

# GREEN PEN DISPENSARY CONDITIONAL USE PERMIT

353 College Avenue

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September 12, 2019

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Planning and Economic Development

# Cannabis Ordinance

## Overview

- **Personal Use**
  - 6 plants per residence
- **Commercial Cannabis Businesses**
  - Medical & Adult Use
  - Cultivation
  - Manufacturing (Level 1 & Level 2)
  - Testing Laboratory
  - Distribution
  - [Retail \(Dispensaries & Delivery\)](#)
  - Microbusiness
  - Special Events
- **Effective January 19, 2018**



# Cannabis Ordinance

## Retail and Delivery Land Use Definition

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- **Cannabis Retail** means a facility where medical or adult use Cannabis or medical or adult Use Cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers Cannabis or Cannabis Products as part of a retail sale. Also known as a cannabis “dispensary.”
- **State License Type - 10**

# Cannabis Ordinance

## Retail Specific Requirements

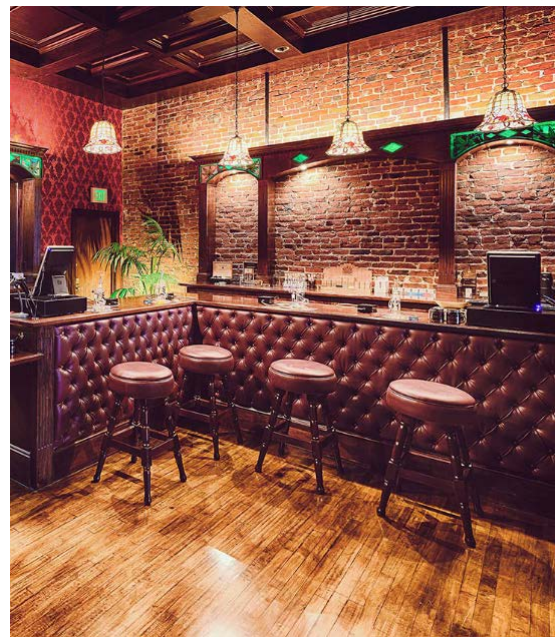
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- **Eligible Zoning Districts**
  - Commercial – CO, CN, CG, & CSC
  - Industrial – BP, IL & IG
- **Setbacks to Sensitive Receptors**
  - 600 feet to a K-12 school [CA Health & Safety Code § 11362.768(h)]
- **Overconcentration**
  - 600 feet to another Cannabis Retail facility
- **Conditional Use Permit**
  - Neighborhood Meeting
  - Public Hearing – Planning Commission
  - Appeal – City Council

# Cannabis Ordinance

## Retail Specific Requirements

- **Deliveries** - Allowed only from a Cannabis Retail facility with a storefront
- **Drive-through** – Not permitted
- **Hours of Operation** – 9:00 am to 9:00 pm
- **Security** – entry must be visible from street, secured entry, products, cash
- **On-Site Consumption (not proposed)** – subject to state and local law; and use permit



# Conditional Use Permit

## Required Findings a - c

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- a) The proposed use is allowed within the applicable zoning district and **complies with all other applicable provisions of the Zoning Code** and the City Code;
- b) The proposed use is **consistent with the General Plan** and any applicable specific plan;
- 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;

