

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUSIE MURRAY, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: SOUTH PARK REZONE FOR GENERAL PLAN CONSISTENCY

AGENDA ACTION: ORDINANCE

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance to rezone the properties located along the east side of Petaluma Hill Road and Santa Rosa Avenue, south of Bennett Valley Road and north of Colgan Avenue, into the CG (General Commercial) zoning district for General Plan consistency.

EXECUTIVE SUMMARY

On August 22, 2019, the Planning Commission approved a Conditional Use Permit (CUP) for R&B Dispensary, a new Cannabis Retail facility to be located at 900 Santa Rosa Avenue. Because the property is located within the South Park Planned Development area, and the South Park Policy Statement does not permit the Cannabis Retail use, the approval is contingent upon the property being rezoned into the CG (General Commercial) zoning district, which is consistent with the General Plan land use designation of Retail and Business Services.

The South Park Policy Statement, which governs allowable uses in this area, limits commercial uses and allows industrial uses that are not consistent with the General Plan. Because similar conditions apply to several contiguous properties south of 900 Santa Rosa Avenue, both the Planning Commission and Planning and Economic Development (PED) are recommending that the rezone boundary be expanded to include 33 additional properties. All of these parcels are within the South Park Planned Development area and are within an area designated as Retail and Business Services on the General Plan land use diagram. As shown on the attached Boundary Map exhibit, the properties are along the east side of Petaluma Hill Road and Santa Rosa Avenue, south of Bennett Valley Road and north of Colgan Avenue and include the following addresses:

- 900 & 910 Santa Rosa Avenue;
- 920, 930, 940, 950, 964, 972, 1014, 1026, 1038, 1110, 1212, 1240, 1310, 1316, 1320, 1400, 1426, 1452, 1540, 1576, 1580 Petaluma Hill Road

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- 625 Ware Avenue
- Assessor's Parcel No. 038-155-016 (no address assigned)
- 612 Frazier Avenue
- 611, 612 & 628 Milton Street
- 636 & 1341 Rutledge Avenue
- 614, 618 & 630 Aston Avenue



PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The approved Cannabis Retail facility to be located at 900 Santa Rosa Avenue furthers several goals of the General Plan as shown in the attached staff report prepared for the Planning Commission. The General Plan land use designation for the area proposed for rezoning is Retail and Business Services which allows retail and service enterprises, offices and restaurants. Housing is also permitted.

2. Zoning

The project has been found in compliance with the Zoning Code, for which a detailed discussion may be found in the attached staff report prepared for the Commission. To summarize, the current PD zoning limits commercial uses that are consistent with the Retail and Business Services land use designation and allows industrial uses that are not consistent with the Retail and Business

Services land use designation. Businesses that are currently operating legally that would not otherwise be permitted in the proposed CG zoning district will be allowed to continue to operate pursuant to Zoning Code Chapter 20-61.

3. Neighborhood Comments

Staff has received several phone calls from several people that own property within the rezoning boundary, all of which have indicated support of the rezoning. During the Planning Commission hearing, a resident and business operator located along Petaluma Hill Road expressed opposition to the rezoning voicing concerns that property values would go up and squeeze small business operators out.

4. Public Improvements/On-Site Improvements

A comprehensive list of on and improvements associated with the dispensary can be found in Planning Commission Resolution No. 11978, attached to this report.

FISCAL IMPACT

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

ENVIRONMENTAL IMPACT

The Rezoning has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to section 15183, subdivision (i), any rezoning action consistent with the general plan shall not require additional environmental review except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site.

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

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

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On August 22, 2019, the Commission adopted Resolution No. 11977 recommending to Council rezoning of the 34 subject properties, all located within the South Park Planned Development area, into the CG zoning district consistent with the General Plan.

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NOTIFICATION

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

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

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

In August 2019, all required public noticing for the Planning Commission hearing was done in compliance with Zoning Code Chapter 20-66, including the installation of three 32-square foot public hearing signs along the Rezoning boundary frontage, a mailed Notice of Public Hearing to property owners within 600 feet of the dispensary, 900 Santa Rosa Avenue, and a 1/8-page Notice of Public Hearing was published in the Press Democrat.

In October 2019, all required public noticing was completed for the subject Council hearing pursuant to Zoning Code Chapter 20-66, including the installation of three 32-square foot public hearing signs along the Rezoning boundary frontage, a mailed Notice of Public Hearing to all owners properties proposed to be rezoned, and a 1/8-page Notice of Public Hearing was published in the Press Democrat.

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location Map/Rezoning Boundary
- Attachment 3: Planning Commission Staff Report and Resolutions, dated August 22, 2019
- Attachment 4: Notices of Inclusion, dated February 14, 2018, and March 20, 2018
- Attachment 5: Notice of Application, mailed March 13, 2018.
- Attachment 6: General Plan Land Use Diagram
- Attachment 7: South Park Policy Statement
- Attachment 8: Land Use Table
- Ordinance 1: Rezoning

CONTACT

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