



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: Sevenfold Cannabis Dispensary; UPE18-0023

DATE: March 24, 2022

TIME: At or after 1:05 pm

STAFF: Crystal Acker, Project Planner

SUMMARY

Property Owner: Art Fichtenburg, Trustee for Arthur B. Fichtenburg Revocable Trust

Applicant: John Lobro, Chief Executive Officer for Sevenfold Inc. (formerly Apothevert)

Address: 15 Fremont Drive (SR-121), Sonoma

Supervisory District(s): District 1

APN: 128-461-014

Description: Request for a cannabis dispensary (medical and adult use) with retail storefront and delivery service operating 7:00 am to 7:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sundays in an existing 1,328 square foot commercial building, an adjacent 48 square foot restroom building, and up to 3,223 square feet of additional employee support spaces in up to six other existing structures on a 5.09-acre parcel. No building expansion or substantial physical changes to the building exteriors or the overall property are proposed.

CEQA Review: Proposed Mitigated Negative Declaration

General Plan Land Use: Limited Commercial (LC)

Specific/Area Plan Land Use: None

Ordinance Reference: 26-10-030 – Allowed land uses
26-10-040 – Development standards
26-64-030 – Scenic corridors
26-86-010 – Required parking
26-88-250 – Commercial cannabis uses
26-88-256 – Cannabis dispensary uses

Zoning: Limited Commercial, Scenic Resources – SR 121 Scenic Corridor, Valley Oak Habitat
(LC, SR VOH)



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the Use Permit, with conditions.

EXECUTIVE SUMMARY

The applicant requests approval to open a new cannabis dispensary in existing commercial buildings in the Big Bend/Four Corners area of southern Sonoma Valley. The project site is located on major north-south and east-west state highway routes within a commercial “hub” in one of the larger pockets of commercial zoning within the unincorporated county. Most of the surrounding land is commercial or agricultural. A limited amount of residential zoning is present in the vicinity; the nearest is greater than 600 feet to the west on the opposite side of State Route 121 (SR 121). The site meets all residential and sensitive use setbacks.

Public comments have expressed concern about traffic safety related to dispensary customer ingress/egress from SR-121, and general compatibility with the Vineyard Inn hotel next door.

Staff is recommending approval of the Use Permit because:

- The proposed project is consistent with General Plan policies for providing local-serving commercial retail to an area that currently does not have local access to cannabis products, redevelopment of existing commercial structures, and considering cumulative weekend traffic impacts and intersection improvements during review of discretionary projects;
- The proposed project is consistent with the Limited Commercial Zoning District which allows cannabis dispensaries with a Use Permit, and also complies with all applicable development criteria for commercial development, including yard setbacks, building height, lot coverage, and parking;
- The proposed project is consistent with required dispensary setbacks from residential zoning districts and sensitive uses;
- An existing on-site residence would be rented to an employee as a caretaker unit to enhance on-site security, and minimize impacts to on-site residents (compared to continuing the use as a rental to a tenant unassociated with the cannabis operation);
- The project proposes 22 on-site parking spaces which exceeds code requirements and is adequate to support the proposed use;
- The proposed project would add 448 daily trips to local roadways, including 24 trips during the weekday AM peak hour and 42 trips during the weekday PM peak hour; however, the increase in trips would not result in a significant impact to the roadway network;
- The project traffic study did not identify any weekend peak hours, given that the workday commute generates the most congestion to the roadway system in the project area (located near the intersection of two state highways- SR 116 and SR 121); no significant cumulative weekend traffic impacts would be expected;



- Operation of the proposed project in lower Sonoma Valley (5-8 miles south of other recently approved dispensaries) would be expected to lead to a reduction in regional Vehicle Miles Travelled for this local-serving use;
- The proposed project would contribute an approximately 1.4 percent increase in traffic volumes between current and future 2040 conditions, and will pay a fair share contribution towards the cost of the future roundabout project at the SR 116/SR 121 intersection to reduce the traffic impact to a less than significant level and ensure the project does not conflict with traffic-related programs, plans, ordinances, or policies;
- Prior to beginning dispensary operations, the project would construct or install a median on SR 121 in order to limit turning movements across the highway centerline onto the property (i.e., driveway access would be limited to right turns in and out);
- Only minor exterior alterations are proposed to existing buildings; overall visual character of the area would be maintained;
- The proposed dispensary storefront operation will be located on the eastern boundary of the parcel (furthest away from the Vineyard Inn hotel); any future use of existing structures near the western property boundary nearer to the hotel would be for employee uses only; and
- The row of tall trees along the western property boundary between the project site and the Vineyard Inn hotel would be maintained to form a visual barrier between the two land uses.