# Conditional Use Permit

## Required Findings d - f

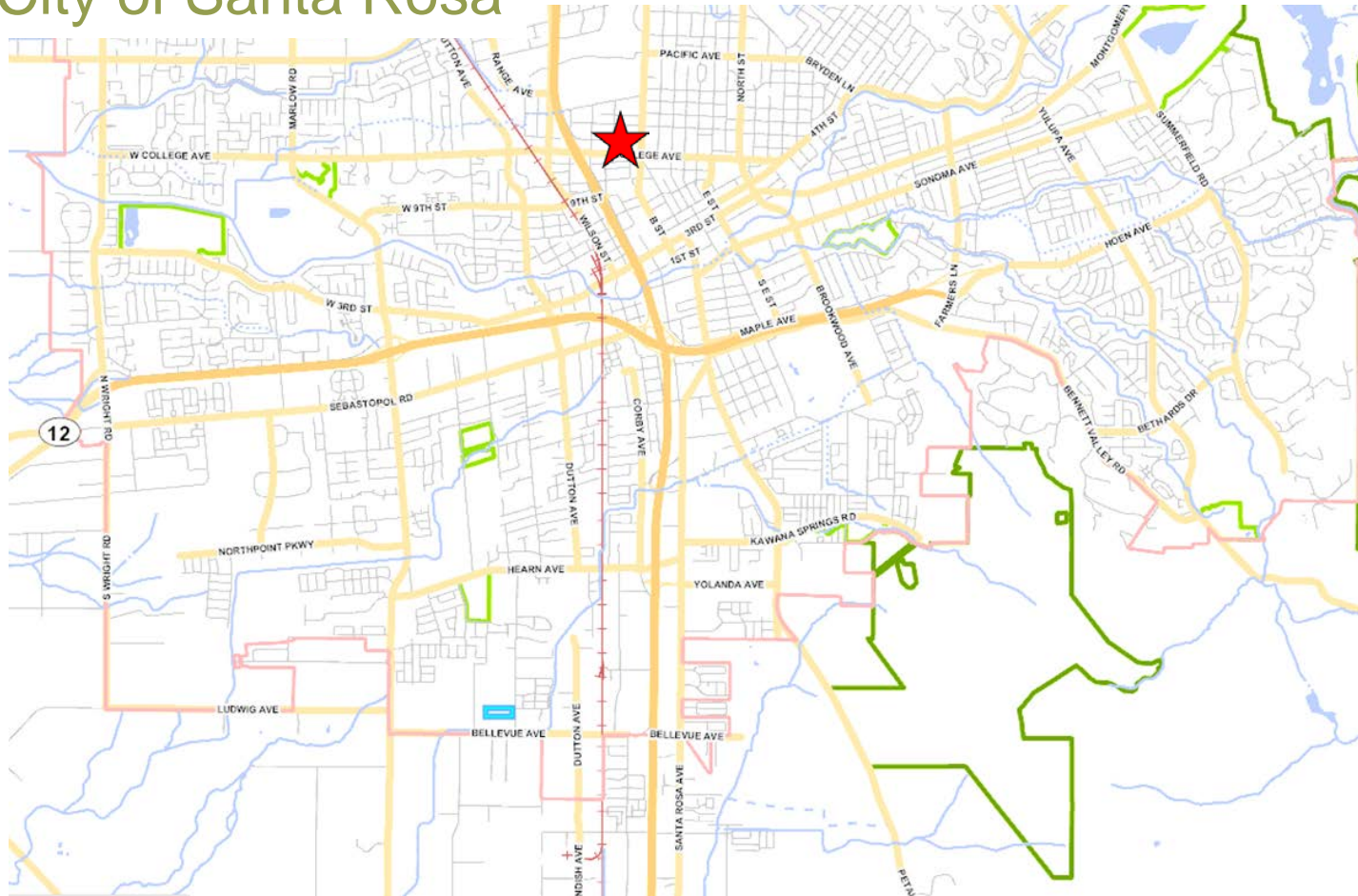
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- d) The site is **physically suitable for the type, density, and intensity of use** being proposed, including access, utilities, and the absence of physical constraints;
- e) Granting the permit **would not constitute a nuisance** or be injurious 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; and
- f) The proposed project has been reviewed in **compliance with the California Environmental Quality Act** (CEQA).

