

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
**October 14, 2021**

**PROJECT TITLE**

CR Santa Rosa, LLC  
(dba: Cookies Retail)

**APPLICANT**

Steve Jones

**ADDRESS/LOCATION**

1937 Santa Rosa Avenue

**PROPERTY OWNER**

Thao Le - Tran

**ASSESSOR'S PARCEL NUMBER**

043-063-034

**FILE NUMBER**

CUP21-013

**APPLICATION DATE**

February 10, 2021

**APPLICATION COMPLETION DATE**

May 13, 2021

**REQUESTED ENTITLEMENTS**

Conditional Use Permit (CUP)

**FURTHER ACTIONS REQUIRED**

N/A

**PROJECT SITE ZONING**

CG (General Commercial)

**GENERAL PLAN DESIGNATION**

Retail and Business Services

**PROJECT PLANNER**

Monet Sheikhal

**RECOMMENDATION**

Approval

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION

FROM: MONET SHEIKHALI, CITY PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: CR SANTA ROSA, LLC (dba: COOKIES RETAIL)

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 commercial (Type 10) Cannabis Retail (Dispensary) and Delivery use within an existing 4,475 square foot commercial building located at 1937 Santa Rosa Avenue.

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EXECUTIVE SUMMARY

The applicant seeks a Conditional Use Permit (CUP) to allow a commercial Cannabis Retail (Dispensary) and Delivery use within an existing commercial building. Retail and delivery hours of operation will be from 9:00 a.m. to 9:00 p.m. seven days a week consistent with Zoning Code Section 20-46.080(F)(4).

1. Project Description

The proposed project would occupy 4,475 square feet of an existing two-story building on a 0.33-acre parcel within a General Commercial zoning district in Southeast Santa Rosa. The 1,234 square foot second story area will remain unused and in its current condition. The floor plan reflects this unused space. The proposed cannabis retail (dispensary) and delivery use would include a check-in area, retail area, and secure storage room. The Project

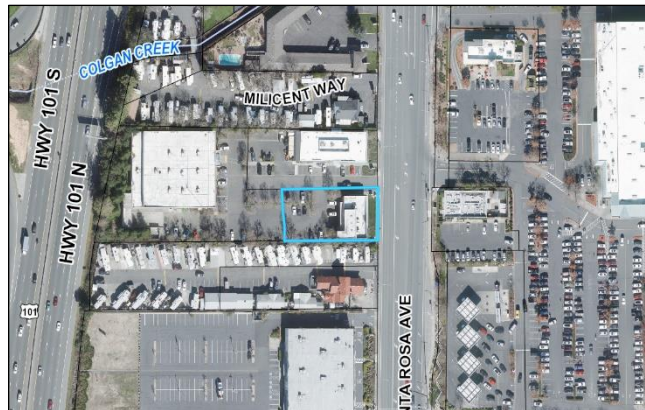


Figure 1: Project site and immediate vicinity.

would include renovations to the existing interior of the space, new signage, and a new exterior camera for security. In compliance with Zoning Code Section 20-46.080 (F)(4), the applicant proposes retail and delivery hours of operation from 9:00 a.m. to 9:00 p.m. daily.

### 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

The site is located on the Santa Rosa Avenue corridor along with other commercial uses. The surrounding area land uses are a mix of commercial, office, restaurants, and some residential uses. Immediately adjacent to the South side is Villa Trailer Mobile Home Park and further on the North side is the Rosa Vista Trailer Park, which represent the closest residential neighbors to the site. Businesses adjacent to the proposed dispensary are Pet Club Santa Rosa, Casual Male XL, Play-It-Again Sports, Costco, Wendy's, Work World and Redwood Veterinary Clinic. The proposed dispensary will fit within the scale of existing neighborhood commercial uses and provide a service to both the immediate neighborhood and southern Santa Rosa.

No other cannabis retail uses are proximate to the project site. The site is not located within any required school setbacks. The closest school to the site is Kawana Elementary School, located approximately 3,000 feet from the project site. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

## 3. Existing Land Use – Project Site

Currently, the location is a retail beauty supply store and salon (Beauty Connection Plus), which operates from 9am to 7pm daily. The subject parcel has 26 parking spaces. A reciprocal parking agreement exists among the shopping center tenants. The entire site provides 89 parking spaces which are shared with the adjacent businesses.

