

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

PROJECT TITLE

Phenotopia Cannabis Retail (Dispensary)
and Delivery

APPLICANT

Wolf House Properties
Rogoway Law Group - Representative

ADDRESS/LOCATION

443 Dutton Ave., Unit 11
Santa Rosa, CA 95407

PROPERTY OWNER

King Edward LP

ASSESSOR'S PARCEL NUMBER

125-111-039

FILE NUMBER

CUP18-057

APPLICATION DATE

April 18, 2018

APPLICATION COMPLETION DATE

July 2, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

None.

PROJECT SITE ZONING

CG (General Commercial)

GENERAL PLAN DESIGNATION

Retail and Business Services/Medium
Density Residential

PROJECT PLANNER

Andrew Trippel

RECOMMENDATION

Approval

For Planning Commission Meeting of: September 12, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION
FROM: ANDREW TRIPPEL, PROJECT PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: PHENOTOPIA CANNABIS RETAIL (DISPENSARY) AND
DELIVERY CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Department of Planning and Economic Development recommends that the Planning Commission, by resolution, approve a Conditional Use Permit to allow a Medicinal and Adult Use Cannabis Retail (Dispensary) and Delivery use in 2,172 square feet of an existing 26,288 square-foot community shopping center located at 443 Dutton Avenue, Unit 11.

EXECUTIVE SUMMARY

Phenotopia seeks a Conditional Use Permit (CUP) to allow a commercial Cannabis Retail (Dispensary) and Delivery use in 2,172 square feet of an existing 26,288 square foot commercial shopping center on a 2.77-acre parcel. Retail and delivery hours of operation will be from 9:00 a.m. to 9:00 p.m. daily consistent with Zoning Code [Section 20-46.080\(F\)\(4\)](#) and commercial deliveries to the retail (dispensary) would be limited to the hours of 6:00 a.m. – 10:00 p.m. daily. State law requires issuance of a Cannabis Retail (Dispensary) and Delivery (Type 10) license for a cannabis operator to operate.

BACKGROUND

On December 19, 2017, the City Council enacted comprehensive regulations for commercial cannabis (ORD-2017-025) after the State of California approved the sale of cannabis for adult use. The City initially accepted Cannabis Retail (Dispensary) and Delivery use Conditional Use Permit applications from April 1-20, 2018, and the Phenotopia Cannabis Retail (Dispensary) and Delivery use Conditional Use Permit application was submitted on April 19, 2018. Its proposed location was within 400 feet of another proposed Cannabis Retail (Dispensary) and Delivery use at 470 Sebastopol Road. Following review by the Cannabis Subcommittee and appeal to City Council, the Phenotopia application was selected to move forward for Planning review on March 26, 2019 (see Prior City Council Review section).

1. Project Description

The proposed project would occupy ± 2,172 square feet of an existing 26,288 square foot community shopping center on a 2.77-acre parcel within a General Commercial zoning district in Southwest Santa Rosa. The proposed Cannabis Retail (Dispensary) and Delivery use of the space would include a 1,112 square foot sales floor and 162 square feet of secured storage, with the remainder of the square footage allocated to office and employee areas, as well as rest rooms. In compliance with Zoning Code [Section 20-46.080 \(F\)\(4\)](#), the applicant proposes retail and delivery hours of operation from 9:00 A.M. – 9:00 P.M. daily. The applicant's detailed project description is provided in Attachment 3 – Project Narrative and Attachment 4 – Project Plan Set.

Proposed Exterior



Proposed Interior



Building Modifications

Minor exterior modifications to Unit 11 are proposed including installation of new entry door system, increasing window opacity, installation of exterior security equipment, landscaping and required accessibility improvements, and installation of business signage. In addition to reconfiguring interior walls and upgrading interior finishes, interior modifications would include installation of fire sprinklers and security equipment. No on- or off-site improvements are required.

State Requirements

The applicant will hold a Type 10 State license, which allows operation of a commercial cannabis retail (dispensary) and delivery business. 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](#).

