

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
August 13, 2020

PROJECT TITLE

SGI Santa Rosa dba Authentic 707 Adult Use Cannabis Retail (Dispensary) and Delivery

APPLICANT

SGI SR dba Authentic 707- Brian Mitchell
Jose Pecho - Representative

ADDRESS/LOCATION

3175 Range Ave.
Santa Rosa, CA 95403

PROPERTY OWNER

Michael Kul Weic TR

ASSESSOR'S PARCEL NUMBER

015-710-020

FILE NUMBER

CUP19-102

APPLICATION DATE

November 18, 2019

APPLICATION COMPLETION DATE

May 25, 2020

REQUESTED ENTITLEMENTS

Conditional Use Permit (CUP)

FURTHER ACTIONS REQUIRED

None.

PROJECT SITE ZONING

IL (Light Industrial)

GENERAL PLAN DESIGNATION

Light Industry

PROJECT PLANNER

Michael Wixon

RECOMMENDATION

Approval

Agenda Item #10.2

For Planning Commission Meeting of: August 13, 2020

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION
FROM: MICHAEL WIXON, PROJECT PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: SGI SANTA ROSA dba AUTHENTIC 707 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 an Adult-use Commercial Cannabis Retail (Dispensary) and Delivery use with the sale of edibles and paraphernalia in an existing 3,500 sq. ft. industrial office building located at 3175 Range Avenue. As a component of the project application, staff also recommends approval of a minor parking reduction from fourteen (14) spaces to twelve (12) spaces with the CUP with shared parking provided on the adjacent parcel to the west.

EXECUTIVE SUMMARY

SGI Santa Rosa dba Authentic 707 seeks a Conditional Use Permit (CUP) to allow an Adult-Use Commercial Cannabis Retail (Dispensary) and Delivery use in an existing 3,500 sq. ft. industrial office building located on a .28 acre parcel at 3175 Range Avenue. The application includes a request for the sale of related edibles and paraphernalia. Retail hours of operation will be from 9:00 A.M. to 9:00 P.M. and delivery hours will be from 9 a.m. to 8 p.m. daily, consistent with Zoning Code Section 20-46.080(F)(4). State law would also require that the operator obtain a Delivery (Type 10) license. Employee hours to support the retail dispensary and delivery uses will be between the hours of 8:00 A.M. to 10:00 P.M. daily. The application also requests consideration of a minor parking reduction from fourteen (14) to twelve (12) parking spaces with the CUP, and the applicant proposes the use of fifteen (15) parking spaces on the adjacent parcel to the west at 816 Piner Road. The applicant will purchase and control both parcels, which makes the shared parking request feasible. Lastly, the applicant will provide a shared and secured solid waste container on the adjacent parcel also located at 816 Piner Road, in accordance with the policies of the Zoning Code for developed properties.

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 Ordinance went into effect on January 19, 2018 and provided for consideration of both Cannabis Retail (Dispensary) and Delivery uses in various Zoning classifications with an approved Conditional Use Permit (CUP), provided a series of established operational and development criteria are met.

Generally, before a Cannabis Retail Dispensary and Delivery CUP is submitted, it is reviewed to meet the basic siting criteria, which are: 1) The site has a storefront entrance in a visible location that provides an unobstructed view from the public right-of-way; 2) The site has a minimum distance of 600-foot between other cannabis dispensaries within the City of Santa Rosa; and, 3) The site has a minimum 600-foot setback from a school as defined by State of California Health and Safety Code (§11362.07 & 11362.83, Subsection 11362.768). Each of these three (3) criteria are met and are evaluated further in this report with other operational requirements for retail cannabis (adult) and delivery uses (Zoning Code §20-46.050 et seq and §20-46.080 et seq).

1. Project Description

The project proposes to open a commercial Cannabis Retail (Dispensary) for adult use and a Cannabis Delivery use, which will include the sale of edible goods and paraphernalia. The uses would occupy an existing 3,500 square foot industrial office building on a 0.28-acre parcel in a Light Industrial zoning district in Santa Rosa's Northwest quadrant. The application also includes a request for a minor parking reduction from fourteen (14) to twelve (12) spaces, in accordance with Zoning Code §20-36.050.C.1.b (Adjustments to Parking Requirements), and a shared solid waste container is proposed in accordance with Zoning Code §20.30-120. No Creekside setback standards are relevant since no new improvements are proposed to the existing buildings or parking areas.