## 4. Project History

Feb 10, 2021	Conditional Use Permit application submitted
Mar 10, 2021	Notice of Incomplete application sent to applicant
Apr 25, 2021	Notice of Neighborhood Meeting was mailed out
May 5, 2021	Neighborhood meeting was held
May 13, 2021	Application was deemed complete
May 25, 2021	Notice of Application was mailed out

Sep 20, 2021      Staff received updated project information

### PRIOR CITY COUNCIL REVIEW

Not applicable.

### ANALYSIS

The Project proposes establishment of a medical and adult use retail cannabis (dispensary) and delivery land use in the General Commercial Zoning District. No on-site consumption is proposed. Adult use and medical cannabis retail dispensaries with delivery are allowed with a Conditional Use Permit approval.

#### 1. Santa Rosa General Plan 2035

The proposed project site is designated as Retail and Business Services on the General Plan Land Use Diagram. This classification is intended to accommodate retail and service enterprises, offices, and restaurants. The following General Plan goals and policies are applicable to the Project:

### **LAND USE AND LIVABILITY**

LUL-I-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.

### **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.

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

Staff has determined that the proposed medical and adult cannabis retail dispensary and delivery use is consistent with the applicable identified General Plan goals and policies, and the associated Retail and Business Services General Plan land use

designation. The re-use of the building would assist in maintaining the economic viability of the area and maintaining the diverse types of employment opportunities available in the City, while continuing compatibility through proposed conditions of approval and operational and security measures with surrounding businesses and neighborhoods.

2. Other Applicable Plans

Not applicable.

3. Zoning

North: CG (General Commercial)

South: CG (General Commercial)

East: CG (General Commercial)

West: CG (General Commercial)

The project site is located within a General Commercial (CG) zoning district and is surrounded by Residential and Commercial zoning districts. Pursuant to Zoning Code Section 20-23.030, Table 2-10, cannabis retail (dispensary) and delivery uses are allowed within the CG zoning district subject to an approved Conditional Use Permit.

Zoning Code Section 20-46.050 provides General Operating Requirements applicable to all Cannabis Businesses and Section 20-46.080 specifies additional operating requirements for a cannabis retail (dispensary) and delivery. The proposed project operational plans are in compliance with standards relating to requirements of the Zoning Code including security, lighting, odor control and noise. These requirements are summarized below.

**Proximity to Schools**

Both City and State regulations prohibit establishment and operation of a retail cannabis dispensary within 600 feet of a K-12 school as defined by Health and Safety Code Section 11362.768. There are no schools within 600 feet of the subject property. Kawana Elementary School is approximately 3,000 feet east of the project site. The project is consistent with the State and local regulations.

**Concentration**

The Zoning Code limits the geographic concentration of cannabis retail facilities (dispensaries) by prohibiting dispensaries within 600 feet of each other. Although there are several cannabis retail facilities along Santa Rosa Avenue, no cannabis retail facilities are within 600 feet of another cannabis retail facility, including the project site; therefore, the Project site is not located in an “over-concentration” area.

Below are other Pending or Approved Cannabis Retail (Dispensary) land uses near the project site.

- 1111 Petaluma Hill (Approved November 2019) – Matanzas Alliance, LLC (dba: Justice Grown Cannabis Dispensary) located 2,700 feet from site.
- 900 Santa Rosa Ave (Operating) - R&B Dispensary, Inc (dba: Mercy Wellness Santa Rosa) located 3,800 feet from site.
- 250 Colgan Ave. (Expired February 2021) - BioBloom Ventures Dispensary and Microbusiness - located 820 feet from site.
- 112 Commercial Ct., #2 (Approved October 2019, Time Extension submitted) – Emerald City Blooms - located 830 feet from site.
- 468 Yolanda Ave #305 (Approved July 25, 2019) – NKM Enterprises, Inc - located 2,700 feet from site.
- 330 & 350 Yolanda Ave (Approved May 13, 2021) – Sunstone Advisors, Inc - located 2,400 feet from site.

### **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 of the structure in which the Business operates.” The applicant has provided a certified Odor Mitigation Plan prepared by Andrew Souza from TEP Engineering, dated July 13, 2021. The Odor Mitigation Plan has been certified by a licensed professional mechanical engineer and includes: Operational Process and Maintenance Plan, Storage of Cannabis Products/Inventory, Engineering Controls, and Staff Training Procedure. The Engineering Controls include installation of activated carbon filter canisters or inline filters on exhaust systems and installation of activated carbon inline filters on recirculating air system. The Odor Mitigation Plan concludes that the proposed odor control filtration and ventilation systems will prevent odors of cannabis from being detected from outside of the structure, satisfying the requirements for 20-46.050(H).