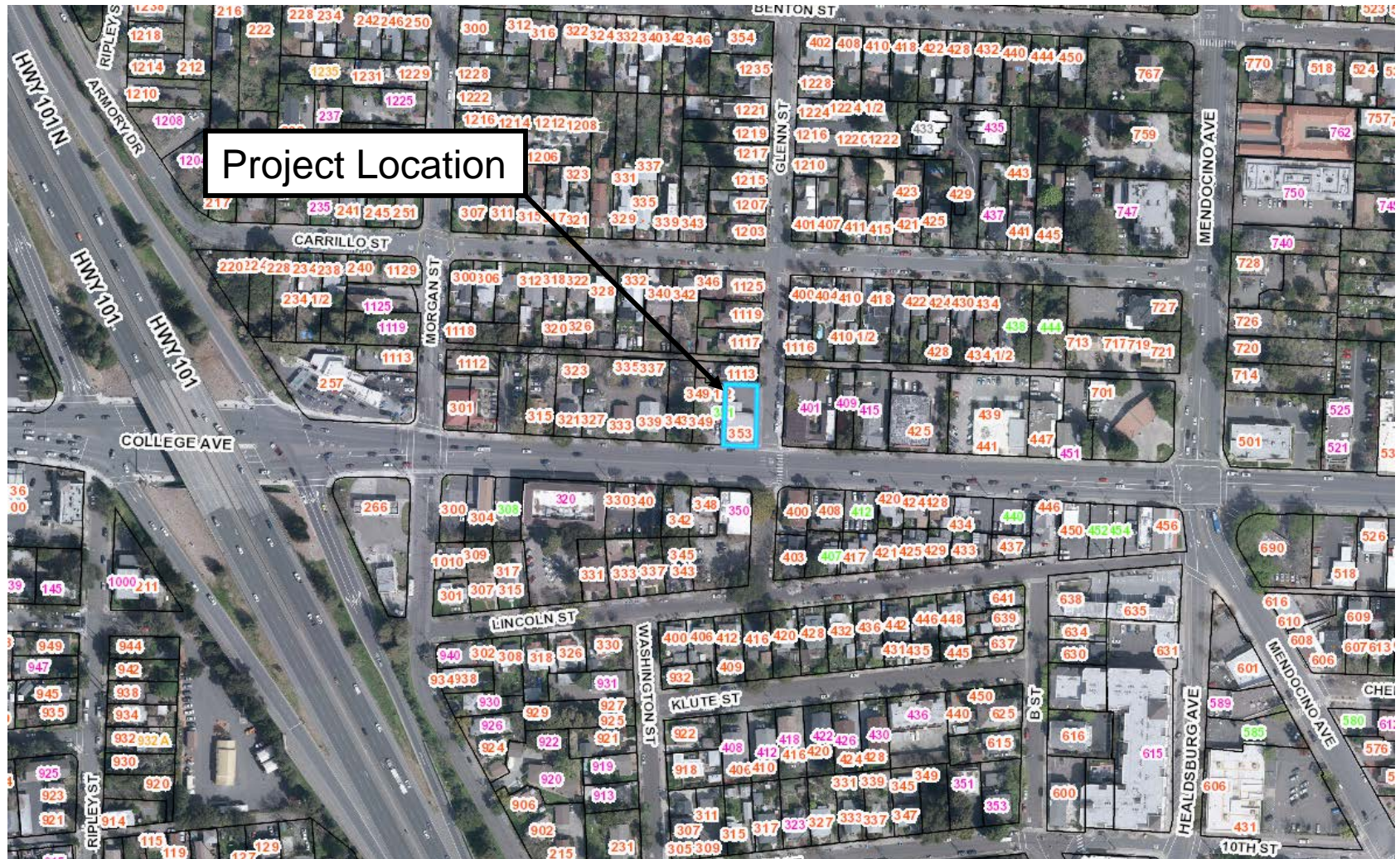
- CUP18-080 to allow Green Pen LLC, to operate Green Pen Dispensary, a medical and adult use cannabis retail dispensary with delivery.
- Reduced on-site parking to allow use of six (6) existing parking spaces
- 2,943 sq. ft. building with 1,772 square feet of retail space, 338 sq. ft. of storage, with the remainder office, employee administration, and delivery operations
- Proposed hours of operation – 9 a.m. to 9 p.m. daily

