowed within the CG zoning district with Conditional Use Permit approval. The use also complies with General Plan policies **EV-A-5** and **EV-D** that aim to provide diverse jobs in the region while maintaining economic vitality. The applicant has provided a Security Plan that was reviewed and vetted by Staff.

Additional Public Correspondence indicated that some neighbors do not like the entrance to the site as it is proposed in the rear of the property instead of at the front of the property. The location of the entrance complies with Zoning Code Section 20-46.080(D)(5) in that the site need only be visible from Public Right-of-Way. Staff reviewed the operational analysis and determined that while the entry is at the rear of the building as read from College Avenue, the project meets the standard by being visible from Glenn Street.

Zoning Code Section 20-46.080(D)(2) requires a minimum setback of 600 feet between schools and cannabis retail. The nearest school is St. Luke Lutheran School approximately 1,225 feet away, which is double the Zoning Code requirement and also exceeds the State's recommended 600-foot buffer. The applicant has also submitted an Odor Mitigation Plan by Jeff Warner, PE, with Warner Mechanical Engineering, dated April 4, 2018 that identifies operational and engineering controls that will prevent odor from escaping the premises. The applicant has proposed to limit distributor deliveries to 6:00 a.m. to 10:00 p.m. and additional deliveries to be received no earlier than 8:00 a.m.

The Revised Addendum to the Trip Generation and Parking Study prepared by W-Trans dated May 16, 2019, concluded that Project did not result in 50 net new Peak Hour Trips and therefore an operational analysis is not required per the *City's Standard Guidance for the Preparation of Traffic Impact Analysis*. The same conclusion was reached in the original Trip Generation and Parking Study dated September 6, 2018, and the first Addendum to the Trip Generation and Parking Study dated March 17, 2019. The Trip Generation and Parking Study was reviewed and deemed acceptable by City Traffic Engineering. For more discussion, see Background above and Section 7 below.

In addition, a member of the public referenced a letter from the Sonoma County Probation Department's Chief Probation Officer David M. Koch allegedly asserting the dispensary, if approved, would interfere with funding for an adjacent business; the Planning Commission had not received a copy of the letter and Commissioners expressed their desire to review the letter prior to making a determination. The letter was received by City Staff after the meeting had begun but has since been reviewed by Staff and provided to the Planning Commission. The letter was in opposition to the dispensary but did not state that the approval

of the dispensary would interfere with funding for the adjacent Center for Social and Environmental Stewardship (See Attachment 13).

There was an additional request from a member of the Public requesting a Peer Review of the Trip Generation and Parking Study to be paid for by the applicant. The project, per Staff's recommendation, qualifies for a Class 1, 3 and 32 exemption from CEQA. The recommendation for exemption is further supported by a Trip Generation and Parking Study prepared by W-Trans, which is a qualified and experienced traffic consulting firm. A peer review is not required as part of a CEQA exemption process, the City need only rely on one traffic report. The staff recommendation is to accept the W-Trans report as it was appropriately prepared by a licensed traffic consulting firm in compliance with local and state regulations.

6. Public Improvements/Onsite Improvements

Not Applicable.

7. Parking

Section 20-36.040, Table 3-4 of the Zoning Code requires one (1) vehicle parking space for each 250 square feet and one (1) bicycle parking space per 5,000 square feet. The proposed use is located in a 2,943 square-foot building, therefore, 12 vehicle parking spaces and one (1) bicycle parking space is required. There is a total of six (6) vehicle parking spaces on site, which is six (6) spaces less than the required 12 vehicle parking spaces. The project requires approval of a 50% vehicle parking reduction for the use.

The applicant is proposing six (6) parking spaces on-site with one (1) ADA parking space, six (6) parking passes for City Parking Garage No. 1, and 12 covered bicycle parking spaces on-site. City Parking Garage No. 1 is located at 521 7<sup>th</sup> Street, approximately 1,230 feet away, and a seven (7) minute walk using the safest walking route up Healdsburg Avenue, crossing College Avenue and proceeding to the project site.

