

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR THE PLANNING COMMISSION
AUGUST 12, 2021

PROJECT TITLE

Erudite Dispensary

ADDRESS/LOCATION

3059 Coffey Lane

ASSESSOR'S PARCEL NUMBER

015-370-062

APPLICATION DATE

June 3, 2019

REQUESTED ENTITLEMENTS

Conditional Use Permit

PROJECT SITE ZONING

General Industrial (IG)

PROJECT PLANNER

Susie Murray

APPLICANT

Rajan Dave

PROPERTY OWNER

Richard & Cathleen Proterfield

FILE NUMBER

CUP19-056

APPLICATION COMPLETION DATE

October 29, 2019

FURTHER ACTIONS REQUIRED

Design Review

GENERAL PLAN DESIGNATION

Light Industry

RECOMMENDATION

Approval

Agenda Item #10.1
For Planning Commission Meeting of August 12, 2021

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION
FROM: SUSIE MURRAY, SENIOR PLANNER
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT
ERUDITE DISPENSARY

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve Erudite Dispensary, a Cannabis Retail facility providing both medical and adult use products, with delivery service, at 3059 Coffey Lane.

PROJECT DESCRIPTION

Erudite Dispensary (Project) is a proposal to operate an approximately 3,520-square foot Cannabis Retail facility, providing both medical and adult use products, with delivery service from an existing commercial building. No onsite consumption area is proposed. The Project site is located in Santa Rosa's northwest quadrant, at 3059 Coffey Lane. The Planning Commission is being asked to act on a Conditional Use Permit (CUP).

Image 1: View looking east from Coffey Lane



Source: Google Maps

BACKGROUND

1. Surrounding Land Uses

North: Light Industry; currently occupied with commercial uses.

South: Light Industry; currently occupied with commercial uses.

East: Low Density Residential; currently occupied with residential uses.

West: Light Industry; currently occupied with commercial uses.

2. Existing Land Use – Project Site

The site is currently developed with a vacant commercial building.

3. Project History

On June 3, 2019, the Project application was submitted to Planning and Economic Development requesting the approval of a Conditional Use Permit for a dispensary providing delivery service.

On October 30, 2019, the application was deemed complete.

On January 15, 2020, a Neighborhood Meeting was held to introduce the Project to neighbors.

On April 12, 2021, revised plans were submitted.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

[General Plan](#)

The subject site is located in an area designated as Light Industry on the [General Plan Land Use Diagram](#), where the implementing zoning district is Light Industry (IL). The Cannabis Retail use is permitted through the approval of a Conditional Use Permit pursuant to Zoning Code Table 2-10 (allowable uses) and Section 20-52.050 (Conditional Use Permit) in the IL zoning district.

The project implements several goals and policies throughout the [General Plan](#), examples of which are shown below:

- It provides a new use in the area, Cannabis Retail, that will satisfy the needs of people in nearby neighborhoods (Land Use and Livability);
- It maintains an adequate supply of employment centers throughout the City to ensure continued economic vitality (Land Use and Livability);
- It places a new retail use within walking and cycling distance of residential uses, therefore reducing the traffic volumes in residential neighborhoods (Transportation); and
- It places a new retail use along the City's regional/arterial corridors (Economic Vitality).

1. Other Applicable Plans

Not applicable.

[Zoning Code](#)

The Project site is within the General Commercial (IG) zoning district, which is not consistent with the General Plan land use designation of Light Industry. The proposed use, however, is consistent with both.

Surrounding properties are with the following zoning districts:

North: General Industrial

South: General Industrial

East: Residential Planned Development (PD 0158)