# Project Location 353 College Avenue

City of Santa Rosa



# Project Location 353 College Avenue

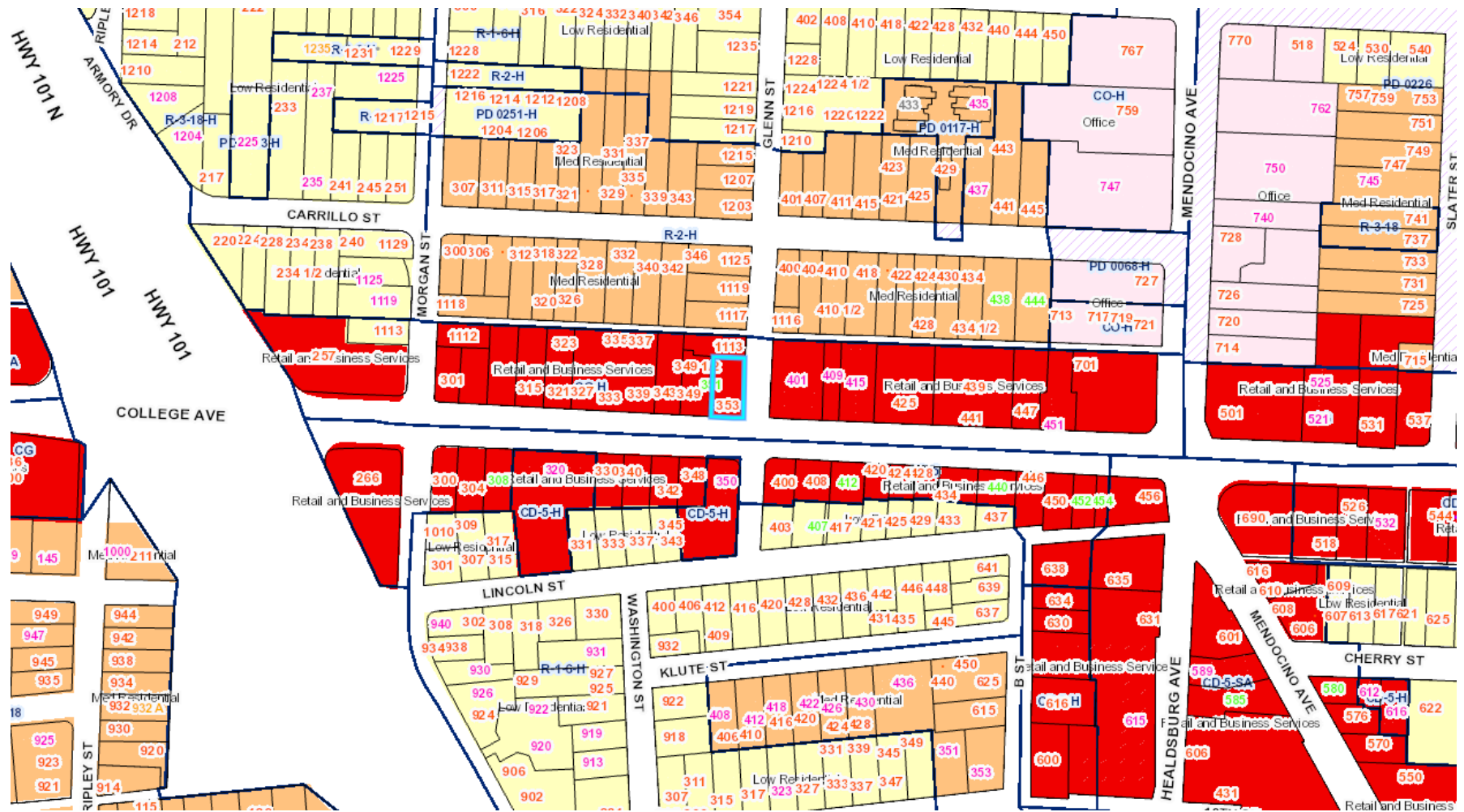


# Zoning Map

## CG-H (General Commercial – Historic)



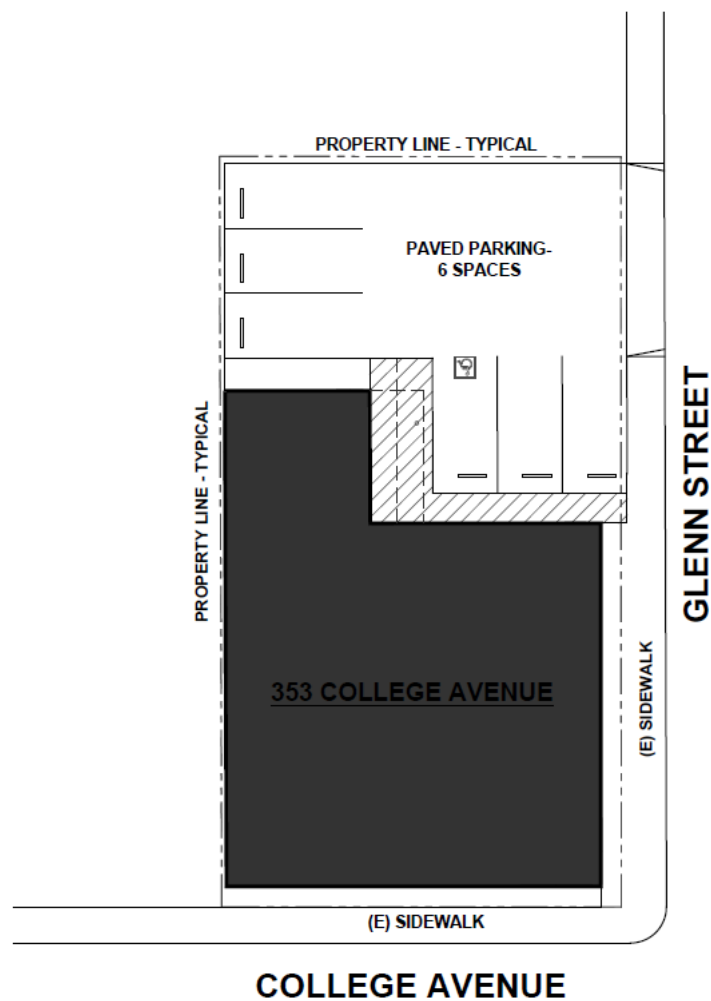
# General Plan Retail and Business Services



