

Resolution Number 21-

County of Sonoma
Santa Rosa, California

April 8, 2021
UPC17-0094 Crystal Acker

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING A USE PERMIT TO LOE FIREHOUSE, INC FOR PROPERTY LOCATED AT 15499 ARNOLD DRIVE, SONOMA, CA 95476; APN 054-130-024.

WHEREAS, the applicant, Loe Firehouse, LLC. c/o Teresa Bradbury filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a Use Permit for a new cannabis dispensary located at 15499 Arnold Drive, Sonoma, CA 95476; APN 054-130-024; Zoned Limited Commercial (LC), Scenic Resources – Arnold Drive Scenic Corridor (SR), Valley Oak Habitat (VOH); Supervisorial District No 1; and

WHEREAS, a Negative Declaration was prepared for the Project, and on or about February 26, 2021, the Negative Declaration was posted and made available for agency and public review in accordance with the California Environmental Quality Act (“CEQA”), 14 California Code of Regulations, §§15000 et seq. (“CEQA Guidelines”), and County CEQA guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on April 8, 2021, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the project and the Negative Declaration, and all interested persons were given an opportunity to hear and be heard; and

WHEREAS, the Board of Zoning Adjustments has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. Environmental Determination: The Board of Zoning Adjustments has reviewed and considered the Negative Declaration prepared to address potential environmental impacts of the project, together with all comments received during the public review process. Based upon the full record of proceedings (including the Initial Study and all comments received), it has been determined that there is no substantial evidence that the project as approved will have a significant environmental effect. The Negative Declaration (IS/ND) has been completed in compliance with State and County CEQA guidelines and reflects the independent judgment and analysis of the County of Sonoma.
2. General Plan Consistency: The proposed project is consistent with the General Plan land use designation of Limited Commercial, and the goals, objectives, policies, and programs of the General Plan.
 - a. The Limited Commercial land use category is intended to provide for primarily local-serving retail sales and commercial services compatible with the communities in which

they are located. Cannabis dispensaries are an allowed use in Limited Commercial with a Use Permit. The proposed dispensary would be the first in Sonoma Valley, and as such, would provide a cannabis retail location and delivery service to an area that currently does not have local access to these products. The proposed dispensary supports the local-serving retail Land Use goals, and involves redevelopment of an existing commercial structure in support of Land Use Policies LU-20i and LU-20j to promote redevelopment of existing commercial areas with adequate public services.

- b. The project site is located in a designated Scenic Corridor for Arnold Drive, which prohibits most new development within the scenic corridor to preserve visual quality, but allows maintenance, reconstruction, and minor expansion of existing structures already located within the corridor. The project proposes only tenant improvements to the existing structure, including interior modification and exterior accessibility improvements, in compliance with Open Space and Resource Conservation Policy OSRC-3C.
 - c. The proposed project is consistent with Circulation and Transit Policies CT-7nn and CT-7qq for the Sonoma Valley, which require consideration of cumulative weekend traffic impacts and intersection improvements during review of discretionary projects. A traffic impact study determined that the dispensary would generate 68 new trips during the weekend afternoon peak hour, concluding that local roads and intersections would continue to operate acceptably with the addition of project traffic and that no significant cumulative traffic impacts would be expected. The traffic study also evaluated the need for intersection improvements at the Arnold Drive/Madrone Road intersection and determined that none are warranted.
3. Zoning Consistency: The proposed project is consistent with Sonoma County Zoning Code, including all building intensity, development criteria, and operating standards for commercial cannabis operations.
- a. The Limited Commercial Zoning District allows cannabis dispensaries with a Use Permit under Section 26-36-020(pp), in compliance with Sections 26-88-250 and 26-88-256.
 - b. The proposed project complies with all applicable development criteria of Zoning Code Section 26-36-030, including yard setbacks, building height, and lot coverage.
 - c. Zoning Code Section 26-86-010(c) sets parking requirements for dispensaries based on customer floor area and employee number. A dispensary with 1,891 square feet of retail floor area for customers and a maximum of 5 employees per shift requires 17 parking spaces, including 1 van-accessible space. The project includes 17 on-site parking spaces: 12 in the lot off Arnold Drive for customers, including 1 van-accessible space, and 5 designated for employees and commercial deliveries at the rear of the building accessed off Madrone Road. Conditions of Approval limit employee number and prohibit expansion of retail floor area to ensure adequate parking is maintained for the operation.
 - d. Zoning Code Section 26-88-256(d) limits the number of dispensaries in the unincorporated County to nine. There are currently six approved dispensaries; the proposed dispensary would be number seven, which complies with the limit set by code.