PROJECT SITE AND CONTEXT

Area Context and Surrounding Land Uses

Direction	Land Uses
North	SR 121/Fremont Drive; hayfields, row crops, vineyards, and agricultural processing (wineries) on Land Intensive Agriculture (LIA) and Diverse Agriculture (DA) zoning
South	Hayfields, vineyards, and residential uses on LIA and DA zoning; Cornerstone on Limited Commercial (LC) zoning; Sonoma Valley Airport on Public Facilities (PF) zoning
East	Musea, mini storage, and warehousing on LC zoning; Hayfields, vineyards, and residential uses on LIA and DA zoning
West	SR 121; Vineyard Inn on Recreation & Visitor-Serving Commercial (K) zoning; Bonneau's gas station and Carneros Deli on LC zoning; hayfields, row crops, vineyards, and agricultural processing (wineries) on DA zoning; hayfields, small animal husbandry and residential uses on Agriculture and Residential (AR) zoning

See also Attachment 3. Figure 1. Vicinity Map, Figure 2. Aerial Map, Figure 3. Aerial Blowup Map, Figure 4. Land Use Map, and Figure 5. Zoning Map.



Access

Regional access to the project site is from either State Route 116 (SR 116) or State Route 121 (SR 121), both of which are major state highways. A future roundabout project is programmed for construction at the SR 116/ SR 121 intersection by Caltrans (scheduled for completion in 2024, but likely will be a year or two later). The proposed roundabout is a hybrid multilane roundabout with 180 degrees of the circulatory roadway having two lanes, a full right-turn bypass lane in the northbound direction, and a partial right-turn bypass lane (yield control at the exit) in the westbound direction (See Figure 3 in Traffic Impact Study, Page 13 of Attachment 5).

A Sonoma County Transit bus stop and a Caltrans park and ride are present immediately south of the SR 116/ SR 121 intersection; the park and ride is on the southeast corner. These transit features are proposed to be relocated to the northerly side of the intersection by the future roundabout project.

The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway (on-street bike lanes for one-way travel on either side of a street) along SR 121 in the project area; currently, cyclists use the road shoulder. Pedestrian sidewalks are absent along the entire property road frontage, and throughout the Big Bend area, but are proposed as part of the Caltrans roundabout project.

Primary access to the commercial portion of the project site is from a paved driveway off SR 121 (also called Fremont Drive at this location) on the northeastern property frontage. A smaller, unpaved driveway about 130 feet to the west of the commercial driveway serves an existing residential unit (Attachment 3. Figure 6. Site Plan Set).

Water/Wastewater/Utilities

The site is served by a private well and a private mound septic system.

The parcel is serviced for electrical power and telecommunications through various providers.

PROJECT DESCRIPTION

Existing Facility

The project site is located at 15 Fremont Drive, immediately east of the intersection of SR 116 with SR 121 in an unincorporated area of Sonoma County approximately 2.5 miles south of the City of Sonoma (Figure 1). The 5.09-acre site is located in a cluster of seventeen commercially zoned parcels often called Big Bend or Four Corners, and is developed with an existing commercial retail building, a detached restroom building, a garage, a single-family dwelling, and other accessory structures including several storage buildings (Figures 2 & 3). All buildings are located in the northern half of the parcel near SR 121 (also called Fremont Drive at this location). The main commercial building, restroom building, and several of the accessory structures were formerly used as a pottery and garden shop and is currently a salvage and design company. The three-bedroom single-family residence and detached garage are used as a rental unit. Primary access to the commercial portion of the project site is from a paved driveway off SR 121/Fremont Drive on the northeastern property frontage. The existing customer parking lot is partially improved, located to the west and south of the main commercial building, and accessed from the main commercial driveway. A smaller, unpaved driveway about 130 feet to the west of the commercial driveway serves the residential unit. Additional, unpaved parking is located adjacent to



the residence and detached garage. The site is served by a private well and a commercial mound septic system. The southern half of the parcel contains no structural development, but does contain septic tanks and leach fields, and is vegetated primarily by non-native grasses. A row of trees (mostly eucalyptus) occurs on the western property boundary, visually separating the site from the adjacent Vineyard Inn hotel. Other ornamental trees and shrubs are scattered around the property.