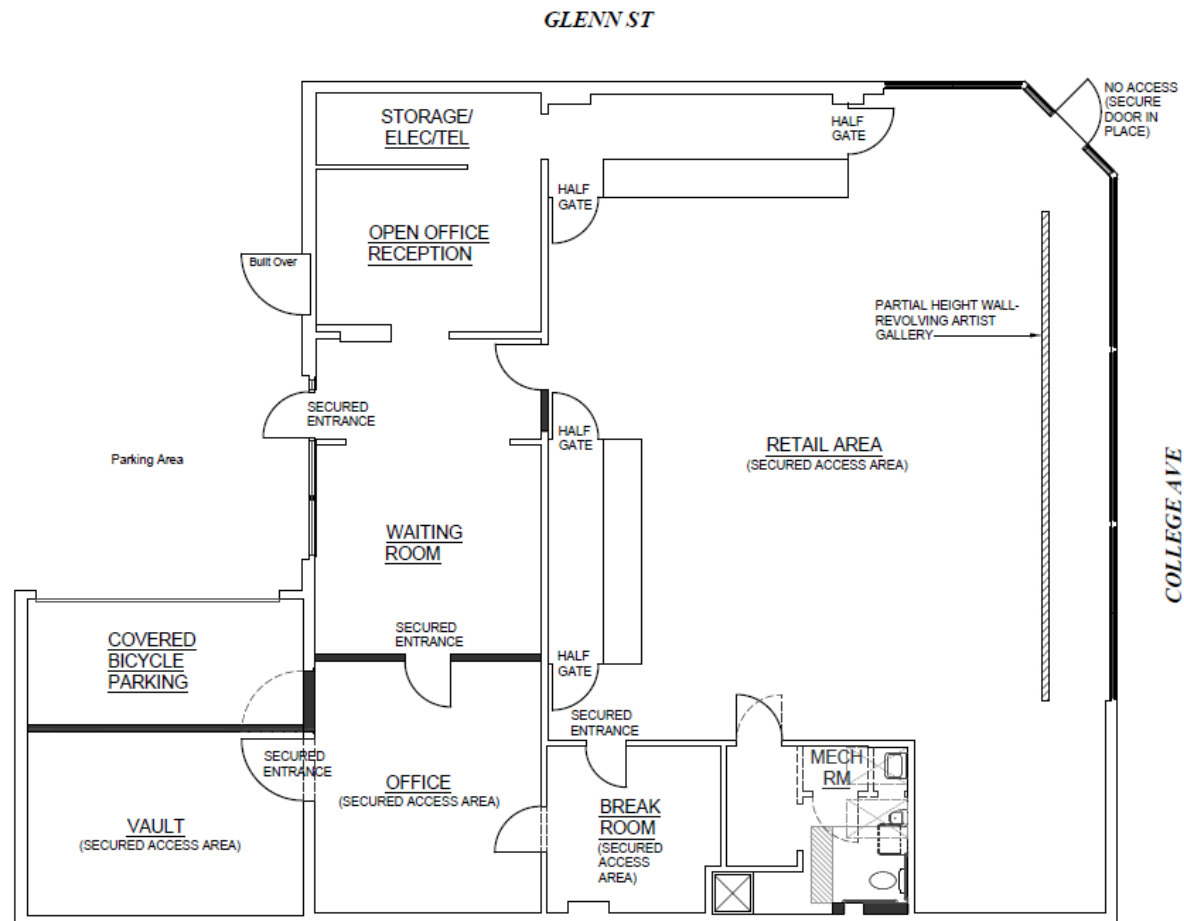
- Apr 20, 2018 – Conditional Use Permit application submitted
- May 29, 2018 – Notice of Incomplete Application sent
- Apr 16, 2018 – Neighborhood meeting held
- Jun 21, 2018 – Response to Incomplete Letter received by City staff
- Jun 27, 2018 – Application deemed complete
- Jul 23, 2018 – Notice of application mailed to neighbors and interested parties
- Oct 16, 2018 – Notification of Staff Issues
- Feb 14, 2019 – Staff received updated application with all Issues corrected

