

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
July 22, 2021

**PROJECT TITLE**

Green Pen Dispensary

**APPLICANT**

Green Pen, LLC

**ADDRESS/LOCATION**

353 College Avenue and  
349 College Avenue

**PROPERTY OWNER**

David and Linda Gates  
Evelyn Ciociolo

**ASSESSOR'S PARCEL NUMBER**

180-750-046, 180-750-048

**FILE NUMBER**

CUP18-080

**APPLICATION DATE**

January 27, 2021

**APPLICATION COMPLETION DATE**

May 12, 2021

**REQUESTED ENTITLEMENTS**

Conditional Use Permit

**FURTHER ACTIONS REQUIRED**

Minor Landmark Alteration Permit

**PROJECT SITE ZONING**

CG-H (General Commercial-Historic)

**GENERAL PLAN DESIGNATION**

Retail and Business Services

**PROJECT PLANNER**

Adam Ross

**RECOMMENDATION**

Approval

Agenda Item #9.2  
For Planning Commission Meeting of: July 22, 2021

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION  
FROM: ADAM ROSS, INTERIM SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: GREEN PEN DISPENSARY CONDITIONAL USE PERMIT

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolution, approve a Conditional Use Permit to allow a cannabis retail (dispensary) with delivery (State License Type 10) and parking reduction of three (3) spaces or 25% pursuant to Zoning Code Section [20-36.050\(C\)\(1\)\(b\)](#) in an existing 2,943 square-foot building.

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EXECUTIVE SUMMARY

The proposed Green Pen Dispensary (Project) seeks a Conditional Use Permit (CUP) to allow a cannabis retail (dispensary) with delivery use (State License Type 10) and parking reduction of three (3) spaces or 25% in an existing 2,943 square-foot building on a 5,928 square-foot parcel with a reciprocal parking and access agreement on the adjacent 5,227 square-foot parcel. Retail and delivery hours of operation would be from 9:00 a.m. to 9:00 p.m., seven days a week, as allowed by Zoning Code [Section 20-46.080\(F\)\(4\)](#). No onsite consumption is proposed. Cannabis distributor deliveries will be limited from 6 a.m. to 10 p.m. daily. All other deliveries will occur no earlier than 8:00 a.m. daily.

Exterior modifications include a new parking lot in the rear of the adjacent property located at 349 College Avenue, which was previously an office but had been destroyed by fire in 2020. A reservation of reciprocal access agreement and reservation of covenant running with the land will add three (3) additional parking spaces for the proposed use for a total of nine (9) parking spaces when 12 parking spaces are required. A parking space reduction of three (3) spaces or 25% pursuant to Zoning Code Section [20-36.050\(C\)\(1\)\(b\)](#) is requested as part of the revised Project.

## BACKGROUND

On March 14, 2019, the Project was continued by the Planning Commission to a date uncertain requesting additional information about the Project, which included traffic impacts, onsite circulation, and parking.

On September 12, 2019, the Project was brought back to the Planning Commission for review at a public hearing, which included additional information as requested by the Commission including traffic impacts, onsite circulation, and parking. A motion was made to waive reading of the text and adopt the resolution as amended. The motion failed and the project was denied by the following vote: 2 yes, 2 no, 1 absent, 2 abstain.

On September 23, 2019, an appeal of the Planning Commission's denial of the Project was filed by the applicant to be presented to the City Council as a de novo hearing. While discussing the proposed project changes with the applicant, it was determined that the best course of action would be to take the changes back to the Planning Commission for review. On December 30, 2020, the applicant withdrew their appeal to Council, and on January 27, 2021, the applicant submitted the Revised Project, which included acquisition of the neighboring property at 349 College Avenue for the purposes of additional parking spaces, updated onsite circulation, and support from the Ridgway Preservation District Neighborhood Association.

### 1. Project Description

The proposed Project is in the northeast quadrant of Santa Rosa on a 5,028 square-foot parcel in the CG-H zoning district. The retail/dispensary and delivery use of the 2,943 square-foot building would include 1,772 square feet of retail space, 338 square feet of storage space, and 914 square feet of office, employee, administration, and delivery operations. In compliance with Zoning Code [Section 20-46.080\(F\)\(4\)](#), the applicant proposes retail/dispensary and delivery hours of operation from 9:00 a.m. to 9:00 p.m. daily, with delivery service to customers in accordance with Bureau of Cannabis Control Regulations. No onsite consumption is proposed.