Cannabis Subcommittee Merit-based Review

Cannabis retail facilities were proposed at opposing corners of Sebastopol Road and Dutton Avenue. The applicants included Highway Retail Outlet, located at 470 Sebastopol Road, and Phenotopia (this applicant)

A City Planning staff review team independently reviewed and scored the applications individually against four criteria that were identified in the City's Cannabis Use Application Retail Use Requirements (published on

www.srcity.org/cannabis), resulting in a staff recommendation to select the application with the highest-ranked average score. Points were awarded based on the quality and extent that an application addressed the merit criteria. Staff findings and applicant proposals were presented to the City Council's Cannabis Policy Subcommittee, who then selected which applications move forward with the Conditional Use Permit review process. Reviewers awarded Highway Retail Outlet 65.4 average points, and Phenotopia 92.4 average points out of a total of 100 points.

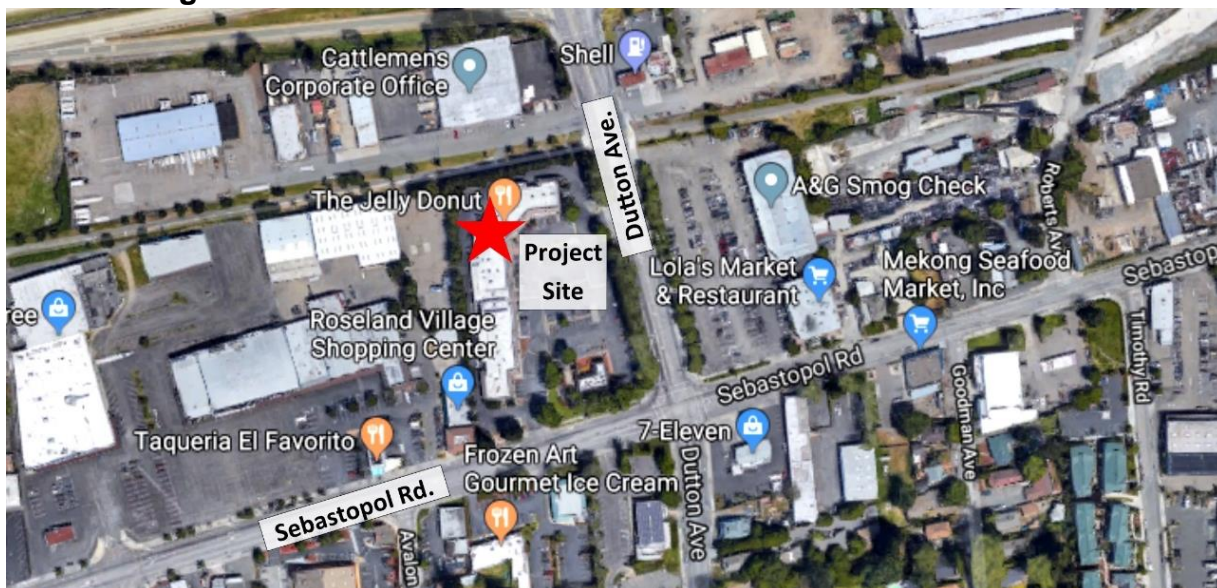
On November 14, 2018, staff recommended to the Cannabis Subcommittee that the highest scoring applicant, Phenotopia, move forward. After hearing presentations from staff, the applicants, and the public, the Cannabis Subcommittee, by motion, selected Highway Retail Outlet to move forward in the Conditional Use Permit entitlement process, thereby voiding Phenotopia. Phenotopia appealed the Cannabis Subcommittee's decision to City Council. The appeal was heard and City Council selected Phenotopia (see Prior City Council Review section, this report).

2. Surrounding Land Uses

North: CG (General Commercial) South: CG (General Commercial)
East: CG (General Commercial) West: CG (General Commercial)

Existing area land uses include a mix of retail and service uses such as grocery and other general retail businesses, a variety of restaurant types, and minor vehicle maintenance/repair services. Because surrounding properties are zoned for commercial or medium density residential uses, there are no other cannabis land use in the surrounding area.