Proposed Dispensary

Sevenfold proposes a commercial cannabis dispensary operation utilizing multiple existing structures. The dispensary would include onsite retail sales and delivery service. Storefront dispensary services and delivery service would be available during regular hours of operation 7:00 am to 7:00 pm Monday through Saturday, and 10:00 am to 6:00 pm on Sundays. The operator anticipates an average of 300 patrons per day would visit the dispensary, and that the operation would have a maximum of 11 employees on-site per day, with typically 7 on-site at one time, including delivery drivers.

The dispensary will implement a site security plan (held confidentially at Permit Sonoma). 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 be made from one or more separate product storage buildings. 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.

Structures used in the operation would be redeveloped in two phases. See Attachment 3. Figure 6. Site Plan Set for details.

The **Phase I** operation would include the 1,328-square-foot commercial retail building, 48-square-foot detached restroom building, and a 630-square-foot storage building located behind (south of) the retail building. The restroom building would be used by customers and employees, while the separate storage building would be used only by employees for secure product storage and office space. The existing parking area would be reconfigured and repaved, as needed, to provide 22 parking spaces, including 1 van-accessible space. Phase I structural improvements include only interior tenant improvements and exterior concrete work around the retail and restroom buildings to provide accessible access ramps from the parking lot. No new structures or substantial physical changes to building exteriors are proposed. The existing 1,205-square-foot single-family dwelling would be used as an employee residence.

Changes to current site access would be required prior to operation, including limiting turning movements across the highway centerline onto the property (i.e., driveway access would be limited to right turns in and out), and either widening or abandoning the residential driveway.

Frontage improvements (curb, gutter, and sidewalk) along the project's SR 121 frontage would be constructed in coordination with the State's proposed roundabout project to be located at the SR 116/SR 121 intersection (estimated to occur in 2024, but could be later). Frontage improvements might occur during either Phase I or Phase II, depending on timing of the roundabout project.



The **Phase II** operation would incorporate additional structures on the property as they are needed for ancillary uses. Phase II would not include any changes to the overall operation; the size of the retail building and hours of operation would remain unchanged. All Phase II improvements are associated with employee and support uses, such as additional storage and office space. The 1,205-square-foot single-family dwelling may continue to be used as an employee residence, or may be converted to employee office and break room space. Other existing accessory structures may also be incorporated into the operation for additional storage or office space or left vacant, depending on need. Structures include: a 204-square-foot storage building, 533-square-foot storage building, 51-square foot restroom building, and a 600-square-foot detached garage. As with Phase I, no substantial changes would be made to the building exteriors or the property overall. Any buildings incorporated in the commercial operation would be upgraded to meet current building code and accessibility standards.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
5/15/2018	Application Submission
8/30/2018	First Project Revision
9/28/2018	Second Project Revision
10/10/2018	Third Project Revision
10/10/2018	Complete for Processing - Ready for Referral
10/12/2018	Referral to appropriate agencies
10/12/2018	Early Neighborhood Notification (300 ft)
11/28/2018	Project heard at Sonoma Valley Citizens Advisory Commission
12/14/2018	Referral Closed - Additional Information Required
4/10/2020	Fourth Project Revision
11/5/2020	Fifth Project Revision
11/5/2021	Sixth Project Revision
12/3/2021	Complete for Processing – Ready for CEQA
2/18/2022	Mitigated Negative Declaration Published through the State Clearinghouse
2/18/2022	Public Notice for Mitigated Negative Declaration (1,000 ft + Interested Parties)
3/11/2022	Notice of Public Hearing (1,000 ft + Interested Parties)

Prior Review

No prior actions have been undertaken for the Project.

General Plan and Area Plans

The project is not subject to an area or specific plan. The following General Plan policies are applicable to the project:

LAND USE ELEMENT



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



Policy LU-20j: Encourage the development or redevelopment of existing commercial land as a greater priority than designation of additional lands for new commercial uses [...]

OPEN SPACE AND RESOURCE CONSERVATION ELEMENT

Policy OSRC-3c: Establish a rural Scenic Corridor setback of 30 percent of the depth of the lot to a maximum of 200 feet from the centerline of the road unless a different setback is provided in the Land Use Policies for the Planning Areas. Prohibit development within the setback, with the following exceptions [...]

(3) Maintenance, restoration, reconstruction, or minor expansion of existing structures.

CIRCULATION AND TRANSIT ELEMENT

Policy CT-7nn: Require a traffic analysis and consider cumulative weekend traffic impacts in the review of discretionary projects throughout the Sonoma Valley Planning Area.