West: General Industrial

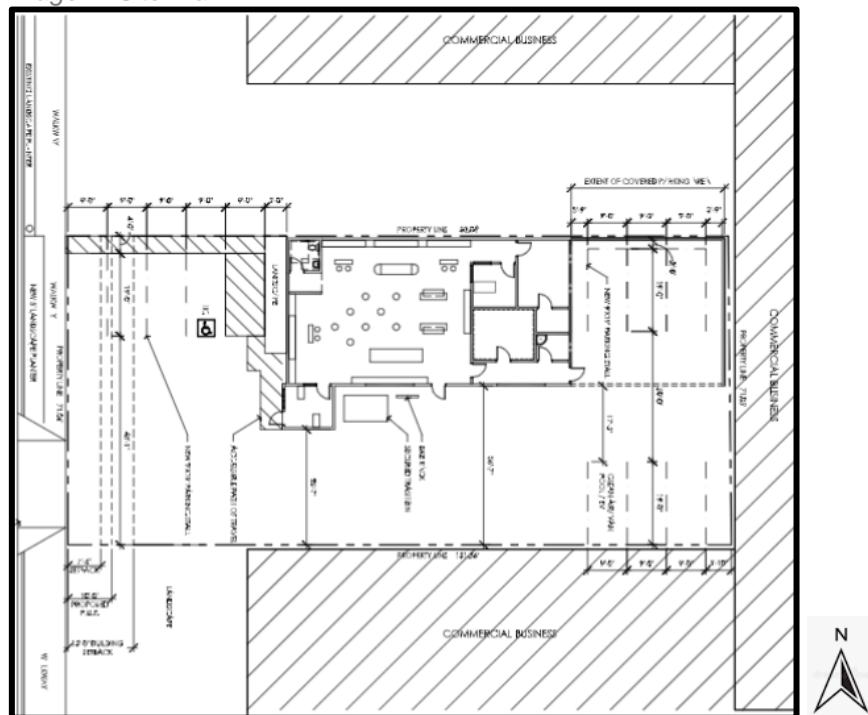
Applicable sections of the Zoning Code include:

[Chapter 20-46](#) provides regulations for all cannabis-related uses. Section 20-46.050 provides general operating requirements. As conditioned, the proposed dispensary shall remain in compliance with these regulations at all times, including maintaining a security system with surveillance videos in compliance with State and local regulations and containing cannabis odors within the building.

Section 20-46.080 provides regulations specific to dispensaries and delivery service. The Project application materials, attached, reflect the applicant's clear understanding of the regulations. To highlight items that generally come under question:

- Hours of Operation: Monday through Saturday, 9:00 a.m. to 9:00 p.m., and Sunday from 9:00 a.m. to 8:00 p.m.
- Delivery service will be conducted during hours of operation. Driver loads will not exceed \$5,000; routes will be scheduled exclusively for deliveries and will not to exceed two-hours from start to finish; and inventory will be kept in secured lockboxes.
- The site is not within an area of overconcentration.
- The nearest school, North Valley School, is located more than 1,000 feet away as the crow flies.
- Security will be done in compliance with both City and State regulations.
- There is no onsite consumption proposed as part of the Project.
- The applicant has provided an Odor Mitigation Plan stamped by a licensed engineer.
- Considering previous uses vs. the proposed dispensary, the project will generate less than 50 additional trips during both morning and evening peak periods.

Image 2: Site Plan



Source: Applicant

The application materials included a Trip Generation Analysis, prepared by Abrams Associates Traffic Engineers, dated May 29, 2019, attached. During staff's review, it was determined that the traffic analysis provided by Abrams was in error in that it overstated the trip generation rates by assuming there would be 33 new vehicle trips during peak A.M. hours and 73 new vehicle trips during peak P.M. hours. The business will not be open during peak A.M. hours (7:00-9:00 A.M.), thus it could not generate new AM trips. The City's Traffic Engineering department prepared its own analysis and calculated 45 new vehicle trips during peak P.M. hours (4:00-6:00 P.M.), not 73 new trips. Because the total number of additional trips (zero AM trips and 45 PM trips) did not exceed 50 new trips at either peak time period, no additional analysis was required.

[Chapter 20-36](#) provides parking requirements. Cannabis Retail facilities are required to provide one space for every 250 square feet, as are most commercial office uses, which in this case would be 14 spaces. The site plan includes ten spaces, however, pursuant to Zoning Code Section 20-36.040(C), when a building's use changes to a new use, without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, provided that any deficiency in parking is no more than ten spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater. The Project has been found in compliance with the Zoning Code in that it will comply with Americans with Disabilities (ADA) parking standards and its parking deficiency (4 spaces) does not exceed ten spaces.

Pursuant to [Section 20-52.050](#), the Planning Commission must make the six findings shown below prior to approving a CUP:

- 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.
- The proposed use is consistent with the General Plan and any applicable specific plan.
- The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
- 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.

- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

As shown on the draft resolution included with this packet, the required findings can be met.