Surrounding Land Uses



(Source: Google Maps, August 6, 2019)

3. Existing Land Use – Project Site

The project is proposed in an existing 26,000+ square foot community shopping center developed in 1987. A single crescent-shaped building is sited to the rear of the parcel with most parking located between the building and adjacent public rights-of-way. Vehicle access is provided to the rear of the building where a small amount of parking is located. The shopping center is adjacent to Joe Rodota Trail. The proposed retail (dispensary) and delivery use would be centrally located in the existing building and visible primarily from Dutton Avenue. Small-scale retail uses currently adjacent bays in the shopping center.

Existing Land Use – Project Site



(Source: Google Earth, August 6, 2019)

4. Project History

April 19, 2018	Project application submitted
May 31, 2018	Notice of Incomplete Application issued
July 2, 2018	Notice of Complete Application issued
November 14, 2018	Cannabis Subcommittee voids project application
November 26, 2018	Project applicant files City Council appeal
March 26, 2019	City Council grants project applicant's appeal
March 26, 2019	Project application commences Planning review

PRIOR CITY COUNCIL REVIEW

The City's Cannabis Retail Application Period for dispensaries and microbusinesses with retail closed on April 20, 2018. Applications deemed complete within the prescribed time period were also evaluated for potential overconcentration. If a proposed location is

within 600 feet of another proposed or existing retail location, then the project(s) entered a competitive merit point based review process. Planning staff identified a total of 21 applications, representing 7 areas of overconcentration, for this track.

One of the areas of overconcentration included two proposed cannabis retail facilities at opposing corners of Sebastopol Road and Dutton Avenue. The applicants included Highway Retail Outlet (Applicant A), located at 470 Sebastopol Road, and Phenotopia (Applicant B), located at 443 Dutton Avenue.

A City Planning staff review team independently reviewed and scored the applications individually against four criteria that were identified in the *City's Cannabis Use Application Retail Use Requirements* (published on www.srcity.org/cannabis), resulting in a staff recommendation to select the application with the highest-ranked average score. Points were awarded based on the quality and extent that an application addressed the merit criteria. Staff findings and applicant proposals were presented to the City Council's Cannabis Policy Subcommittee, who then selected which applications move forward with the Conditional Use Permit review process. Reviewers awarded Highway Retail Outlet 65.4 average points, and Phenotopia 92.4 average points out of a total of 100 points (see Attachment 5 – Cannabis Subcommittee Review memorandum).

On November 14, 2018, staff recommended that the highest scoring applicant, Phenotopia (Applicant B), move forward. After hearing presentations from staff, the applicants, and the public, the Cannabis Policy Subcommittee, by motion, selected Highway Retail Outlet to move forward in the Conditional Use Permit entitlement process, voiding Phenotopia (Applicant B).

On March 26, 2019, after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa granted the appeal of Phenotopia (Applicant B), which allowed them to move forward in the Conditional Use Permit Process for a proposed cannabis adult use retail facility, located at 443 Dutton Avenue (see Attachment 6 – City Council Resolution No. RES-2019-032).

ANALYSIS

1. Santa Rosa General Plan 2035

The proposed project site is designated as Retail and Business Services/Medium Density Residential on the General Plan 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 Project:

LAND USE AND LIVABILITY

LUL-I Maintain vibrant, convenient, and attractive commercial centers.

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 economic vitality of business parks and offices, and Santa

Rosa's role as a regional employment center.

ECONOMIC VITALITY

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.

Although Cannabis land uses are not considered under the current General Plan, the General Commercial zoning district is an implementing zoning district of General Plan Retail and Business Services land use designation. The Zoning Code specifically identifies CG (General Commercial) zoning districts as locations appropriate for cannabis Retail (Dispensary) and Delivery uses.

Staff has determined that the Cannabis Retail (Dispensary) and Delivery use is consistent with the General Plan goals and policies of the Retail and Business Services land use designation. Specifically, the proposed use 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 operational and security measures.

2. Other Applicable Plans

The proposed use is located within the Roseland Area/Sebastopol Road Specific Plan boundary and supports the plan vision elements or goals listed below. Because the project would re-tenant an existing space with no off-site public improvements required, the project as conditioned is in full compliance with the Roseland Area/Sebastopol Road Specific Plan.