Policy CT-7uu: Work with Caltrans in considering intersection improvements at Highways 116 and 121 and passing lanes, and access management along Highway 121 to reduce congestion, provided that the improvements are consistent with the designated road classifications.

Zoning

The table below summarizes: 1) the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance (Sec. 26-10-040), 2) the existing condition, 3) the proposed project condition, and 4) whether the project is consistent.

Standard	Ordinance Requirement	Existing Condition	Proposed Project
Land Use	Limited Commercial (LC)	Commercial mixed-use (commercial & residential)	Dispensary allowed with Use Permit under Sec. 26-10-030; Consistent
Lot Area	1.5 acre minimum	5.09 acres	No Change; Consistent
Front Setback – Fremont Dr/SR 121	No minimum	~20 ft	No Change; Consistent
Side Setback	No minimum	~5 ft (east) / ~15 ft (west)	No Change; Consistent
Rear Setback	No minimum	>500 ft	No Change; Consistent
Height	35 ft	<20 ft	No Change; Consistent
Lot Coverage %	50 %	<5 %	No Change; Consistent
Parking (Sec. 26-86-010(c))	20 spaces	~10 spaces	22 proposed; Consistent
Scenic Corridor Protection (Sec. 26-64-030(a)(3))	N/A for existing structures	N/A	N/A
Valley Oak Protection (Sec. 26-67-030)	Compensation required for valley oak removal	No tree removal proposed	No Change; Consistent
Dispensary Location Requirements (Sec. 26-88-256(f)(1))	No on-site residence; 100 ft setback fr R District	*On-site residence; >600 ft to AR Zoning	*See On-Site Residence Discussion; >100 ft; Consistent with R District setback



Standard	Ordinance Requirement	Existing Condition	Proposed Project
Dispensary Location Requirements (Sec. 26-88-256(f)(2) & (3))	1,000 ft setback fr sensitive uses (e.g., park, school)	Tolay Lake Regional Park >2 miles to SW; Presentation School >2 miles to N	>1,000 fr; Consistent

ANALYSIS

Consistency with General Plan

The project parcel has a Limited Commercial land use designation in the Sonoma County General Plan. This category is intended to accommodate retail sales and services for the daily self-sufficiency of local rural or urban neighborhoods or communities in keeping with their character. The proposed dispensary supports the local-serving retail Land Use goals to provide retail cannabis products to residents of southern Sonoma Valley, and involves redevelopment of existing commercial structures in support of Policy LU-20j. A discussion of the project's compatibility with the local community is provided below in the Neighborhood Compatibility section.

Policy CT-7nn requires traffic analysis, including consideration of cumulative weekend traffic impacts for discretionary projects in Sonoma Valley. A Traffic Impact Study was conducted for the project; results of the study are discussed below under Environmental Analysis – Traffic & Circulation System, Trip Generation.

Policy CT-7uu requires that discretionary projects consider intersection improvements on SR 116 and SR 121, and passing lanes, and access management along Highway 121 to reduce congestion, in consultation with Caltrans. Caltrans reviewed the proposed project during the agency referral process, and provided comments related to paying a fair share contribution and coordinating project site access and frontage improvements with their future roundabout project (Conditions of Approval 8, 41-42, 44-46, 52-53). The traffic study evaluated the need for intersection improvements at three nearby intersections; results of this analysis are discussed below under Environmental Analysis – Traffic & Circulation System, Intersection Improvements.

Consistency with Zoning Code

The project parcel has Limited Commercial zoning, which is intended to provide 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. As summarized in the above Zoning Table, all permitted building intensity and development standards are met by the proposed project. Additional discussion is provided below for parking and dispensary location requirements. A discussion of the project's compatibility with the local community is provided below in the Neighborhood Compatibility section.

Parking

Section 26-88-010(c) sets parking requirements for dispensaries based on customer floor area and employee number:

2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces



Unlike many other land uses, determination of parking needs for a dispensary requires two separate calculations- one for customers and one for employees. Customer spaces are calculated as a percentage of the dispensary gross floor area, which includes the retail floor area, security check-in, consultation rooms, public-use restrooms, and any other space open to customers or operated as part of the customer interaction. Employee support spaces, like offices, secured product storage areas, and bathrooms closed to the public, are not included in the dispensary floor area for the parking determination because the regulations contain a specific, separate employee requirement based on the actual number of employees present on-site per shift. One space is required per employee; employee support spaces do not generate additional employee parking need over the one space per employee.