The nearest City Bus Stops are approximately 1,000 feet from the project site heading east on College Avenue and north on Mendocino Avenue. The site is also located within the City's 15-minute headway corridor. The applicant has not indicated if transit passes will be provided to employees. The site is located in an urbanized area, which includes sidewalk and pedestrian infrastructure that promotes walkability due to the close proximity to residential neighborhoods and Downtown Santa Rosa.

The applicant submitted a Trip Generation and Parking Study produced by W-Trans dated September 6, 2018, that included a parking analysis for the proposed dispensary use. In addition, the applicant provided a Parking Lot

Restriping Feasibility Study by Adobe Associates, Inc, dated October 9, 2018, indicating that the Parking Lot can be restriped with minor alterations to include six (6) parking spaces that are up to current City sizing standards of nine feet by 19 feet (Zoning Code Section 20-36.070(D)(3)(a)). The minor alteration is the removal of the awning to update the current ADA parking space to a van accessible ADA parking space with the required five-foot drive aisle and removal of an illegal non-conforming chain link fence covering an existing parking space. Additionally, W-Trans provided an Addendum to the September 6, 2018, Trip Generation and Parking Study. The Addendum, dated March 7, 2019, included the entire floor area 2,943 square feet to measure the daily A.M. and P.M. Peak Hour Trips, rather than the 1,772 square feet as part of the original submittal. The March 7, 2019, Addendum also indicated that parking was adequate for the use with six (6) spaces, assuming also the applicant provides six (6) parking passes for employees at City Parking Garage No. 1, 12 covered bicycle parking spaces on the north part of the building, as well as indicated that there are four on-street parking spaces in front of the project site, although those spaces are not counted in the analysis.

The applicant submitted a Revised Addendum to the Trip Generation and Parking Study produced by W-Trans dated May 16, 2019, to include the additional information requested by the Planning Commission with regard to onsite circulation (movement around the parking on the facility and how it effects the intersection); the increased pedestrians crossing at the intersection of College Avenue and Mendocino Avenue and the effects on traffic; and the effect on daily trips generated from the delivery.

The May 16, 2019, Revised Addendum addressed the onsite circulation and found that although three (3) of the six onsite parking spaces would back out onto Glenn Street, the operation is considered typical and therefore acceptable for a residential street with low speeds.

The May 16, 2019, Revised Addendum addresses delivery into the analysis and concluded that delivery is expected to produce 20 fewer Peak Hour P.M. trips based on observations taken from existing dispensaries in Santa Rosa with delivery, which results in a net increase of 24 new trips instead of 44 as indicated in the Trip Generation Analysis within the study. Although the Level of Service to the College Avenue intersections were not analyzed in the Revised Addendum dated May 16, 2019, the City typically considers a delay in traffic by five (5) seconds to a failing intersection to be significant. However, according to the Revised Addendum to the Trip Generation and Parking Study dated May 16, 2019, the effect on traffic from increased pedestrian crossings on Mendocino Avenue across College Avenue is expected to cause a one second delay to passing motorists and is therefore, insignificant.

According to the City's Geographic Information System (GIS), the project site was built in 1962, which indicates that the building was legally constructed but is

now a legal non-conforming structure based on the one (1) space per each 250 square feet of building for retail trade uses in Zoning Code Section 20-36.040, table 3-4. Any retail use at this location would require a parking reduction.

As a result, Staff first looked to Zoning Code Section 20-36.050(c)(1)(a) that allows, by right, a parking reduction of up to 10 spaces or 25% when re-tenanting an older building and site with a new use. Based on the required parking for cannabis retail one (1) per 250 square feet, the site is deficient by six (6) spaces and 50%, therefore this section could not be invoked.

Under Zoning Code Section 20-36.050(C)(1)(b), the review authority may reduce the amount of parking by any amount for a project that requires a Conditional Use Permit 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 W-Trans Trip Generation and Parking Study with Addenda indicates that the reduced parking demand for the dispensary is sufficient for the site and was reviewed and found adequate by City Traffic Engineering. As explained in more detail below, Staff believes the Planning Commission can make the required above findings to allow reduced parking.

#### FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT INCLUDING A PARKING REDUCTION

The Planning Commission must make the following findings as required in Zoning Code Section 20-52.050 to grant the Conditional Use Permit with a parking reduction. 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 an existing 2,943 square-foot building in the CG-H (General Commercial - Historic) 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.