Vision 2.5	Encourage economic development with good local jobs and prosperous, locally owned businesses.
Goal RET-1	Enhance access to goods and services by providing retail uses proximate to all residents
Goal SR-1	Support a vibrant commercial corridor along Sebastopol Road with a mix of uses and activities.
Goal ED-1	Promote economic activity that creates jobs and supports local businesses.

3. Zoning

The project site is located within a General Commercial (CG) zoning district and is surrounded by IL and General Commercial (CG) zoning districts. Pursuant to Zoning Code [Section 20-23.030, Table 2-10](#), *Cannabis Retail (Dispensary) and Delivery* uses are allowed within the CG zoning district subject to an approved Conditional Use Permit.

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 (Dispensary) and Delivery. Below is an analysis of applicable subsections from Sections 20-46.050 and 20-46.080.

Section 20-46.050 General operating requirements

- A. **Dual licensing.** Applicant is required to demonstrate local authorization prior to obtaining a State Cannabis Operator license. Approval of this application for a Conditional Use Permit to operate a Cannabis Retail (Dispensary) and Delivery business is a necessary step in order to comply with the dual licensing requirement. The application reflects a thorough understanding of required compliance with local and state regulations.
- B. **Minors.** Access to the retail area will be limited to individuals who are at least 21 years of age, or who are at least 18 years of age with a valid physician's recommendation. Identification and doctor recommendations will be verified. Employees will be present in the retail area at all times that non-employees are present.
- C. **Inventory and tracking.** Applicant has provided policies and procedures for the inventory and tracking of Cannabis and Cannabis products, as well as maintenance of associated records. Planned security procedures and access protocols will additionally help to prevent diversion of Cannabis and Cannabis products.
- E. **Building and fire permits.** The project application has been reviewed by Building and Fire departments, and it has been conditioned as necessary by those departments. The applicant demonstrates a clear understanding of what is required to comply with Building and Fire requirements, including to provide access with a Fire Department lock box for keys to gates and doors, and has indicated that it will comply with all Building and Fire code regulations.
- G. **Security.** The applicant has provided a detailed security plan that includes the following security enhancements:
 - 1. Security Personnel as required by the Bureau of Cannabis Control Regulations and a Security Surveillance System with video footage retention and descriptions of the number and location of motion-sensor cameras throughout the facility;
 - 2. Access Controls on external and internal doors and windows with 2-level verification (key and code) required on some doors. Alarm systems will be monitored, and appropriate permits obtained for installation and ongoing use.
 - 3. Secure waste and storage areas, including securing an existing outdoor non-Cannabis waste receptacle, are addressed and protocols for disposing for Cannabis and Cannabis product waste are provided.

4. Transportation and delivery procedures for Retail Delivery activities, and currency are provided in detail.
 5. Emergency response and emergency access protocols are described in detail.
- H. **Odor Control.** Zoning Code Section 20-46.050(H) requires cannabis businesses to “incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside the structure in which the business operates.” The applicant has provided a certified Odor Mitigation Plan, which includes a description of the pressurization, filtration and chemical mitigation strategies that will be used in spaces at risk for emitting cannabis odors (see Attachment 7 – Certified Odor Mitigation Plan]. The Odor Mitigation Plan has been certified by a licensed professional mechanical engineer, verifying that the proposed odor control and mitigation plan complies with Zoning Code Chapter 20-46.
- I. **Lighting.** The applicant has indicated that it will utilize existing shopping center light and that the addition of any exterior lighting will be done in accordance with Section 20-46.050(I) of the City Ordinance.
- J. **Noise.** The applicant does not propose any outdoor mechanical equipment other than standard HVAC systems that would be typical for commercial retail uses. Any ground- or roof-mounted HVAC equipment must be screened from public view, which also helps to contain nuisance noise on-site. Windows and doors will remain closed at all hours. Applicant proposes commercial deliveries during the hours of 6:00 a.m. – 10:00 p.m. daily, and all shipments will be received through the business’s rear entrance.