- e. The Zoning Code provides location requirements for dispensaries, including required setbacks from sensitive uses. Section 26-88-256(f)(1) prohibits establishment of a dispensary on a parcel containing a residential unit. The applicant proposes to convert the second-floor residential unit to employee support space (offices, break room, bathrooms) and product storage space. Conversion of the unit is also required by the Conditions of Approval.
- f. Zoning Code Section 26-88-256(f)(1) requires a 100-foot setback between the dispensary property and a residential zoning district. However, Section 26-88-256(f)(4) also provides for a waiver of these requirements when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur. Precedent for approval of a waiver of location requirements under Sec. 26-88-256(f)(4) has been set by five of the six previous dispensary approvals. All five were granted a waiver of the 100-foot property setback from residential zoning by demonstrating that no off-site impacts were likely to occur due to a combination of an actual physical separation between land uses or parcels, and proposed visual screening measures, such as fences and landscaping.

The proposed dispensary has been determined to comport with previous decisions to qualify for a 100-foot residential zoning district setback waiver based on the following facts:

- i. A physical separation exists on all four project parcel boundaries as follows: An intervening commercial property containing Arlene's Art Gallery & Studio and a non-conforming residence provides approximately 116 feet of separation from the closest residential district to the north; Arnold Drive provides approximately 65 feet of separation from the closest residential district to the west; Madrone Road provides approximately 75 feet of separation from the closest residential district to the south; An intervening commercial property containing Rancho Market & Deli provides approximately 58 feet of separation from the closest residential district to the east.
- ii. The nearest residence directly across Madrone Road from the proposed dispensary is oriented towards Glenwood Drive and is not facing the dispensary. Visual screening for this residence is provided by existing vegetation and a solid wood fence.
- iii. The dispensary business frontage and customer access faces Arnold Drive, a major roadway. No public access would occur from the rear or south sides of the building, facing the Madrone Road residential area. Access to the rear of the building will be for employees and commercial deliveries only. Continued prohibition of public access and customer parking at the rear of the building is required by Condition of Approval.
- iv. The density of surrounding residential uses near the project site is variable, ranging from single-family dwellings in Rural Residential zoning (one primary dwelling unit per 10 acres) to multi-family apartments in High Density Residential zoning (20 primary dwelling units per acre). Setback waivers have been granted adjacent to high density residential development at one other approved dispensary: Sonoma Medicinal Herbs is adjacent to High Density

zoning (13 primary dwelling units per acre), composed of a mobile home park and vacant land slated for multi-unit affordable housing.