As noted above, the existing building to be used for the cannabis retail and delivery use has a gross floor area of 3,500 square feet. The proposed Floor Plan allocates 2,019 square feet to retail area, 423 square feet to lobby area, 364 square feet to a secured storage area, and the remainder of the building space is allocated to a vestibule, an office, a small employee break and hallway area, and a restroom. The applicant proposes daily retail hours between 9 a.m. and 9 p.m. and daily delivery hours between 9:00 a.m. – 8:00 p.m.. Employee hours to support the retail and delivery uses will be from 8:00 A.M. to 10:00 P.M. daily. Also, shipments from vendors to support the retail and delivery uses will be received from 8:00 A.M. to 9:00 P.M. daily.

The applicant's detailed project plan set and project narrative are provided in Attachments 4 and 5.

Building Modifications

The CUP application also shows minor exterior building modifications, which will be

considered at a later date as an Administrative Design Review by the Director with a building permit application (refer to Zoning Code §20-36.050.C.1.b and §20-52.030). This review will also include the design of a new solid waste trash enclosure on the adjacent site at 816 Piner Road, as shown on the Site Plan (see Attachment 4).

The proposed minor changes to the exterior include: removal of the metal seam wall overhangs, light patchwork on the remaining underlayment, and slight adjustments to the new wall lines, all finished with a new dark gray acrylic coating; a new 2.5-foot wide Dryvit panel band around the entire building; new 2-foot wide posts on each elevation, which will include a 2-foot square decorative stainless steel panel on each post; and a new paint scheme using shades of gray. The exterior changes will also include security equipment and lighting improvements to meet the requirements of the City's Zoning Code for Retail Cannabis (dispensary) and Delivery uses. Interior walls will also be reconfigured and interior finishes upgraded; interior modifications would also include installation of 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.