- Mar 14, 2019 – Planning Commission Meeting was held and continued to a date uncertain (Trip Generation and Parking Study Updates)
- Jun 18, 2019 – May 16, 2019, Trip Generation and Parking Study Addendum was submitted to City Staff
- Aug 12, 2019 – Notice of Public Hearing was sent to owners/occupants within 600 feet of project site
- 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 traffic study

- Jun 18, 2019 – The Applicant provided the May 16, 2019, Revised Addendum to the Trip Generation and Parking Study to Staff



# Floor Plan



## Front Elevation



## East Elevation



## Legal Non-Conforming

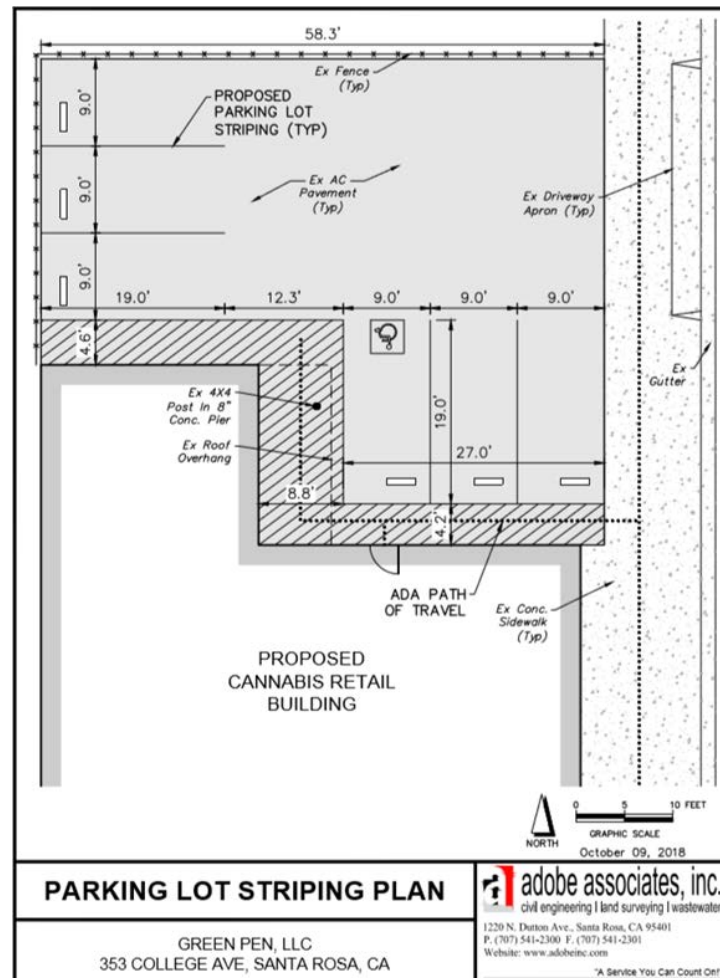
- The building is legal non-conforming
  - Built in 1962
  - Parking requirements were different
- While the Building itself may be legal non-conforming, the site lost its legal non-conforming status after the previous use was vacated for longer than 6 months

# Legal Non-Conforming





- Total 2,943 sq. ft. of building requiring 1 space/250 sq. ft. = 12 total parking spaces
- Total existing parking for use 6 spaces with removal of illegal, nonconforming chain link fence
- The site has a deficiency of 6 spaces, 50%



- Zoning Code Section 20-36.040(C)(2), when a building's use changes to a new use, (i.e., retail to restaurant) without enlarging the site, no additional parking is required except to comply with current ADA standards for parking
- 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.