The applicant anticipates a maximum of 11 employees would be present at the site per day to run the operation, typically with 7 employees on-site at one time. Therefore, the proposed dispensary requires 20 spaces to meet code:

2 spaces (including 1 van-accessible space) +
7 spaces for 1,376 square feet of customer area (1,328-sq-ft commercial retail building + 48-sq-ft detached restroom building) +
11 spaces for a maximum of 11 employees per day
= 20 spaces

Note that this calculation is conservative in that it uses the maximum number of employees at the site per day (11), rather than the typical number on maximum shift (7). The project proposes 22 spaces, which exceeds requirements. The project has an existing parking lot that would be reconfigured and repaved, as needed, to provide the 22 parking spaces, including 1 van-accessible space. Condition of Approval 21 requires that a minimum of 22 parking spaces be provided.

There is additional existing unpaved parking space and an existing garage near the residence; Condition of Approval 22 requires that at least one on-site parking space be maintained for the existing residence for as long as use of the structure as a caretaker unit is continued. If the residence is converted into commercial office space during Phase II, parking improvements to meet commercial accessibility would be required per Conditions of Approval 30-31. There is sufficient space available to accommodate these potential future improvements.

Five bicycle parking spaces are also required by code Sec. 26-86-010(a), and by Condition of Approval 23.

Location Requirements

Section 26-88-256(f) sets the following property setbacks for cannabis dispensaries:

- 1) *A cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.*
- 2) *A cannabis dispensary shall not be established within one thousand feet (1,000') of any other cannabis dispensary or a public park, nor within five hundred feet (500') from a smoke shop or similar facility.*
- 3) *A cannabis dispensary shall not be established within one thousand feet (1,000') from a school providing education to K-12 grades, childcare center, or drug or alcohol treatment facility.*



- 4) *Notwithstanding, the subsections (f)(1) and (2) may be waived by the review authority when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.*

On-Site Residence (Sec. 26-88-256(f)(1))

Code Section 26-88-256(f)(1) above states that “A cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence.” Staff interprets this to mean a separate residential use by occupants not associated with the proposed dispensary, and that the prohibition does not apply to dwelling units that are accessory to the principally permitted use.

The existing residence was established prior to the County’s Zoning Code and is considered a legal nonconforming use. Current code requires that a residence in Limited Commercial zoning obtain a Use Permit to allow either a general single-family residential use or a caretaker unit. Authorizing the dwelling as a caretaker unit under this Use Permit would both legalize the unit and comply with the location requirements, which prohibit a separate residential use. Residential use standards for a caretaker dwelling (Sec. 26-24-080) require that the residence be “accessory to a non-residential primary use of the site where needed for security or 24-hour care or supervision.” Renting the unit to an employee caretaker would enhance on-site security and would not result in impacts to on-site residents, compared to continuing the use as a rental to a tenant unassociated with the cannabis operation (which would require a waiver under Sec. 26-88-256(f)(4) above).

Condition of Approval 24 requires that if the residential use is maintained, the unit must be rented as a caretaker unit to an employee of the on-site dispensary.

Existing unpaved parking space and an existing garage near the residence would continue to provide parking for resident employees, as required by Condition of Approval 22.

Residential Zoning District Setback – 100 feet (Sec. 26-88-256(f)(1))

The nearest parcel with residential zoning (AR- Agriculture and Residential) is over 600 feet to the west on the other side of SR 121. The project meets the 100-foot residential zoning district setback.

Sensitive Use Setback – 1,000 feet (Sec. 26-88-256(f)(2) & (3))

No sensitive uses, such as public parks, schools, childcare centers, or treatment facilities, have been identified within 2 miles of the project parcel. The project meets the 1,000-foot sensitive use setback.

Environmental Analysis

Traffic & Circulation System

Trip Generation. The operator anticipates an average of 300 patrons per day would visit the dispensary and that the operation would have a maximum of 11 employees on-site per day, including delivery drivers.