Section 20-46.080 Cannabis Retail (Dispensary) and Delivery Requirements

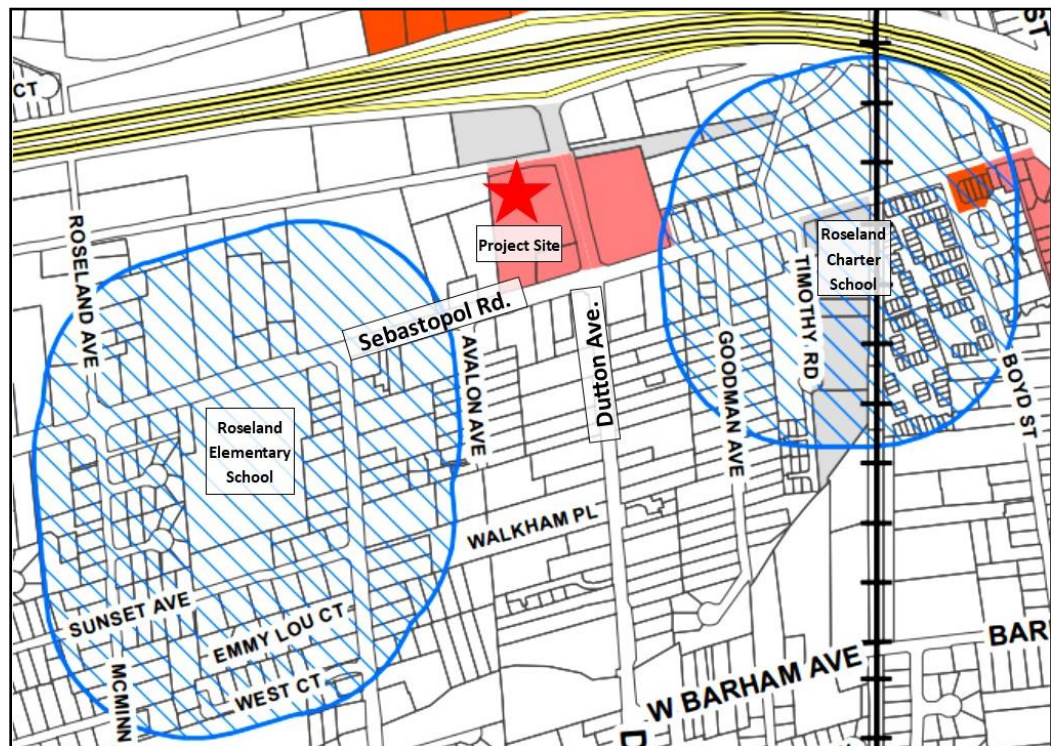
- A. **Conditional use.** Application has been made for a Conditional Use Permit to operate Cannabis Retail (Dispensary) and Delivery, and the application clearly indicates that the use is for medical and adult use retail.
- B. **Delivery Services.** Delivery Services are proposed in conjunction with this application for a Retail (Dispensary) operation at a physical location and with a retail storefront that is open to the public. The application provides an operational plan for delivery services that includes:
1. A description of the delivery process from the point at which cannabis and cannabis products are entered into a tracking system at the retail location until the delivery person receives a signed copy of the prepared delivery receipt;
 2. Minimum requirements for hiring of delivery employees. The application indicates that at least two (2) delivery drivers will be operating at one time. Specialized training courses will be provided to enhance safety for employees, customers, and the community;
 3. Standards for the types of delivery vehicles used, how cannabis and

cannabis products will be stored out in the vehicle trunk or out of public sight, the use of GPS tracking to provide geographic information about the location of vehicles; and

4. Demonstrates compliance with local regulations and Bureau of Cannabis Controls Regulations Sections 5415-5417.

D. Location Requirements. In addition to those location requirements established in Allowable Land Use Table 2-6, Cannabis Retail is subject to these additional location requirements:

1. **Overconcentration.** The application was originally subject to Merit-based review due to its proximity to another Cannabis Retail application at 470 Sebastopol Road. The overconcentration issue was resolved through Cannabis Subcommittee and City Council reviews. The proposed Cannabis Retail use is not within 600 feet of another Cannabis Retail use.
2. **Setback to Schools.** 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. Schools closest to the project site are Roseland Charter School at 100 Sebastopol Rd. and Roseland Elementary School at 950 Sebastopol Rd., both of which are located at least 800 feet from the project site. The project is required to comply with [Section 20-46.080\(F\)\(10\)](#) which prohibits advertising or marketing of cannabis products on an advertising sign within 1,000 feet of a school providing instruction in kindergarten or any grades 1 through 12.