# Parking Reduction Requirements

- 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 (20-36.040)
  - The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use

- The applicant is proposing:
- Six (6) parking spaces on-site with one (1) ADA parking space
- Six (6) employee parking passes for City Parking Garage No. 1
- City Parking Garage No. 1 is located at 521 7th Street, approximately 1,230 feet away, a seven (7) minute walk using the safest walking route up Healdsburg Avenue, crossing College Avenue and proceeding to the project site.
- 12 covered bicycle parking spaces on-site
- There is sidewalk infrastructure and public transit
- On-street loading space (24 minute) available for the applicant but specific to this business/site



- Neighborhood meeting held April 16, 2018. Members of the public attended.
- Response to Notice of Application (approximately 20 emails, several phone calls, written letters signed by 30 residents from 23 homes in 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 the Site
- Loitering
- Increased Crime
- Proximity to Schools
- Odors
- Noise
- Traffic
- Parking
- The opposition letter from the County Probation
- A request for Peer Review of the Trip Generation and Parking Study

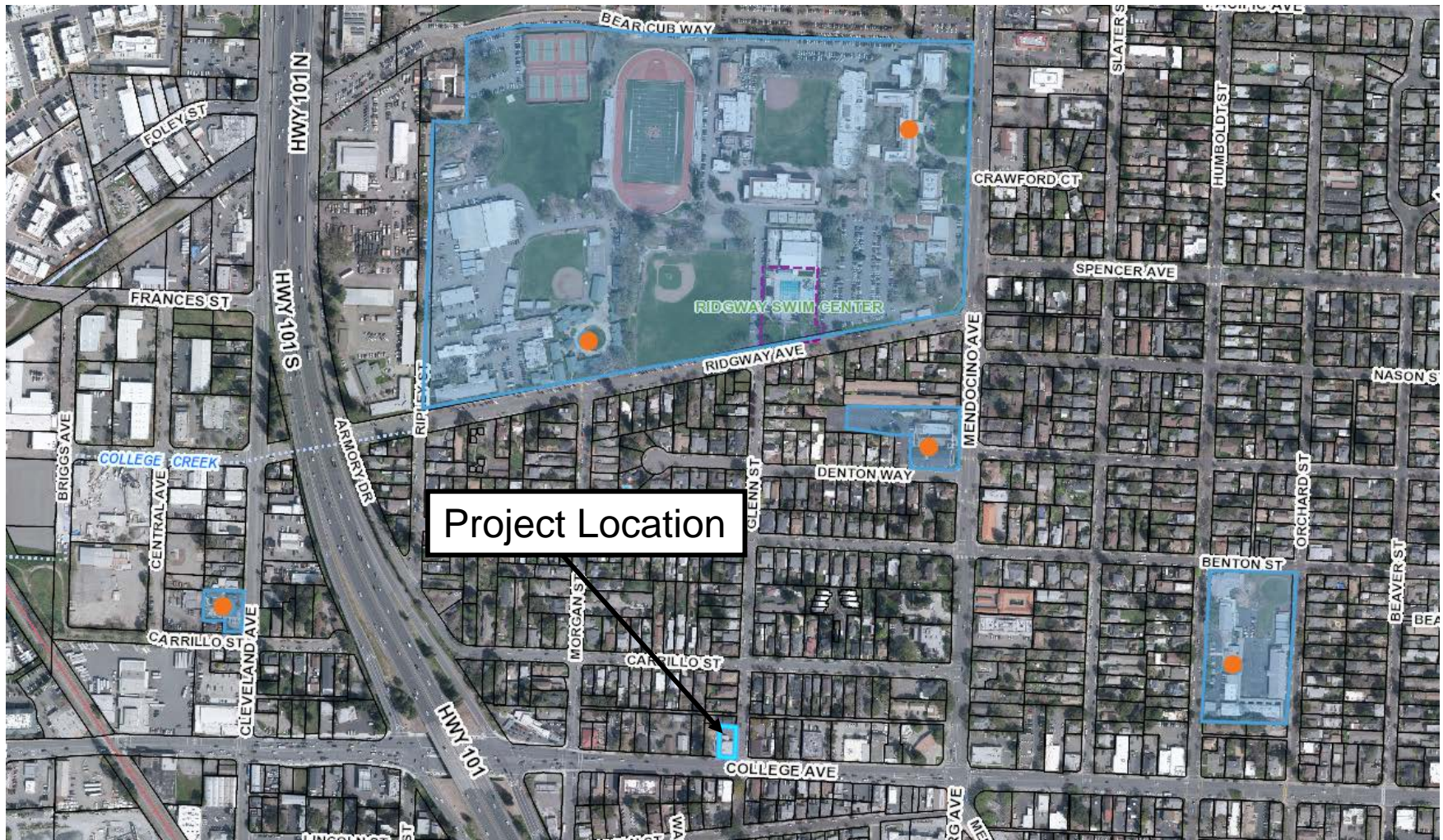
## Public Comments with Response

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- Site is in commercial corridor (College Avenue)
- Use is allowed in CG Zoning with CUP approval
- Complies with General Plan Policies (EV-A-5, EV-D)
- 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
- Project includes security plan with security guard, nightly patrols