2. Design Guidelines

The proposed changes to the exterior of the building are minimal including partial removal of a wall and roll-up doors on the north elevation where the changes would not be readily visible from the public right-of-way, painting and landscaping, and will likely be accomplished with an over-the-counter Design Review pursuant to [Zoning Code Table 5-2](#). This determination will be made when the applicant finalizes the exterior plans are submitted for review.

3. Neighborhood Comments

A Neighborhood Meeting was held on January 15, 2020. No members of the public attended.

One public comment has been received expressing concerns about increases in traffic and overconcentration of cannabis facilities:

- Traffic – As discussed in the Zoning section of this report, the facility will generate an additional 45 vehicle trips which is not considered a significant amount of new peak period trips and does not require additional analysis.
- Overconcentration of dispensaries – Zoning Code Section 20-46.080 prohibits Cannabis Retail uses from being within 600 feet of one and other. As part of the application review process, Planning staff verifies that no other dispensaries are located within 600 feet.

Public Improvements/On-Site Improvements

A comprehensive list of improvements is provided on Engineering Development Services Exhibit A, prepared by Carol Dugas, dated May 28, 2021, and is attached to the draft resolution for the Project.

FISCAL IMPACT

Approval of the Project will not have an effect on the General Fund.

ENVIRONMENTAL IMPACT

The Project has been found in compliance with the California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15301, the Project is categorically exempt because it involves minor modifications to an existing structure.

Pursuant to CEQA Guidelines Section 15303, the Project is categorically exempt because it involves the conversion of an existing structure from one use to a another where only minor modifications to the structure will be made.

Pursuant to CEQA Guidelines Section 15332, the Project is categorically exempt as infill development. The use is consistent with the General Plan land use designation of Light Industry and zoning designation of General Industrial; it occurs on property that is less than five acres within Santa Rosa City limits; it is completely developed with no potential habitat for endangered, rare or threatened species; the site is currently served by all utilities and services; and re-tenanting the space will not result in any significant effects pertaining to noise, air quality, water quality or traffic.

Pursuant to section 15183, the Project qualifies for streamlined review because it is consistent with the General Plan for which an Environmental 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 General Industrial 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.

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

A Notice of Neighborhood Meeting was mailed in October 2019.

Pursuant to Zoning Code [Section 20-50.050](#), a Notice of Application shall be mailed to property owners and occupants of properties located within 600 feet from the Project

site within 45 days of application submittal. This detail was overlooked when the application was submitted. Pursuant to Zoning Code [Section 20-66.020](#), a defect in the noticing procedure shall not affect the authority of the Planning Commission to take action on the item.

In preparation for the Planning Commission meeting, all noticing was done in compliance with Zoning Code Chapter 20-66, including a mailed Notice of Public Hearing to owners and occupants within 600 feet of the Project site; a Notice of Public Hearing published in the Press Democrat; and two public hearing signs posted onsite.

ISSUES

During staff review, two issues were addressed, including:

- Adequate onsite parking and general site plan configuration – The site plan was modified to include adequate parking and emergency access.
- Lack of traffic study – Staff reviewed the proposed use as compared to the previous use and determined that the additional trip generation would be less than 50 new vehicle trips during both AM and PM peak hours. Pursuant to the City's *Standard Guidance for the Preparation of Traffic Impact Analysis*, further analysis is not required for the Project.

There are no unresolved issues.

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location & Neighborhood Context Map
- Attachment 3: Project Narrative, provided by applicant
- Attachment 4: Project Plans, prepared by Architecture Plus, Inc., stamped received on April 12, 2021
- Attachment 5: Site photos, Google Maps
- Attachment 6: Safety & Security Plan, provided by the applicant, date stamped received on June 3, 2019
- Attachment 7: Odor Mitigation Plan, prepared by RCH Group, dated August 2019
- Attachment 8: Trip Generation Analysis, prepared by Abrams Associates Traffic Engineering, Inc., dated May 29, 2019
- Attachment 9: Safety & Health Assessment Report, prepared by Paul W. Grant, SCM, dated May 29, 2019
- Attachment 10: Letters of Recommendation, provided by applicant
- Attachment 11: Public Correspondence

CONTACT

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ERUDITE DISPENSARY
PAGE 10 OF 10

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