2. Surrounding Land Uses

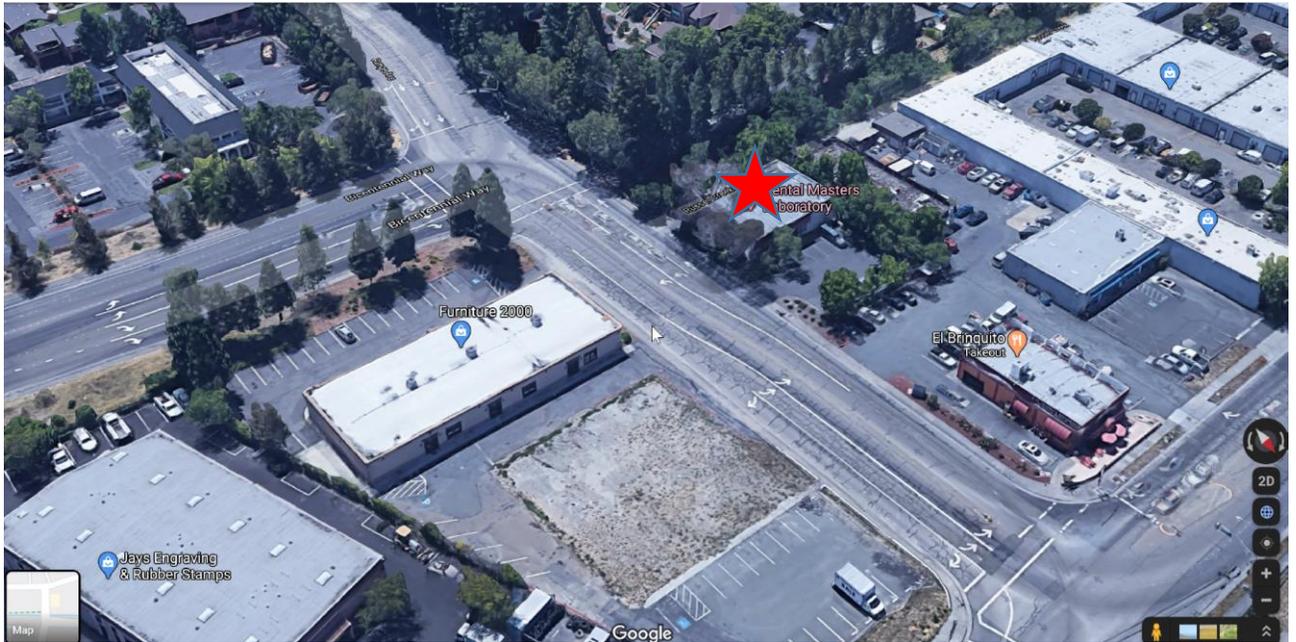
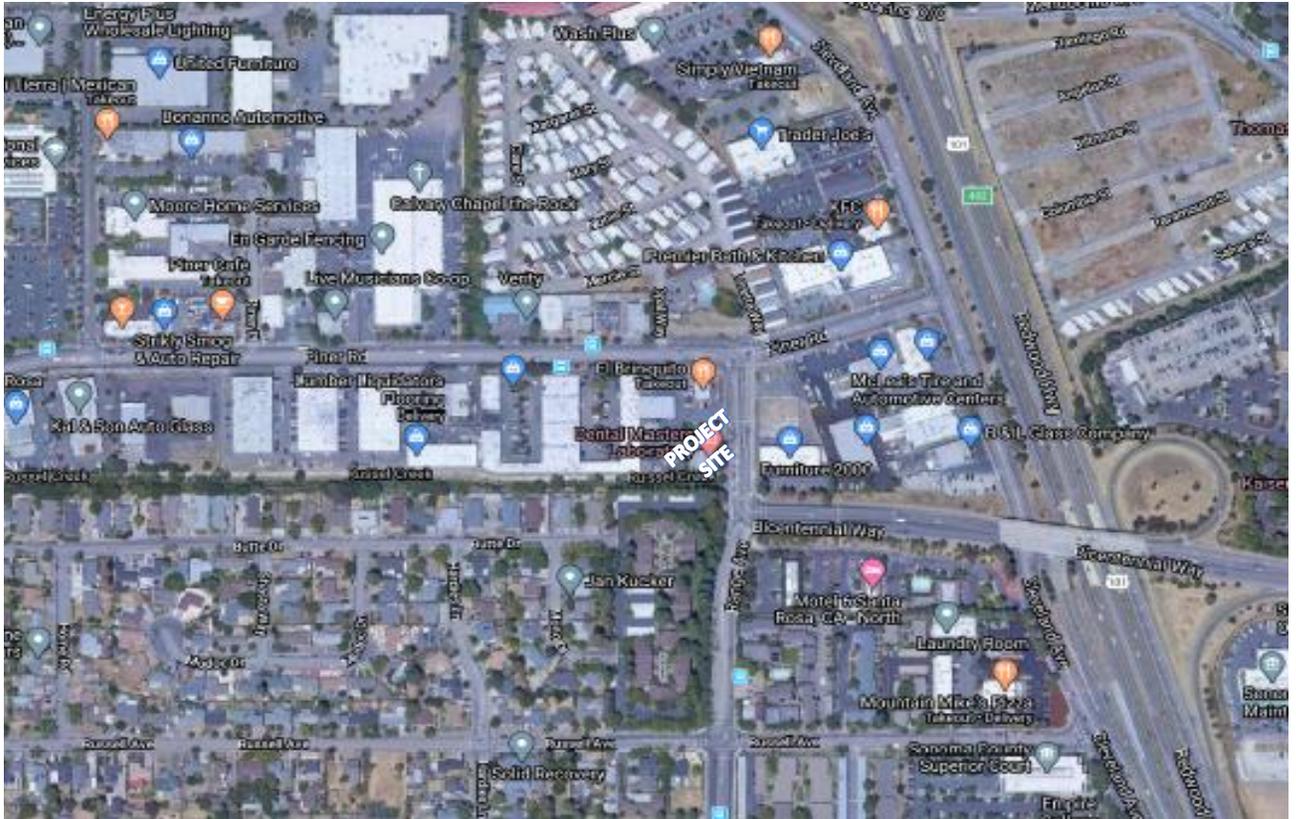
North: Restaurant - IL (Light Industrial)

South: Russell Creek - IL (Light Industrial); and further south - Multi-family condominiums - PD232 (Residential)

East: Furniture sales - CG (General Commercial)

West: Industrial Office Buildings - IL (Light Industrial)

Existing area land uses to the north, east and west include a mix of light industrial and general commercial uses such as offices, auto repair, and furniture sales. Immediately to the south is the Russell Creek Bike Trail and Creek. Land uses further south include multi-family condominiums and single-family homes.