**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 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 with 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-H (General Commercial – Historic) 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).

A Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, determined that adequate on-site parking, bicycle parking, with sufficient and safe on-site circulation, and employee parking located in City Parking Garage No. 1 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 with delivery

**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 2,943 square-foot building and adequate vehicular access to the site is provided from Glenn Street. 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 east, and south, which are within the CG – General Commercial, CD – Downtown Commercial, and comprise a wide variety of commercial, office

retail, and business uses. The site is located on a commercial corridor on College Avenue with Highway 101 located to the west of the project site. Single family residences are located to the north and south of the commercial corridor on College Avenue and Downtown Santa Rosa begins approximately 1,200 feet southeast of the project site.

The Trip Generation and Parking Study by W-Trans dated September 6, 2018, with Addendums dated March 7, 2019, and May 16, 2019, provided for this project concluded that although the proposed on-site parking supply does not meet standard City Zoning Code requirements, ADA accessibility requirements can be met and the total parking supply available (on- and off-site) is adequate to accommodate the anticipated peak parking demand and the delivery service is anticipated to reduce the P.M. Peak Hour Trips by 20 fewer P.M. Peak Hour trips after collecting data from other dispensaries with delivery in Santa Rosa than what is indicated using ITE rates for cannabis dispensaries with delivery.

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 St. Luke Lutheran School approximately 1,225 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.

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, and the project will be conditioned to limit the noise from distributor delivery and other deliveries from large trucks to the site to prevent any noise nuisances to the Ridgway Preservation District neighborhood.

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 9 – Certified Odor Mitigation Plan dated April 4, 2018). The project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency, as well as 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, as well as implementing inventory controls, employee safety and security operational procedures, delivery service operation standards and procedures, and training on such procedures.

- F. 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**



Staff Response: A Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, by W-Trans, concludes that the parking supply provided is sufficient for the use as proposed with six (6) off-site parking spaces for employees in City Garage No. 1.

The deficiency in parking spaces associated with the operation of the dispensary has been conditioned to provide the safe and sufficient operation of the use by purchasing parking passes to City Garage No. 1, to reduce the parking demand from employees. The project is providing 11 additional bicycle parking spaces than what is required by City Code. The project site is close to Downtown Santa Rosa with parking facilities and is within walking distance to bus stops within Santa Rosa's 15-minute headway corridors. Increased pedestrian traffic generated by employees parking at City Garage No. 1 would not result in a significant impact to traffic, and delivery services are anticipated to reduce P.M. Peak Hour Trips by 20 P.M. Peak Hour Trips.

**G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use**

Staff Response: The Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, by W-Trans indicated that the parking will be sufficient for the site. Additionally, there are sidewalks and infrastructure surrounding the site, and the project has been vetted by City Staff for the safe, convenient, and efficient operation of the proposed Dispensary.

**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 the 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 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:

- The Project site includes a fully developed building and a parking lot with six (6) 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 Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, that concluded that there will be no significant impacts to City streets and that adequate on-and off-site parking was available to meet peak parking demand and was vetted by City staff.
- An Odor Mitigation Plan was prepared and signed by Jeff Warner, PE, Warner Mechanical Engineering, dated April 4, 2018, and was prepared in compliance with Zoning Code Section 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 – Vicinity Map

Attachment 3 – Project Description, dated received February 4, 2019

Attachment 4 – Proximity to Schools

Attachment 5 – Site Plan, dated received February 4, 2019

Attachment 6 – Floor Plan, dated received February 4, 2019

Attachment 7 – Parking Lot Restriping Feasibility Study, dated October 9, 2018

Attachment 8 – Certified Odor Mitigation Plan, dated April 4, 2018

Attachment 9 – Trip Generation and Parking Study, dated September 6, 2018

Attachment 10 – Addendum to the Trip Generation and Parking Study, dated March 7, 2019

Attachment 11 – Revised Addendum to the Trip Generation and Parking Study, dated May 16, 2019

Attachment 12 – Public Correspondence as of March 14, 2018

Attachment 13 – Public Correspondence as of August 28, 2019

Resolution – Conditional Use Permit

## CONTACT

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