The Revised Project includes a new parking lot in the rear of the adjacent property on 349 College Avenue allowing access from 353 College Avenue; entrance only onto the site from Glenn Street; right-turn exit only onto College Avenue; and removal of a small landscaped box on 349 College to accommodate the updated circulation for the site.

Due to the Project's location within the Ridgway Preservation District, the removal of a landscaped area facing the street and the addition of the parking spaces on the adjacent property located at 349 College Avenue does require a Minor Landmark Alteration Permit pursuant to Zoning Code Section [20-58.060\(C\)](#). The Zoning Administrator is the review authority for Minor Landmark Alteration Permits and will be reviewed at a future date, subject to Planning Commission approval of the

required Conditional Use Permit. The applicant has agreed to a request from the Ridgeway Historic Preservation District Neighborhood Association to re-paint the structure at 353 College Avenue. Repainting does not require a Landmark Alteration Permit.

The project requires approval of a parking reduction for three (3) spaces or 25% to account for the three (3) parking space deficit. 12 covered bicycle parking spaces are included with this project. Additionally, the project site is within the City's bike network. Bicycle storage facilities and access to existing bicycle networks encourage biking as an alternative transportation mode. Bicycle network/on-site facilities would reduce parking demand.

A detailed project description of the retail/dispensary and delivery operation is included in Attachment 3 – Project Description and has been provided by the applicant. The project site is connected to existing pedestrian facility and has a Walk Score = 82, which means that “this location is Very Walkable so most errands can be accomplished on foot.” Access to existing pedestrian network encourages walking as an alternative transportation mode. Pedestrian access would reduce parking demand. Route 1 is a high-quality transit route with 15-minute headways. The project site is located on CityBus Route 9E and a bus stop is adjacent to the project location. It should be noted that Route 9E operates only during school bell times. Access to public transit, and especially high-quality public transit encourages transit ridership as an alternative transportation mode. Public transit access would reduce parking demand.

### State Requirements

The applicant would be required to obtain and hold a Type 10 State license, which allows operation of a commercial cannabis retail (dispensary) and delivery business. The Project would be required to adhere to State Bureau of Cannabis Control licensing and operating procedures, in addition to operational provisions contained in Zoning Code [Chapter 20-46 – Cannabis](#).

## 2. Surrounding Land Uses

North	CG-H (General Commercial-Historic)
South	NMU/NMU-DSA-H (Neighborhood Mixed Use/Neighborhood Mixed Use-Downtown Station Area-Historic)
East	CG-H (General Commercial-Historic)
West	CG-H (General Commercial-Historic)

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

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

### 3. Existing Land Use – Project Site

There are currently no uses in operation at 349 College Avenue or 353 College Avenue. 353 College was previously a hydroponics retail store and 349 College Avenue was previously a chiropractor's office.

The current building at 349 College Avenue is unoccupied but was previously a chiropractor's office.

### 4. Project History

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

Sep 12, 2019	Planning Commission denied the Project by a 2-2-1-2 vote
Sep 23, 2019	Appeal of Planning Commission's denial was filed with the City Clerk's Office by the applicant
Dec 30, 2020	Applicant withdrew the appeal
Jan 27, 2021	A revised project was submitted to the Planning and Economic Development Department
Feb 5, 2021	Notice of Revised Application was mailed to owners and occupants within 600 feet of the project's parcel lines
Feb 24, 2021	Neighborhood Meeting was held for the revised Project
May 10, 2021	Notice of Staff Issues was sent to the applicant
May 12, 2021	Applicant responded to Staff Issues and the Project was deemed complete

#### PRIOR CITY COUNCIL REVIEW

Not Applicable

#### ANALYSIS

The Project proposes establishment of a cannabis retail/dispensary with delivery use in the General Commercial Zoning District. Adult use and medical cannabis retail/dispensary with delivery is an allowed use with an approved Major Conditional Use Permit. Additionally, the Project requests a parking reduction in accordance with Section 20-36.050 Adjustments to parking requirements, Subsection (C)(1)(b).

#### 1. General Plan

The site is designated Retail & Business Services on the [General Plan Land Use Diagram](#). This classification allows 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-1 Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele.
- LUL-J Maintain the economic vitality of business parks and offices, and Santa Rosa's role as a regional employment center.