(Source: Google Maps Imagery 2020)

The applicant has also provided a Neighborhood Context Map showing the surrounding land uses within a 600-foot radius of the project site (see Attachment 3).

3. Existing Land Use – Project Site

The project site features an existing ± 3,500 square foot rectangular shaped, industrial office building developed in 1984. The building occupies the southern portion of the lot while the remainder of the parcel is dedicated to vehicle parking and landscaping. The primary building entrance is located adjacent to the 12-space improved customer parking lot. The public entrance is within view of the public right-of-way along Range Avenue. The site can be readily accessed by pedestrians and bicyclists, and transit options for travel are within ¼ mile distance for both customers and employees. A short 3-foot tall chain link fence with slats acts as a screen for vehicle headlights along the northern property line. There are narrow landscaped strips of land on-site around both the building and parking area.

Existing Land Use – Project Site

See photos and land use summary on previous pages.

4. Project History

September 04, 2019	Pre-Application Submitted
December 9, 2019	Neighborhood Meeting
May 31, 2020	Complete Application
August 13, 2020	Public Hearing notice distributed and posted on-site

PRIOR CITY COUNCIL REVIEW

There has been no prior review by City Council.

ANALYSIS

1. Santa Rosa General Plan 2035

The proposed project site is designated as Light Industrial 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-K Protect industrial land supply and ensure compatibility between industrial development and surrounding neighborhoods.

LUL-K-1 Require industrial development adjacent to residential areas to provide buffers, and institute setback, landscaping, and screening requirements intended to minimize noise, light, and glare and other impacts.

LUL-K-2 Require that outdoor storage areas be screened from any public right-of-way.

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 Light Industrial zoning district is an implementing zoning district of Light Industrial General Plan land use designation. The Zoning Code specifically identifies IL (Light Industrial) 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 Light Industrial land use designation for the following reasons: 1) Russel Creek and the Russell Creek Bike Trail maintain an adequate buffer between existing residential uses to the south for noise, light, glare and security; 2) The project does not include any outdoor storage; 3) The project will assist in maintaining a positive business climate in the community and the economic viability of the area; 4) The project will broaden the availability of both full and part time employment within the City; and, 5) The project will provide a viable commercial service, while ensuring compatibility with the surrounding neighborhoods through the project design and the proposed operational and security measures.

2. Other Applicable Plans

The project site is not located within the boundary of any other applicable plan.

3. Zoning

The project site is located within a Light Industrial (IL) zoning district. Other surrounding zones and uses are listed below.

<u>DIRECTION:</u>	<u>ZONE</u>	<u>CURRENT USES</u>
South:	IL (Light Industrial) & PD266 (Multi & Single - Family)	Russel Creek (including bike trail); Condominiums and single-family homes
North:	IL	Restaurant
East:	CG-RC (General Commercial-Resilient	Furniture sales

City)

West: IL Industrial offices

Pursuant to Zoning Code §20-23.030, Table 2-10, Cannabis Retail (Dispensary) and Delivery uses are allowed within the IL zoning district subject to an approved Conditional Use Permit.

Zoning Code §20-46.050 provides General Operating Requirements applicable to all Cannabis Businesses and §20-46.080 specifies additional operating requirements for Cannabis Retail (Dispensary) and Delivery. Below is an analysis of applicable subsections from these code sections.

Each code section is addressed below. The applicant has also provided a Project Narrative Plan that demonstrates an understanding and compliance with these requirements (see Attachment 3).

§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 present in the retail area when 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 help to prevent diversion of Cannabis and Cannabis products.
- D. **Multiple Permits Per Site.** The project does not proposed multiple cannabis business permits at this site.
- 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.
- F. **Transfer of Ownership.** The applicant would be required to obtain a Zoning Clearance in order to transfer ownership of the use in the future.