### **Lighting**

Exterior lighting is located on the existing building and within the parking lot, and no new exterior lighting is being proposed with the project. The Zoning Code ([Section 20-30.080](#)) requires that outdoor lights be shielded and cast downward to avoid light or glare spilling onto neighboring properties. A condition of approval is added to the resolution to require that all exterior lighting shall comply with Zoning Code Section 20-30.080.

### **Noise.**

The business activities will occur within the existing building and no exterior equipment will be set up or used outside of the building. The applicant will take precautions to ensure operations go unnoticed by those outside of the retail facility. All noise generated by business operations will comply with the City of Santa Rosa’s Noise Ordinance (City Code, Chapter 17-16) and be kept to levels that are undetectable beyond the premises to help maintain positive relationships in the

community. The Project's air conditioning and ventilation equipment will comply with relevant aspects of the Santa Rosa Code and will not include a non-emergency generator.

### **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.

### **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. The applicant has provided a security plan within the Project narrative which includes the following key features:

Security Cameras. The applicant will install a state-of-the-art video surveillance system that utilizes commercial-grade equipment, including 60-day video retention and storage. Cameras will be professionally installed in such a way as to prevent tampering or disabling or being readily obstructed. The video surveillance system will monitor the entire perimeter and parking lot and will record activity 24 hours per day.

Applicant will use advanced cameras and direct line-of-sight camera placement at the dispensary that will be capable of clearly revealing facial detail and identifying all persons on the premises under all lighting conditions in and around the retail facility, especially in any area where theft or diversion could reasonably occur.

Alarm. A professionally monitored alarm system will be installed and maintained. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows.

Access. The project includes commercial grade security windows, doors and locks at all entrances, exits, and access points to restricted areas.

Security Personnel. The applicant has indicated that will have at least two security guards onsite during business hours. One security guard will be assigned to the entryway to track and monitor anyone entering or leaving the facility, and the second security guard will constantly patrol the premises.

Secure Storage Waste. The proposed retail dispensary would generate waste, but the volume generated would be much less than cultivation or distribution uses. The applicant will only accept deliveries of cannabis product that is pre-packaged for retail sale. A contracted third-party service will be scheduled to pick up the waste, as necessary.

Transportation. Deliveries will take place at an entrance located on the west side of the building, adjacent to the parking area, and separated from the public main entrance. Transport personnel, carrying the cannabis goods, will be escorted

from the delivery vehicle into the secured storage area inside by security personnel.

Locks. The applicant proposes commercial grade, non-residential door locks or window locks on all points of ingress and egress to prevent unauthorized entry.

### Parking

The 4,475 square foot building has been used for commercial uses, retail beauty supply store and salon, and is part of a 30,805 square foot shopping center. Per zoning code Section 20-36.040, *"When a building's use changes to a new use, for example a retail use to a restaurant, 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 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater."* Therefore, no additional parking would be required for this project which is a re-tenanting with a retail use and compliance with parking requirements is satisfied.

Planning staff notes that according to the Zoning Code [Section 20-36.040 \(Table 3-4\)](#), the total number of required parking spaces for the proposed retail facility is 18 (1 space per 250 sf) and 26 parking spaces are provided on the site.

### 1. Design Guidelines

No exterior modifications are proposed. Any exterior modifications or additions would require design review approval.

### 2. Neighborhood Comments

A neighborhood meeting was held on May 5, 2021, and the neighborhood meeting had no attendees. To date, three responses have been received and all responses oppose the project. Comments include:

- The name is deceiving, and the color is inappropriate for this area and location. The neighborhood needs to know what is being sold.
- The location is next to a mobile home park that might have children living there.

Staff response: The City does not regulate repainting of a building unless the repainting is for the purpose of creating signage for the building.

Per [Section 20-38.020](#) of the City's Sign Code, the City does not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

The cannabis ordinance does not regulate setbacks to residential uses including mobile home parks. The only setbacks regulated by the cannabis ordinance are the distance from schools and the distance from another cannabis dispensary.



3. Public Improvements/Onsite Improvements

Not applicable.

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 interior 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.)

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.

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location Map
- Attachment 3: Project Description, dated received September 20, 2021
- Attachment 4: Revised Plan Set, dated received September 20, 2021
- Attachment 5: Odor Control Plan TEP Engineering, dated received July 13, 2021
- Attachment 6: Traffic Impact Study prepared by W-Trans, dated received June 14, 2021
- Attachment 7: Public Comments
- Resolution
- Exhibit "A"

CONTACT

Monet Sheikhal, City Planner  
707-543-4698  
[msheikhal@srcity.org](mailto:msheikhal@srcity.org)