- LUL-J-1 Maintain an adequate supply of employment centers in a variety of locations and settings to ensure the city's continued economic vitality.

### **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.
- EV-D-2 Continue to promote Santa Rosa's role as a regional center.

The Zoning Code specifically identifies the Retail & Business Services as a district appropriate for cannabis retail & delivery. Although cannabis uses are not explicitly addressed in the General Plan, the Retail & Business Services is intended for a wide variety of retail uses with operational patterns similar to the operational patterns (i.e. traffic, parking, hours of operation) of the proposed Project.

Staff has determined that Cannabis Retail and Delivery uses are consistent with the General Plan goals and policies of the Retail & Business Services land use designation. Specifically, the proposed Cannabis Retail and Delivery 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. Zoning**

The Project site is within the General Commercial (CG) zoning district, which is consistent with the Retail and Business Service General Plan land use designation.

Surrounding zoning districts include:

North: General Commercial  
South: Neighborhood Mixed Use  
East: General Commercial  
West: General Commercial

Cannabis retail/dispensary and delivery is an allowed use in the CG zoning district, subject to discretionary approval of a Conditional Use Permit, when setback no less than 600 feet from a school and from any other cannabis retail use and permitted by the City of Santa Rosa. "School" as defined by Health and Safety Code Section 11362.768 applies to this section of the Zoning Code.

### **Proximity to Schools**

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

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

### **Concentration**

There are no other cannabis retail facilities within 600 feet of the subject site.

### **Employment**

The project narrative, attached to this report, details hiring procedures, including background checks for all new employees. The proposed employment procedures comply with Zoning Code Section 20-46.

### **Odor Control**

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

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

### **Outdoor Lighting**

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

### **Noise**

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



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

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

### **Security Plan**

Zoning Code Section 20-46.050(G) requires cannabis businesses to provide adequate security to ensure the public safety, and safety of persons in the facility to protect the business premises from theft. Cannabis business applications are required to provide a security plan that includes lighting and alarms, secure storage and waste, procedures for the safe transportation of products and currency, controlled building access and emergency access. A detailed Security Plan designed to prevent theft or diversion of any cannabis or currency, and to discourage loitering, crime, and illegal or nuisance activities was included with the Project application. Details of the plan are provided in the Project narrative which includes the following key features:

- Surveillance – High resolution video cameras will provide 24-hour surveillance and recordings will be retained for 90 days. Cameras will be placed in a location that allows the camera to clearly record activity occurring in all areas of the site where cannabis is stored, sold and transferred.
- Alarm – A professionally monitored alarm system will be installed and maintained.
- Access – Commercial grade security doors will be installed at all building entrances, and internally at restricted areas. In compliance with the Zoning Code, the front entrance is visible from the street. There are three doors at the site, however two of the doors will not be accessible. The first inaccessible is the built-over door as indicated on the site plans. The built-over door is an existing door on the north side of the building that was built over from the inside of the building, making it inaccessible for use. The second inaccessible door faces the corner of College Avenue and Glenn Street; that door will remain locked with commercial grade locks.
- Security Personnel – The premises will have a security personal whom will remain onsite during open business hours. The security personnel will also monitor the site and adjacent alleyway to prevent any nuisance and criminal activity as well as include a patrol unit during non-operating hours.
- Delivery and pickups will be scheduled in advance and pre-approval given by management for deliveries at specified delivery times.
- Transportation of cannabis and cannabis products will be via secured vehicles with alarms.

### **On-Site Consumption**

No on-site consumption is proposed with this project.

### **Special Events**

A request for special events is not included with the subject Project. However, if in the future, the applicant wishes to host a special event, approval of a Temporary Use Permit per Section 20-52.040 (Temporary Use Permit) will be required.

### **Storefront and Signage**

There is one wall sign that fronts Glenn Street between the parking lot entrance and College Avenue. All replacement signs will be subject to Santa Rosa Zoning Code Section 20-38. The applicant has indicated that the signs, "will not contain any logos or information that identifies, advertises, or lists the specific products or services offered by the dispensary." The applicant will ensure products are not readily visible to the public. There are no schools within 1,000 feet of the Project.