- g. Zoning Code Section 26-88-256(f)(2) requires a 1,000-foot setback between the dispensary property and any public park. The nearest public park, Moran-Goodman Park, is located 1,000 feet from the dispensary parcel boundary, which complies with the setback.
 - h. Zoning Code Section 26-88-256(g)(2) requires implementation of a Security Plan. Proposed security measures include professionally monitored video surveillance from both indoor and outdoor cameras, controlled access to the retail floor, locking doors and windows, security lighting, alarms, and locked product storage areas. Commercial deliveries of cannabis products and dispensary delivery service will use a separate access at the rear of the building, away from the public entrance. Cash will be limited at the location to the minimum needed for the daily operations, and will be kept in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism). Delivery orders will be completed prior to delivery, so that delivery drivers will not carry cash or process transactions at the point of delivery. Continued operation of all proposed security measures is required by the Conditions of Approval.
 - i. Zoning Code Section 26-88-256(g)(7) requires installation and operation of an exhaust and ventilation system to prevent off-site odors. Such a system is proposed by the project. Continued operation and maintenance of the ventilation system is required by the Conditions of Approval.
- 4. A Traffic Impact Study was conducted for the project (W-Trans, July 24, 2018; Amended January 4, 2021). W-Trans estimated that the project would generate approximately 301 daily trips, which translates to an average of 25 trips per hour. The greatest trip generation is anticipated during the weekend PM peak hour at 70 trips. Week day PM peak hour trips are estimated at 42. The trip generation rate for the week day AM peak hour is about half that for the PM peak hour, resulting in 21 week day AM peak hour trips. There is no AM weekend peak hour. Net trip generation (when trips for the existing office and residential uses are subtracted) is 263 daily trips, including 68 trips during the weekend PM peak hour and 36 trips during the week day PM peak hour. The study concluded that the Arnold Drive/Madrone Road intersection would continue to operate acceptably with the addition of project traffic and that no significant cumulative traffic impacts would be expected.
 - 5. As there are currently no dispensaries in Sonoma Valley or the City of Sonoma, customers from the lower Sonoma Valley, including the City of Sonoma, would need to drive a substantially shorter distance to reach a dispensary with the proposed project than is currently the case. The project would therefore be expected to lead to a reduction in regional Vehicle Miles Travelled.
 - 6. To ensure character of the neighborhood is maintained, any exterior alterations of the existing building will be subject to commercial Design Review standards under Zoning Code Section 26-82-030, as required by the Conditions of Approval.
 - 7. The project site is located in a small cluster of three Limited Commercial parcels providing local-serving retail and commercial service uses to the surrounding community (a commercial office building, neighborhood market and deli, and an art gallery/studio). The proposed cannabis dispensary will be located within the building currently used for office space, and would provide a cannabis retail location and delivery service to an area that currently does not have local access to these products. The project has been designed to be compatible with the surrounding

residential neighborhood by 1) orienting the business frontage away from the Madrone Road residential neighborhood; 2) location near a public transit stop to encourage alternate modes of travel; 3) offering delivery service to reduce customer trips to the storefront location; 4) keeping typical commercial retail operating hours of 7:00 am to 7:00 pm Monday through Saturday; and 5) maintaining the size and overall appearance of the existing building (exterior modifications are related to accessibility requirements; no significant changes to the building façade are proposed).

8. The establishment, maintenance, or operation of the use for which application is made, will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the area of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances that support this finding are set forth above and include, but are not limited to, the following facts: 1) The dispensary is physically separated from nearby residential areas by intervening parcels and public roadways and screened from view by existing vegetation and fences; 2) Adequate parking is provided onsite to serve the use; 3) Employees and vendors are prohibited from parking on the street to preserve the on-street parking supply for residents; 4) Security measures will be implemented to uphold the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such use; 5) All equipment will be in compliance with the General Plan Noise Standard; 6) an exhaust and ventilation system to prevent off-site odors will be installed and maintained; 7) Hours of operation will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday; 8) Dispensary traffic will add 263 daily trips to local roadways, including 68 trips during the weekend PM peak hour and 36 trips during the week day PM peak hour; however, the increase in trips would not result in a significant impact to road or intersection function; 9) The dispensary will offer delivery service to reduce customer trips to the storefront location, and is near a public transit stop to encourage alternate modes of travel; 10) Operation of the first dispensary in Sonoma Valley would be expected to lead to a reduction in regional Vehicle Miles Travelled for this local-serving use; and 11) Only minor exterior alterations are proposed to the existing building to comply with accessibility requirements.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner

Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.