(Source: Potential Cannabis Dispensary Locations, City of Santa Rosa, February 2, 2019)

3. **Visibility of entrance.** Located in an existing shopping center, the storefront is visible from Dutton Avenue and Sebastopol Road, as well as from all points of the shopping center's customer parking area.
- E. **Edible products.** The applicant has acknowledged that it must obtain a Sonoma County Health Permit prior to commencing operation of the Cannabis Retail (Dispensary) and Delivery use.
- F. **Operational Requirements.** The application demonstrates compliance with all operational requirements by providing an operational plan that describes policies and procedures addressing those requirements described in subsections 1-11. The project proposes hours of operation from 9:00 a.m. to 9:00 p.m. daily for both retail sales and delivery as allowed by [Section 20-46.080\(F\)\(4\)](#).
- G. **On-site consumption.** No on-site consumption is proposed. The application indicates that signage prohibiting the smoking or vaping of Cannabis is prohibited on-site or in the vicinity of the site except as permitted in accordance with City Code Chapter 9-20 and State Law will be installed.

Parking

The proposed use would be located in an existing shopping center in a retail bay formerly occupied by clothing retailer L.A. Style. A Focused Traffic Study prepared by a licensed professional traffic engineer dated May 20, 2019 (see Attachment 9) evaluates parking for the proposed use, the project site's *Shopping Center* use (28,796 sf, inclusive of the proposed use's location), and the adjacent *Drive-Thru (restaurant) retail use* (2,418 sf). Although the adjacent use is on a separate parcel, it could be argued that it is appropriate to analyze uses on both parcels together because sharing of parking may occur due to site design characteristics.

Retail uses are analyzed at a 1:250 sf parking ratio, which is appropriate for existing and proposed retail uses, and the adjacent use is analyzed at a 1:75 sf parking ratio for *Restaurant – Counter ordering*, which is likely more restrictive than the Drive-Thru (restaurant) retail use's CUP approval. The minimum number of parking spaces required is 147, and the project site + adjacent parcel provide 150 parking spaces; therefore, the minimum parking requirement is met. Without the adjacent parcel, the minimum number of parking space required for the shopping center use (including the Cannabis Retail use) is 115 and a calculation of those parking spaces located on the shopping center parcel indicates that 134 spaces are provided. The project site meets the minimum parking requirement to host the proposed *Cannabis Retail* use.

The bicycle parking ratio is 1:5,000 square feet, and one bicycle parking space is required ([Section 20-36.040, Table 3-4](#)). The applicant proposes to install at least seven (7) new bicycle parking spaces at locations convenient to existing retail uses and the proposed project site. Included in the draft resolution is a condition of approval requiring installation of at least seven (7) new bicycle parking spaces at locations convenient to the proposed project site and existing retail uses, subject to Planning approval.

4. Design Guidelines

Proposed exterior modifications will be subject to administrative design review approval at the time of building permit submittal.

5. Historic Preservation Review Standards

Not applicable.

6. Neighborhood Comments

No public comments have been received in response to the Notice of Application.

7. Public Improvements/Onsite Improvements

No public improvements or onsite improvements are proposed, and the City's Engineering Division has conditioned the proposed project as described in Engineering Development Services Exhibit "A" dated July 22, 2019.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

The Planning Commission must make the following findings as required in Zoning Code Section 20-52.050 to grant the Conditional Use Permit.

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 commercial *Cannabis Retail (Dispensary) and Delivery* use will occupy 2,172 square feet of a 26,288 square-foot existing commercial shopping center in the General Commercial (CG) Zoning District, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with 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 commercial *Cannabis Retail (Dispensary) and 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 is implemented by the General Commercial (CG) Zoning District in which the proposed use is located.