### **Parking**

Table 3-4 of Zoning Code Section [20-36.040](#) requires cannabis retail uses to provide parking at a rate of one (1) space for every 250 square feet of total floor area; therefore, the proposed cannabis use in a 2,943 square-foot building requires 12 parking spaces. Additionally, the small legal non-conforming office building that would remain on the neighboring parcel currently has two (2) on-site parking spaces, which will be dedicated for that use. As such, total required parking is 14 spaces; 12 spaces for the cannabis retail (dispensary); and two (2) for the existing legal nonconforming building at 349 College Avenue. The revised Project proposes a total of 11 parking spaces with nine (9) of those parking spaces for the proposed use. Pursuant to Zoning Code Section [20-36.050\(C\)\(1\)\(b\)](#), a parking reduction of three (3) spaces or 25% to account for the three-parking space deficit for the dispensary use may be approved by the review authority, subject to 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; and
2. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

Table 2 – Parking Summary			
Land Use	Units	Rate	Parking Spaces
<b>City Required Parking</b>			
Cannabis Retail	2,943 sf	1 space/250 sf	12
Office	1,250 sf	n/a	2
<b>Total City Requirements</b>			<b>14</b>
<b>Existing Supply</b>			<b>8</b>
<b>Proposed Supply</b>			<b>11</b>

Notes: sf = square feet

The current parking supply at 353 College Avenue is six (6) spaces and the current parking supply at 349 College Avenue is two (2) spaces. Additional parking spaces are obtained through the redesign of parking and circulation areas as proposed in the revised Project packet.

A Focused Traffic Study prepared by a licensed W-Trans engineer, dated July 1, 2021, concluded that the parking supply is adequate for the proposed use because (1) the availability of delivery service reduces the parking demand; (2) the site location is accessible by alternative modes of transportation including pedestrian, bicycle, and transit service, that will reduce vehicular traffic to the site and (3) hours of operation would allow customer access during a 12-hour period, as opposed to an eight-to-nine hour period.

In response to Planning Commission comments provided during review of the original project submittal, the Focused Traffic Study identifies parking demand management strategies including restricting all nine parking spaces to 30-minute parking intervals and requiring employees to park offsite as a mechanism to support the parking reduction. The revised project would provide three additional spaces, and the needed parking reduction would be within the 25% threshold otherwise allowed by the Code. Planning Staff suggests that these parking management strategies may be excessive and may create potential future issues in that they are difficult for the City to enforce.

Planning staff recommends that no more than 50% of the nine spaces be restricted to 30-minute parking intervals. This would allow a more flexible use of on-site parking spaces and still ensure that parking turnover occurs. Additionally, project conditions have been modified to encourage employee parking at offsite locations that are not on public streets adjacent to the project. If Planning Commission agrees with these recommendations and if it finds that other project characteristics and public transportation alternatives sufficiently reduce the demand for parking, then it may wish to consider modifying Resolution Finding C and Condition of Approval No. 15.

### Traffic

The Focused Traffic Study dated July 1, 2021, indicates that the proposed Project would generate two (2) fewer AM Peak Hour Trips and 43 more PM Peak Hour Trips from the previous hydroponic retail use. Per the City's Standard Guidance for the Preparation of Traffic Impact Analysis, an operational analysis is not required. Further, the Focused Traffic Study concluded that the updated circulation, which includes one-way entrance to the site from Glenn Street and a right-turn one-way exit onto College Avenue, improves the overall circulation of the site and limits increased traffic on Glenn Street. The Focused Traffic Study also analyzed Vehicle Miles Traveled (VMT) and concluded that the Project is considered local-serving retail, which identifies Projects as having up to 10,000 square feet of gross floor area, as not contributing to new trips in the region, but change where existing customers shop within the region and often shorten trip lengths. Because the proposed use is 2,943 square feet, it is reasonable to conclude that the project would have a less-than-significant transportation impact on VMT. The Focused Traffic Study is provided as Attachment 9 for further review.

**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	744	1.59	5	4	1	21.27	63	33	30
Net Difference from Previous Use		544		-2   -1   -1				43   23   20			

Note: ksf = 1,000 square feet

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

The Planning Commission must make the following findings as required in Zoning Code Section [20-52.050](#) to grant the Conditional Use Permit with a parking reduction subject to Zoning Code Section [20-36.050\(C\)\(1\)\(b\)](#). Each finding is followed by a staff response.