G. Security. The applicant has provided a security plan, which includes the following security enhancements:

1. 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 installed on external and internal doors and windows. Alarm systems will be monitored, and appropriate permits obtained for installation and ongoing use;
3. A Secure storage area would be established, and cannabis waste would be disposed of in the new secured solid waste on-site until retrieved by an appropriate waste hauler;
4. Transportation and delivery procedures for Retail Delivery activities; and,
5. Emergency response and emergency access protocols will conform to state and local standards.

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 and filtration mitigation strategies that will be used in spaces at risk for emitting cannabis odors (see Attachment 6 – 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 exterior lighting and that the addition of any other exterior lighting will be done in accordance with §20-46.050(i) the City’s Zoning Code

J. Noise. The application proposes two (2) new roof-mounted HVAC units and an exhaust fan, which must be screened from public view. The location of the equipment on the roof and screened from public view behind the parapet wall will contain nuisance noise on-site. §17.16-120 of the City’s Municipal Code requires that all mechanical equipment not exceed the ambient noise level at the property line by more than five decibels. In order to insure that noise is mitigated to the 70 dB level at the property line. Staff recommends that the applicant install the noise blanket with their construction to insure the ambient noise level of the roof mounted mechanical equipment does not exceed 70 dB (see Condition 17.E in the attached Resolution). The building does not have operable windows, and all doors will remain closed at all hours. The applicant proposes shipments being received on-site from approved vendors during the hours of 8:00 a.m. – 9:00 p.m. daily, and all cannabis shipments would be received through the building’s west (side) entrance as indicated in the operational plan. The location of the parking lot in relationship to the nearest residential uses will also ensure on-site noises in the parking

lot are minimized during operating hours.

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

- A. **Conditional use.** Application has been made for a Conditional Use Permit to operate an adult Cannabis Retail (Dispensary) and Delivery, and the application clearly indicates that the use is for 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. Locations to which deliveries will be made;
 2. Standards for the types of delivery vehicles used, how cannabis and cannabis products will be secured in the vehicle trunk or out of public sight, the use of GPS tracking to provide geographic information about the location of vehicles; and,
 3. Demonstrates compliance with local regulations and Bureau of Cannabis Controls Regulations Sections 5415-5417.
 4. Hours of delivery between 9 a.m. to 8 p.m. daily.
- C. **Drive – Thru.** The project does not propose a drive thru service.
- D. **Location Requirements.** In addition to those location requirements established in Allowable Land Use Tables 2-6 and 2-10, Cannabis Retail is subject to these additional location requirements:
1. **Overconcentration.** The current Cannabis Retail (Dispensary) use is not within 600 feet of another Cannabis Retail use. See Exhibit D-1-2 below and refer to the 600-foot radii drawn with green hash marks showing the separation from cannabis retail sites (existing and proposed). The site is located more than 600-feet away from the nearest cannabis retail dispensary uses, The Green Qi at 925 Piner Road and The Hook Dispensary at 817 Russell Way.
- 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. See Exhibit D-1-2 below and refer to the 600-foot radii with blue hash marks showing separation from the nearest schools. The school closest to the site, Lattice Educational Services School at 3273 Airway Drive, is at least 1,500 feet from the project site; therefore, the project is compliant with school proximity requirements.