A Traffic Impact Study prepared by W-Trans (November 22, 2021) found that the project is expected to generate an average of 448 vehicle trips per day, including 24 trips during the weekday morning peak and 42 trips during the weekday evening peak, neither of which would result in a significant traffic impact to the area. The study did



not identify any weekend peak hours, given that the workday commute generates the most congestion to the roadway system in the project area (located near the intersection of two state highways- SR 116 and SR 121). An Addendum to the traffic study was prepared (December 3, 2021) to clarify that the analysis provided in the Traffic Impact Study represents the worst-case condition for the roadway network, as congestion associated with the workday commute is generally highest, while congestion is generally not as severe on weekends, and particularly on Sundays – which tend to be the lowest-volume day of the week. The addendum also notes that because analysis of Sunday operations is not typical, rates are not available to allow analysis of Sunday conditions. However, the addendum concludes it is reasonable to anticipate that the project would have a lesser effect on weekends, including Sundays, given the lower background traffic volumes.

Intersection Improvements. As required by Sonoma County General Plan Policy CT-7uu, the study evaluated the need for intersection improvements at three nearby intersections: SR 116/Arnold Drive, SR 116/SR 121/Bonneau Road, and SR 121/SR 12. Two of these intersections are already signalized- SR 116/Arnold Drive and SR 121/SR 12. The study determined that both of these intersections are currently operating acceptably (Level of Service B or C) and would continue to do so under existing conditions with the added project trips (Level of Service B or C). Under future conditions (horizon year 2040), operation at both of these intersections with and without the project, would be expected to worsen (Level of Service E or F). However, future turning queues would be expected to increase by five feet or less, which would not be expected to exceed existing storage capacity, and no intersection improvements (such as longer turn lanes) were determined to be warranted at those locations.

The nearest intersection to the project - SR 116/SR 121/Bonneau Road – is an unsignalized four-legged intersection with stop controls on all approaches and a northbound channelized right-turn lane with yield controls on the eastbound through movement. The intersection is currently operating unacceptably (Level of Service E) and would continue to do so under existing plus project (Level of Service E) and future conditions with or without the added project trips (Level of Service F). The project would contribute approximately 1.4 percent of the increase in volumes between current and future 2040 volumes. A future roundabout project is already programmed for construction at this intersection by Caltrans (scheduled for completion in 2024, but could be later). After construction of the roundabout, the intersection would be expected to operate acceptably (Level of Service A or B). Mitigation Measure TRANS-1 (Condition of Approval 8) requires payment of a fair share contribution towards the cost of the future roundabout project at that intersection, calculated at \$107,000.00. Implementation of this measure would reduce the traffic impacts to a less than significant level and ensure the project does not conflict with traffic-related programs, plans, ordinances, or policies.

Site Access Improvements. Due to the channelized SR 121 approach and the horizontal curve in the roadway, adequate sight distance towards the west is not available at either of the project driveways. The project will not change this existing roadway condition, but could intensify an incompatible use by increasing the number of customer vehicles entering and exiting the project site (estimated to be 300 customers per day). Mitigation Measure TRANS-2 (Condition of Approval 44) requires that the applicant construct or install a median on SR 121 in order to limit turning movements across the highway centerline onto the property (i.e., driveway access would be limited to right turns in and out) prior to beginning dispensary operations. Design of the median is subject to Caltrans approval, and would be coordinated with the roundabout plans through the encroachment permit process as required by Condition of Approval 41. Construction of the median would reduce the potential impact to a less than significant level.



Transit and Pedestrian Facilities. A Sonoma County Transit bus stop and a Caltrans park and ride are present at the SR 116/121 intersection. These transit features are proposed to be relocated to the northerly side of the intersection by the future roundabout project. The dispensary project would not conflict with the proposed transit improvements.

The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway (on-street bike lanes for one-way travel on either side of a street) along SR 121 in the project area; currently, cyclists use the road shoulder. Pedestrian sidewalks are absent along the entire property road frontage, and throughout the Big Bend area, but are proposed as part of the Caltrans roundabout project. The dispensary project does not propose new construction in or near the right of way which could interfere with future road widening to accommodate bike lanes or pedestrian sidewalks, and therefore, would not conflict with proposed bicycle or pedestrian facilities. All access improvements would be coordinated with the roundabout plans through the encroachment permit process as required by Condition of Approval 41. Condition of Approval 23 requires installation of 5 bicycle parking spaces to encourage bicycle transportation.

Vehicle Miles Travelled. As there are currently no operating 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. Although not currently operating, the City of Sonoma approved a new Sparc dispensary at 19315 Sonoma Highway on May 13, 2021, and the County Board of Supervisors approved the new Loe Firehouse dispensary at 15499 Arnold Drive in Glen Ellen on September 14, 2021. Both are within 5-8 miles of the proposed project site and within Sonoma Valley. As these other dispensaries open for business, vehicle miles travelled are likely to be further reduced as customers would be most likely to frequent whichever dispensary is closest to them or along their typical commute route.