- Zoning Code Section 20-46.080(D)(2) requires 600-foot setback from schools. Closest School is approximately 1,225 feet away
- Certified Odor Mitigation Plan was provided (administrative and engineering controls)

# Proximity to Schools 353 College Avenue



## Conditional Use Permit Operational Response

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- No on-site consumption
- Proposed deliveries to the dispensary is limited
  - 9 a.m. to 9 p.m. daily
  - Distributor Delivery 6 a.m. to 10 p.m. daily
  - All others (FedEx, office supplies) no earlier than 8:00 a.m. daily
- The Applicant Team has hired a Neighborhood Liaison

- A Trip Generation and Parking Study by W-Trans dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, concludes that the parking supply provided is sufficient for the use as proposed
- Delivery was analyzed into the May 16, 2019, Revised Addendum
  - Field Observation accounted for 20 fewer P.M. Peak Hour Trips than what ITE Rates compare to

# Conditional Use Permit Operational Response

**Table 1 – Trip Generation Summary**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Previous											
Nursery (Garden Center)	2.943 ksf	68.10	200	2.43	7	5	2	6.94	20	10	10
Proposed											
Marijuana Dispensary	2.943 ksf	252.70	774	2.40	7	7	0	21.83	64	32	32
Net Difference from Previous Use			544		0	2	-2		44	22	22

Note: ksf = 1,000 square feet

# Conditional Use Permit Operational Response

## Delivery Consideration

Trip generation data collected at an existing comparable dispensary in the City of Santa Rosa with a delivery service indicates that the standard rates presented in the Institute of Transportation Engineers (ITE) *Trip General Manual* adequately reflect the presence of a delivery option as such a service may reasonably be expected to reduce the trip generation potential of a dispensary, not increase it. Deliveries are intended to serve multiple customers in one trip, so the trips associated with several customers that would otherwise visit the site are replaced by a single round trip made by the delivery vehicle. The trip generation data collected at a comparable dispensary in Santa Rosa with a delivery service indicated that the site generates 14.79 trips per 1,000 square feet during the weekday p.m. peak hour, compared to the standard ITE rate of 21.83 trips per 1,000 square feet, which is approximately 32 percent higher.

Standard ITE rates were used for the p.m. peak hour because the sample size of one site is inadequate and data needs to be collected at additional dispensaries with a delivery service to confirm the rates before using them to estimate the trip generation potential of a proposed project. However, it is worth noting that if rates for the dispensary with a delivery service were applied instead of ITE rates, the proposed project would be expected to generate 20 fewer trips during the p.m. peak hour resulting in a net increase of 24 new trips instead of 44. Further, the data was collected in December, which is the busiest time of the year for retail businesses, so the rates are likely higher than would be experienced in other months. Finally, at the time the data was collected there were only three dispensaries operating within the City of Santa Rosa. As more dispensaries are approved and open for business, customers will have more options and there will be fewer trips made to any one dispensary so rates will likely decrease over time.

- The Probation 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.
- 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.

# Environmental Review

## California Environmental Quality Act (CEQA)

- The project qualifies for a CEQA Class 1 Categorical Exemption (Section 15301) as an existing private structure involving negligible expansion of use.
- The project qualifies for a CEQA Class 3 Categorical Exemption (Section 15303) as it involves a change of use, where only minor modifications are made to the exterior of the structure.

- Project qualifies for a Class 32 Categorical Exemption as infill development.
  - Consistent GP Land Use Designation and Zoning District
  - Less than five acres and within City limits
  - Surrounded by urban uses
  - No value as habitat for endangered, rare or threatened species
  - Served by necessary utilities and public services
  - No foreseeable significant adverse impacts to traffic, noise, air quality or water quality

Planning and Economic Development Department recommends that the Planning Commission:

- Approve resolution for CUP18-080 to allow a medical and adult use retail cannabis dispensary at 353 College Avenue.
- Approve reduced on-site parking of six (6) spaces under Zoning Code section 20-36.05(C)(1)(b.) with the Condition that parking passes to City Garage No. 1 be supplied to employees, and 12 covered bicycle parking spaces be provided

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