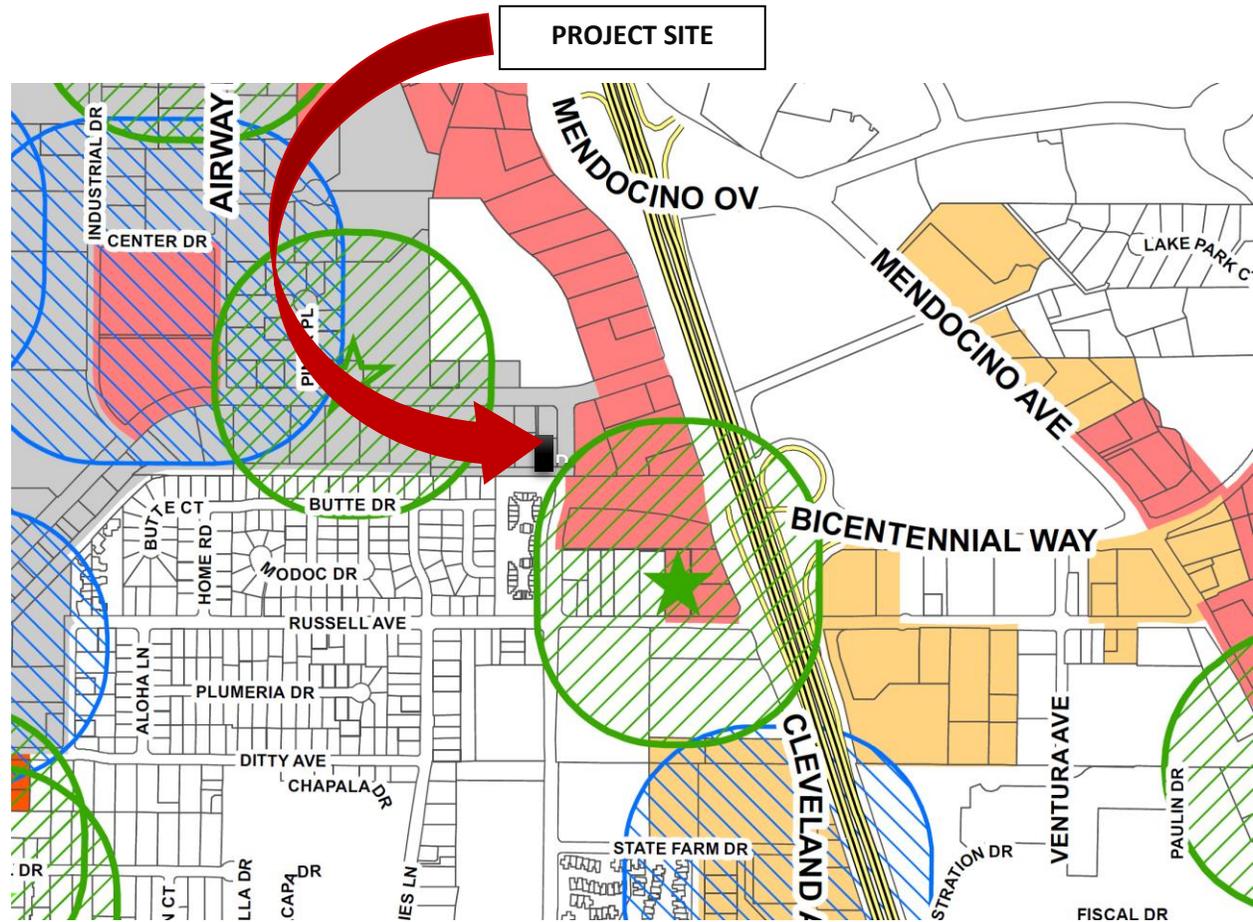


Exhibit D-1-2

Source: Potential Cannabis Dispensary Locations, City of Santa Rosa, December, 2019

2. **Visibility of entrance.** The current building entrance is located on the north facing building elevation, which is visible to the Range Avenue public right of way (north of the building) and from all points in the parking lot servicing the proposed use (see photo image below).



Source: Google Street View Image 2020

- E. **Edible products.** The applicant does plan to sell edible products and 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 retail hours of operation hours from 9:00 a.m. to 9:00 p.m. daily and delivery hours between 9 a.m. and 8 p.m. daily, as allowed by §20-46.080 (F)(4). Employee hours to support the retail and delivery uses will be from 8:00 A.M. to 10:00 P.M. daily, and vendor deliveries to the site would be received daily from 8:00 AM – 9:00 PM.
- G. **On-site consumption.** No on-site consumption is proposed in this application.

Traffic, Parking and Trash Enclosure

The project site is improved with twelve (12) onsite parking spaces and adequate site access and circulation. The Cannabis Retail (Dispensary) use requires 1 parking space for every 250 square feet of building space. The building is 3,500 square feet, and, therefore, a minimum of 14 parking spaces is required. The Zoning Code allows minor parking reductions to be considered with a Conditional Use Permit in these situations §20-36.050.1.b). However, the review authority must make the following findings:

- (1) Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4 (of the Zoning Ordinance);
- (2) The number of parking spaces approved will be sufficient for the safe, convenient, and efficient operation of the use.