Peer Review. The County's Guidelines for Traffic Impact Studies (May 2016) require a third-party peer review of traffic studies for all projects affecting a State highway (<https://sonomacounty.ca.gov/TPW/Roads/PDF/Traffic-Study-Guidelines/>). A peer review of the W-Trans Traffic Impact Study was conducted and accepted by the Sonoma County Department of Transportation and Public Works. The final (November 22, 2021) Traffic Impact Study incorporates all recommendations of the County-approved peer review.

Conclusion. Project traffic is expected to have a less than significant impact on the traffic circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Noise

Dispensaries, and retail in general, are typically not considered to be noise-generating uses because all storefront operations would occur inside the existing commercial building. Proposed hours of operation for the dispensary are 7:00 am to 7:00 pm (10:00 am to 6:00 pm on Sundays), when ambient traffic noise from SR 121 would also be occurring. No nighttime operations would occur. It is, therefore, reasonable to assume that the facility would operate in compliance with General Plan noise standards. No operational noise impacts are anticipated.



Nearby Hazardous Materials Sites

Two known hazardous materials sites near the project site have been remediated and the cases closed after cleanup was completed; both were LUST (Leaking Underground Storage Tank) sites.

- Bonneau's Shell Station, located about 500 feet to the west, was closed on 7/17/2020. Contaminants of concern included diesel, gasoline, waste oil and other automotive fluids.
- The Vineyard Inn Hotel, located about 400 feet to the southwest, was closed on 7/12/2012. Gasoline was the contaminant of concern.

There is one hazardous materials site which is still open and undergoing remediation with the San Francisco Bay Regional Water Quality Control Board.

- The Spanier Property, located about 500 feet to the east, is a former fabric coating business currently undergoing remediation. Contaminants of concern include various chlorinated hydrocarbons used in the production process of military camouflage gear.

Due to these known sites, and the applicant's intent to use well water for domestic uses, a water quality analysis was included in the Hydrogeologic Study for the project (Hurvitz Environmental Services, 2/26/2020). The study collected and analyzed groundwater samples from the project well and determined that the well was not being impacted by petroleum hydrocarbon or chlorinated hydrocarbon contamination, concluding that the identified contaminated sites are not a threat to groundwater quality at the subject property. Therefore, the project site's location near a known hazardous materials site would result in a less than significant impact to the public and the environment.

Although the hydrogeologic report concluded that potential impacts from hazardous material sites (i.e., petroleum hydrocarbon or chlorinated hydrocarbon contamination) would be less than significant, the study identified an additional concern, that the seal depth of the existing domestic water well is unknown. The County's Water Well Construction Standards (County Code Chapter 25B) require a minimum 50-foot-deep annular seal for a domestic well within either 1,000 feet of a closed known contaminated site or within 2,500 feet of a known open contaminated site. The project well is within 500 feet of both open and closed sites, and therefore, the project must either drill a new Class II well (with a 50-foot annular seal) or conduct water quality sampling and implement a well head treatment and monitoring plan for any contaminants identified in exceedance of standards. A Well Head Treatment and Monitoring Plan has been submitted (Hurvitz Environmental Services Inc., 4/12/2021). Condition of Approval 58 requires five years of water quality sampling and, if warranted, implementation of the treatment plan.

CEQA Determination

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that the project is subject to CEQA. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed.

As a result of the Initial Study, it was determined that project impacts could be mitigated to a less than significant level; therefore, a Mitigated Negative Declaration was prepared for the project. This document



identifies mitigation measures and a monitoring program for the proposed project. Two mitigation measures for potential transportation impacts are included in the Mitigated Negative Declaration (TRANS-1 and TRANS-2, described above), and have been incorporated into the project conditions of approval. With incorporation of these mitigation measures, the project is expected to have a less than significant impact.

For a more detailed analysis of potential transportation impacts and associated mitigation measures, please refer to the Transportation section of the CEQA Initial Study/Mitigated Negative Declaration (Attachment 8, Pages 40-43).

PUBLIC COMMENTS/NEIGHBORHOOD COMPATIBILITY

A neighborhood notification was distributed to property owners within 300 feet of the subject property line on October 12, 2018. Two written public comments on the proposed project were received, which were subsequently registered to the project file. One comment cited general opposition to all cannabis permits along the SR 121 corridor. The other, from the neighboring Vineyard Inn property owners, raised a few areas of potential concern including business incompatibility with a family hotel, traffic safety related to driveway ingress/egress, and property ownership. These comments were not in response to a formal public review period or County action.