- 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 cannabis retail (dispensary) and delivery use would occupy an existing 2,943 square-foot building in the CG-H (General Commercial - Historic) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with zoning district requirements and all other applicable provisions of the Zoning Code and City Code.

**2. 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 economic vitality and the associated Retail and Business Service General Plan Land Use Designation that is implemented by the General Commercial (CG) zoning district in which the proposed use is located.

**3. 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 cannabis retail (dispensary) with 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-Historic (CG-H) 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 is supported by an existing commercial building, shared parking area; security measures including lighting, restricted access for employees, refuse disposal areas, on-site security personnel, and surveillance cameras. The entrance to the retail dispensary is visible from the street and the proposed project is compatible with the existing commercial corridor along College Avenue. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity.

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

Staff Response: The proposed use will be located entirely within an existing 2,943 square-foot building and adequate vehicular access to the site is provided from Glenn Street with a safe exit onto College Avenue. The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site as conditioned, will be fully accessible and compliant with the Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services.

**5. 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, which include a variety of commercial, office retail, and business uses. The site is located on a commercial corridor on College Avenue with Highway 101 located to the west of the project site.

A Focused Traffic Study by W-Trans, dated July 1, 2021, indicates that the proposed use would not cause safety concerns as it relates to traffic and access to the site and would result in less than 50 new Peak Hour Trips and has been reviewed and approved by the City's Traffic Engineering Division.

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 personnel will be provided. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7. All cannabis product waste will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

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.

The subject property is located approximately 1,225 feet from the parcel lines of St. Luke Lutheran School, which exceeds the minimum 600-foot separation required under both State and City of Santa Rosa regulations.

The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources (see Attachment 9 – Certified Odor Mitigation Plan dated April 4, 2018).

The Project has been Conditioned to limit distributor delivery hours to avoid any nuisance noises outside of normal operating hours.

Parking Reduction = 3 spaces (25%)

- a. Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Table 3-4**

Staff Response: A Focused Traffic Study by W-Trans dated July 1, 2021, concluded that the parking supply is adequate for the use due to Project's location in a connected pedestrian network, close to Downtown Santa Rosa with public parking, and is within walking distance to transit stops within Santa Rosa's 15-minute headway corridors. The revised Project restricts employees from parking on-site and as conditioned, limits customer parking times to 30 minutes, which would reduce parking demand. Additionally, the revised Project increases the existing parking supply by three (3) new spaces and provides 12 covered bicycle parking spaces, which encourages alternative transportation.

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

Staff Response: The Focused Traffic Study, by W-Trans dated July 1, 2021, concluded that the parking and revised onsite circulation will be sufficient for the site. Additionally, there are sidewalks and infrastructure surrounding the site, and the project has been vetted by City Staff for the safe, convenient, and efficient operation of the proposed Dispensary.

3. Design Guidelines

Any exterior façade modifications would require design review approval and/or be subject to Landmark Alteration approval.

4. Neighborhood Comments

Neighborhood comments received prior to the revised Project are included for review. Neighborhood Comments received regarding the revised Project include:

- Concern over the type of fence between the residential property to the north of the Project's site
- Concern over the cannabis retail dispensary's proximity to schools
- Concern for increased crime
- Concern over traffic impacts
- Concern over littering
- Support for the revised Project to provide safety to the project site and alleyway

5. Public Improvements/On-Site Improvements

All driveways and sidewalks along the property frontage shall be brought up to ADA compliance by installing City Standard driveway aprons per City Standard 250A with flat sidewalks along the frontage to the review and approval of the City Engineer.

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 modifications to the structure/site.
- 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 with this Project.

#### ATTACHMENTS

Attachment 1 – Disclosure Form  
Attachment 2 – Vicinity Map  
Attachment 3 – Project Description received December 30, 2020  
Attachment 4 – Site Plan received December 30, 2020  
Attachment 5 – Floor Plan received December 30, 2020  
Attachment 6 – Parking Exhibit dated May 12, 2021  
Attachment 7 – Auto Turn Exhibit dated May 20, 2021  
Attachment 8 – Certified Odor Mitigation Plan, dated April 4, 2018  
Attachment 9 – Focused Traffic Study dated May 20, 2021  
Attachment 10 – Proximity to Schools Map  
Attachment 11 – Public Correspondence  
Attachment 12 – Prior Public Correspondence  
Resolution – Conditional Use Permit

#### CONTACT



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