Based upon the potential traffic generation from the proposed use, the applicant has submitted a Traffic Study (see Attachment 7). The Traffic Study includes an analysis of potential traffic impacts off-site and an analysis of parking and on-site circulation. Overall, the Traffic Study concludes: the project has no significant off-site impacts to traffic operations or circulation; the project will not generate any additional Greenhouse Gas Emissions (GHG) and is consistent with assumptions of the current models used to determine GHG impacts; and, adequate parking and circulation will exist on-site for the proposed use with fifteen (15) shared parking spaces and a shared solid waste container at 816 Piner Road.

According to the Traffic Study, the proposed project would be expected to generate an average of 834 trips per day. The use can be expected to generate 76 trips during the evening peak traffic hour; the morning peak traffic hour was not considered because the retail use begins at 9:00 A.M. daily, after the morning peak occurs. The applicant has also indicated that there will be a maximum of fifteen (15) employees on-site during a shift change, which would represent the worse-case scenario for parking demand in late afternoon/early evening. Based upon the number and distribution of vehicle trips to and from the site using the surrounding street network, the study also concludes:

1. The General Plan Circulation policies will continue to be maintained;
2. No localized improvements are necessary;
3. The levels of GHG emissions will remain consistent with the Sonoma County Traffic Model, which is used to determine GHG impacts and evaluate potential changes to the current assumptions; and,
4. With employee parking available and a shared solid waste container located at 816 Piner Road, adjacent to the project site, adequate on-site parking is available during the peak hour.

The City Traffic Engineer has reviewed the Focused Traffic Study and has a general concern of the number of "U" turn movements resulting from north bound traffic on Range Avenue making a "U" turn at Piner Road to access the site. Although not a significant issue, the City's Traffic Engineer has asked that a condition be added to

provide a directional map on the business website showing how drivers from south of Bicentennial Way can avoid a “U” turn at Range Avenue and Piner Road (see Condition 11).

§20.36-050 of the Zoning Code permits shared parking where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, a reduction in the total number of parking spaces required may be allowed through a Minor Conditional Use Permit--the approval requires a recorded covenant running with the land, recorded by owners of the parking lots, guaranteeing that the required parking will be maintained exclusively for the duration of the uses or activities. Therefore, Condition 12 has been added to require a covenant agreement be recorded for 816 Piner Road to guarantee a minimum of fifteen (15) parking spaces for the cannabis retail and delivery use at 3175 Range Avenue prior to the start of the business. The applicant has indicated their current contract is to purchase both parcels from the current owner(s). Therefore, the applicant has agreed to this condition. Staff will perform a complete parking analysis of both 816 Piner Road and 3175 Range Avenue to determine adequate parking exists between both sites, less two (2) parking spaces with an approved Minor CUP for a parking reduction at 3175 Range Avenue. The applicant has indicated an intent to hold open and vacant all buildings on-site at 816 Piner, if needed, to provide adequate parking between the two parcels. Overall, the Minor Conditional Use Permit would be issued for both a parking reduction of two (2) parking spaces and a shared parking covenant between all uses at both 816 Piner Road and 3175 Range Avenue.

Lastly, the site also has very good access to local transit services, and pedestrian and bicycle facilities for customers and employees.

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

A Neighborhood Meeting was held on December 19, 2019. One letter was received from a resident, which is included as Attachment 9. A summary of the concerns expressed in the letter and at the meeting are also included in Attachment 8. Staff believes that the concerns expressed have been addressed both in the evaluation of concentration of similar uses in the area and distances from schools, as well as the existing creek buffer to the south. Also, as noted above the proposed operational plan for the cannabis uses further insures the general health, safety and welfare of residents and others in the area.

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 May 20, 2020, which is attached to the Resolution.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

The Planning Commission must make the following findings as required in Zoning Code §20-52.050 to grant the Conditional Use Permit. 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 commercial *Adult Cannabis Retail (Dispensary) and Delivery* uses, including the sale of related edible products and paraphernalia, will occupy ± 3,500 square feet in an existing industrial office building in the Light Industrial (IL) 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, including the request for a Minor Parking Reduction of two (2) spaces.

B. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response: The proposed commercial *Adult Cannabis Retail (Dispensary) and Delivery* uses are consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Light Industrial General Plan land use designation that is implemented by the Light Industrial (LI) 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 *Adult Cannabis Retail (Dispensary) and Delivery* uses are allowed under §20-24.030 Table 2-10 with approval of a Conditional Use Permit.

The Project is located within the Light Industrial (LI) Zoning District. As such, the area is suitable for the use as proposed and the hours of operation are within those permitted in Zoning Code §20-46.080(F)(4). The project site is developed for those uses permitted in the LI Zoning District, including but not limited to commercial retail sales. The parking, with the Minor Parking Reduction of two (2) spaces and shared parking agreement with 816 Piner Road, meets Zoning Code requirements and is adequate for the staffing and operations associated with the use based upon the operational plan, the location of the site relative to pedestrian, bicycle and transit facilities, and the Traffic Engineer report submitted

indicating adequate parking and on-site circulation. Also, the applicant will share a trash enclosure with the uses at 816 Piner Road. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to adult use cannabis retail dispensaries and 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 industrial office building designed for a dental laboratory use. Vehicular access to Range Way is adequate. Pedestrian and bicycle access to the site is provided from Range Way and the adjacent Russel Creek Bike Trail. Public transit is readily accessible and within a quarter mile of the site. The project plans demonstrate compliance with all operational standards as specified in Zoning Code 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 use will be consistent with the surrounding land uses to the north, east and west, which are occupied by a variety of retail sales and industrial office uses. The proposed retail use is consistent with other light industrial and general commercial retail sales and services uses operating in the surrounding area. A creek and bike trail provides separation of the proposed uses from residential uses further south and functions as a noise and activity buffer for residents. No Creekside setback is required per Zoning Code §20.34-040 because all on-site improvements are existing. In addition, all HVAC and exhaust equipment will be placed on the roof and screened by the existing parapet wall. The applicant will also install a noise blanket, which is the best available noise control technology, to insure ambient noise levels are less than 70 dB at the property line, and an Odor Mitigation Plan has been prepared and 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 Zoning Code §20-46.050(G), the applicant has provided a Security Plan. The applicant will provide and install a variety of security devices to ensure that only authorized personnel have access to the office and the secured product storage room, 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. The operational plan includes the use of

on-site guards during operational hours. In addition to surveillance system and use of on-site security guards, a comprehensive electronic security system, including third party monitoring, will be provided. The cannabis delivery use will require a Type 10 license from the State of California. All cannabis/ cannabis product waste will be stored and disposed of in a manner that prevents diversion, theft, loss, hazards and nuisance. In addition, customers are screened for compliance with all cannabis laws before entering the retail floor area (i.e. proper identification and age).

Both the business entrance and parking area are clearly visible from the building and public right-of-way. The applicant will also provide a parking agreement with the adjacent parcel at 816 Piner Road to insure parking is provided in accordance with the Zoning Code requirements.

The subject property is located at least 1,500 feet from Lattice Educational Services at 3273 Airway Drive and Pivot Charter School at 2999 Cleveland Avenue (see Exhibit D-1-2 above). This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations. The site is also located more than 600-feet away from known or approved applications for cannabis operations as shown on the City's most recent GIS map and lists maintained for cannabis uses (see Attachments 10 and 11).

Per Zoning Code §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 the following: A Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s); 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; and, 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 with a building and 12-space parking lot 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 includes a Trip Generation Study that concluded that there will be no significant impacts to City streets, Levels of Service or expected VMT and GHG, and was vetted by City staff;
- An Odor Mitigation Plan was prepared in compliance with Zoning Code Section 20-46 and certified by a licensed professional engineer; and
- City staff reviewed the Project and found 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 Project Location Map
- Attachment 3 Neighborhood Context Map
- Attachment 4 Project Plan Set
- Attachment 5 Project Narrative Plan
- Attachment 6 Certified Odor Mitigation Plan
- Attachment 7 Traffic Study
- Attachment 8 Neighborhood Meeting 12/19/19 Summary

Attachment 9 Public Correspondence 12/2/19

Attachment 10 City of Santa Rosa Cannabis Retail Applications List

Attachment 11 City of Santa Rosa Cannabis Sales Location Map

Resolution with Exhibit A Dated May 20, 2020 (Standard Conditions of Approval)

CONTACT

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