On February 18, 2022, notification of the County's intent to adopt the proposed Mitigated Negative Declaration was distributed to property owners within 1,000 feet of the subject property line, and to those requesting notification an Interested Party. Notice was also posted on-site and in the surrounding areas. As of the staff report publication date, no public comments have been received on the Mitigated Negative Declaration.

Neighborhood Compatibility

The commenter states that families and children stay at the hotel and they are concerned for the safety of their guests. As noted above, the dispensary will implement a security plan which includes measures intended to facilitate public safety of the surrounding area by limiting potential for opportunistic crime at the site (e.g., controlling site access, implementing alarms and cameras to discourage break-ins, limiting cash on hand to discourage theft). With implementation of the Security Plan, the project is not anticipated to attract opportunistic crime or result in any undue impacts to public safety.

There will also be an employee resident on the project site to enhance site security during the initial operating phase of the project (Phase I). In the future, the residence may be partially or fully converted to employee support space.

In addition, the proposed dispensary storefront operation will be located on the eastern boundary of the parcel (furthest away from the hotel); any future use of existing structures near the western property boundary nearer to the hotel would be for employee uses only. A row of tall trees (mostly eucalyptus) is present along the western property boundary between the project site and the hotel, forming a visual barrier between the two land uses.

The project site is also located on major north-south and east-west state highway routes within a commercial "hub" in one of the larger pockets of commercial zoning within the unincorporated county. Most of the



surrounding land is commercial or agricultural. A limited amount of residential zoning is present in the vicinity; the nearest is greater than 600 feet to the west on the opposite side of SR 121.

For all of these reasons, the project was determined to be compatible with the surrounding neighborhood.

Site Access

The traffic study determined that the project driveways do not have adequate site distance towards the west. The project will not change this existing roadway condition, but could intensify an incompatible use by increasing the number of customer vehicles entering and exiting the project site (estimated to be 300 customers per day). Mitigation Measure TRANS-2 (Condition of Approval 44) requires that the applicant construct or install a median on SR 121 in order to limit turning movements across the highway centerline onto the property (i.e., driveway access would be limited to right turns in and out) prior to beginning dispensary operations. Design of the median is subject to Caltrans approval, and would be coordinated with the roundabout plans through the encroachment permit process as required by Condition of Approval 41. Construction of the median would reduce the potential impact to a less than significant level.

Property Ownership

The commenter states that they do not believe the applicant has a lease to operate on the parcel. However, the current landowner has provided authorization for the dispensary application to proceed, and a commercial lease/purchase agreement for the subject property.

SONOMA VALLEY CITIZENS ADVISORY COMMISSION

On November 28, 2018, the project was reviewed by the Sonoma Valley Citizens Advisory Commission, a joint advisory agency with representation from the County of Sonoma and the City of Sonoma. The Commission discussed several topics, but mostly focused on concerns related to trip generation, traffic circulation, and ingress/egress safety due to the site access off SR 121 near a major intersection where a future roundabout is proposed. Two members of the public provided comments: one concerned about traffic safety and the other in support of the project due to its location away from dense residential neighborhoods. Ultimately, the project received a 9:1 vote (9 Yes; 1 No), and was recommended for approval by the Advisory Commission.

RECOMMENDATIONS

Staff Recommendation

Staff recommends approval of the Use Permit subject to Conditions of Approval.



ATTACHMENTS

1. Draft Resolution
2. Draft Conditions of Approval
3. Figures: 1. Vicinity Map; 2. Aerial Map; 3. Aerial Map Blowup; 4. Land Use Map; 5. Zoning Map; 6. Site Plan Set
4. Sevenfold Proposal Statement, 11/5/2021
5. Final Traffic Impact Study for the 27 Fremont Dispensary, W-Trans, 11/22/2021
6. Addendum to the Final Traffic Impact Study for the 27 Fremont Dispensary, W-Trans, 12/3/2021
7. Sonoma Valley Citizens Advisory Commission Meeting Minutes – Item 4, 11/28/2018
8. Draft Mitigated Negative Declaration, 2/18/2022
9. Hydrogeologic Study, Hurvitz Environmental Services Inc., 2/26/2020
10. Well Head Treatment and Monitoring Plan, Hurvitz Environmental Services Inc., 4/12/2021
11. Public Comments received prior to 2/18/2022