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 commercial *Cannabis Retail (Dispensary) and Delivery* use is allowed under [Section 20-23.030 Table 2-6](#) with approval of a Conditional Use Permit. The Project is located within the General Commercial (CG) Zoning District. As such, the area is suitable for the use as proposed and

the hours of operation are within those permitted in [Section 20-46.080\(F\)\(4\)](#). The project site is developed for commercial retail sales and services uses, and parking meets Zoning Code requirements and is adequate for the staffing and operations associated with the use. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to medical and adult use cannabis retail dispensaries.

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

Staff Response: The proposed use will be located entirely within an existing 2,172 square-foot retail space in shopping center. Vehicular and pedestrian access to the site is provided from Dutton Avenue and Sebastopol Road, the site is accessible by bicycle, and it is within a quarter mile of public transit. The project plans demonstrate compliance with all operational standards as specified in [Chapter 20-46](#). The building and site, as conditioned, will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services.

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

Staff Response: The proposed project will be consistent with the surrounding land uses to the north, west, and south, which are within the General Commercial (CG) Zoning District and occupied by a variety of commercial retail sales and services uses. The proposed retail use is consistent with other commercial retail sales and services uses operating in the surrounding area.

The Odor Mitigation Plan has been certified by a licensed professional engineer, verifying that the proposed odor control and mitigation plan “meets, or exceeds, the requirements of the City of Santa Rosa for cannabis odor mitigation.”

As required in [Section 20-46.050\(G\)](#), the applicant has provided a Security Plan. The applicant has indicated that in accordance with Bureau of Cannabis Control Regulations Section 5045, security guards will be present at the retail premises during hours of operation. The applicant will provide and install a variety of security devices to ensure that only authorized personnel have access to the office and the stock/POS room where cannabis is stored, and all access points from outside the facility will have both locks and alarms. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7. In addition to surveillance system, a comprehensive electronic security system, including third party monitoring, will be provided. All cannabis/cannabis product waste and associated water will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

Sited on a corner parcel, the existing shopping center is oriented toward the public rights-of-way with parking area clearly visible from the building and public rights-of-way. Adjacent development is commercial in nature and uses at these locations are commercial. The proposed area for retail/dispensary activity within the building is highly visible, which enhances security due to public exposure and provides 24-hour security personnel with clear sight lines.

The subject property is located at least 800 feet from the parcel lines of Roseland Charter School at 100 Sebastopol Rd. and Roseland Elementary School at 950 Sebastopol Road. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

Per [Section 20-46.050\(E\)](#), the project is subject to Building and Fire permits. Additionally, an annual Fire Department Operational Permit is required, and the project must meet Health and Safety Code requirements.

FISCAL IMPACT

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

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).

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 only minor exterior modifications to the structure/site.

The project qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 infill development in that it is consistent with applicable General Plan Land Use Designation and Zoning District, is located on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts to traffic, noise, air quality or water quality:

- The Project site is fully developed, 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 includes a Trip Generation Study that concluded that there will be no significant impacts to City streets and was vetted by City staff;
- An Odor Mitigation Plan was prepared in compliance with Zoning Code Section 20-46, and
- City staff reviewed the Project and found no foreseeable significant adverse impacts to traffic, noise, air or water quality.

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 and Neighborhood Context Map
Attachment 3	Project Narrative dated received by the City on April 19, 2018, with Addendum dated received on June 18, 2018, and Statement to Include Cannabis Delivery dated received May 7, 2019
Attachment 4	Project Plan Set dated received by the City on April 19, 2018
Attachment 5	Cannabis Subcommittee Review memorandum dated November 6, 2018, 2018
Attachment 6	City Council Resolution No. RES-2019-032 passed on March 26, 2019
Attachment 7	Certified Odor Mitigation Plan dated received by the City on June 18, 2018 with update dated received on August 8, 2019
Attachment 8	Security Plan (revised) dated received by the City on May 22, 2019
Attachment 9	Focused Traffic Study dated received by the City on May 21, 2019
Resolution	Conditional Use Permit
Exhibit A	Engineering Development Services Exhibited A dated July 22, 2019

CONTACT

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