Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: UPC17-0039
DATE: November 19, 2020
TIME: At or after 1:10 PM
STAFF: Cecilia Jaroslawsky, Project Planner

SUMMARY

Property Owner: B & O Enterprises, LLC (Thomas P. Brunsing, Manager; Erik E Olsberg, Manager; William Rotz, Manager)
Applicant: Pure Analytics, LLC (Samantha J. Miller, Jason B. Bruhn)
Address: 5468 Skylane Boulevard, Santa Rosa
Supervisory District(s): 4
APN: 059-340-040
Description: Request for a five-year limited-term Use Permit for a cannabis testing laboratory, including 5,642 square feet in Individual Suites 102, 107, 200, within an existing 15,976-square foot building on a 1.65-acre parcel.
CEQA Review: Categorical Exemption
General Plan Land Use: Limited Industrial (LI)
Specific/Area Plan Land Use: Airport Industrial Area Specific Plan/Industrial Park (MP)
Ordinance Reference: 26-44-020(q) –

- Commercial Cannabis Uses

Zoning: Industrial Park District (MP), Valley Oak Habitat (VOH)
RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the request, with conditions, for a five-year limited term Conditional Use Permit for 5,642 square feet of cannabis testing, along with specified conditions of approval, for the property at 5468 Skylane Boulevard.

EXECUTIVE SUMMARY

Samantha J. Miller and Jason B. Bruhn, on behalf of Pure Analytics, LLC request a limited-term Use Permit for a cannabis testing laboratory, including 5,642 square feet in Individual Suites 102, 107, 200, within an existing 15,976-square foot building on a 1.65-acre parcel, as described below:

- Total Permitted Testing Area = 5,642 square feet
  - 3,250 square feet of laboratory and client receiving area in Suite 102 (Type 8 state license)
  - 1,042 square feet of laboratory in Suite 107 (Type 8 state license)
  - 1,350 square feet of offices and employee areas in Suite 200 (Type 8 state license)

The applicant is currently participating in the Sonoma County Penalty Relief Program and is currently testing cannabis within Suite 102 of the building (3,250 square feet).

Staff recommends approval of this permit for the following reasons:

- The use is similar to other light industrial uses in the surrounding area, and the project site is located within an urban service area and has public services;
- The project will not change the visual appearance of the area and will not generate high levels of noise or vehicle traffic, and conditions of approval limit the number of on-site employees to ensure no impacts to on-site parking;
- Commercial cannabis laboratories and testing is an allowed use with a Conditional Use Permit in the Industrial Park (MP) Zoning District;
- The project complies with the development standards and adheres to the operational requirements of the Industrial Park Zoning District; and
- The project involves no grading, no tree removal, and no encroachment into environmentally sensitive areas and is exempt from CEQA.

PROJECT SITE AND CONTEXT

Area Context and Surrounding Land Uses

The project site is a 1.65-acre parcel on the east side of Skylane Boulevard, north of Airport Boulevard and south of Aviation Boulevard, in the Airport Boulevard Business Park North Subdivision (see ATT 3 & 4 – Vicinity Map and Aerial Map).

The site is developed with a 15,976-square-foot two-story multi-tenant office/warehouse building. The submitted site plan shows a parking lot with 91 parking spaces, and landscaping surrounding the building. Mature trees border the parcel property line, including frontage along Skylane Boulevard. The existing building is divided into non-residential tenant suites. Some of the existing tenant spaces in the building contain separate entrances, and others are accessed from a central entrance. Second floor units have access via a shared elevator or shared stairwells. The building is occupied by various office tenants, including the applicant’s existing testing
lab, an engineering firm, a geotechnical and environmental engineering firm, a construction firm, a law office, a print and design company, and a currently vacant suite.

Although the area includes several undeveloped parcels, the surrounding area is largely developed and located within unincorporated Sonoma County. Surrounding parcels are zoned Industrial Park or Public Facilities. Surrounding land uses include offices, warehousing, distribution, a motorcycle rental agency, vacant land, and the Sonoma County Airport. The project site is 300 feet north of the Sonoma County Office of Education and about 1,000 feet east of the Sonoma County Detention Facility. There are no residences within at least 1,000 feet of the subject site. The site is approximately 1,500 feet east of the Sonoma County Airport.

**PROJECT DESCRIPTION**

The proposed project would include 5,642 square feet of testing in three (3) separate tenant spaces within the building. One space would be on the second floor (Suite 200), and two spaces would be on the ground floor (Suites 102 and 107).

Suite 102 (3,250 square feet) would serve as the primary laboratory and the location where clients can submit samples for testing. Suite 107 (1,042 square feet) would contain additional laboratory space. Suite 200 (1,350 square feet) would contain five offices, a small kitchen for staff, and a reception area. Suites 107 and 200 would not be open to the public.

The use would consist of a laboratory equipped to conduct tests on raw and manufactured cannabis products. Testing includes but is not limited to verifying chemical contaminants and evaluating the physical attributes of cannabis samples. Cannabis testing samples would generally be up to 25 grams and would be delivered to the site by clients. The applicant would also pick up samples from clients’ locations, if requested. Deliveries would occur in passenger vehicles or their equivalent, and there would be no large-scale shipping/receiving.

The facility would not be open to the general public. However, medical marijuana patients could submit personal-cultivation samples for testing by advance appointment only. The facility would be limited to 46 drop-offs by medical cannabis patients per month, or an estimated 1.5 visitors for testing per day.

Business hours would be Monday through Friday, from 8:00 a.m. to 8:00 p.m. Site operations would generally occur during the same time period, with employees occasionally being on-site beyond business hours. Deliveries would be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The applicant proposes a maximum of 30 employees at any time during peak operation.

The project does not propose exterior alterations. The only changes to the existing structure would be minor interior tenant improvements.

According to Permit Sonoma’s Permit History Lookup, there are no violations on the project site. The applicant is compliant on taxes for the Penalty Relief Program and has no prior convictions or arrests.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Uses</th>
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<tbody>
<tr>
<td>South</td>
<td>Industrial Park (MP): A 0.81-acre parcel containing Tonti Family Wines corporate office.</td>
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<tr>
<td>East</td>
<td>Industrial Park (MP): Two undeveloped parcels, one containing 3.54 acres and one containing 7.10 acres.</td>
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<tr>
<td>West</td>
<td>Public Facilities (PF): Two parcels, one containing 1.82 acres and one containing 3.81 acres with the Eagle Distributing Company straddling both parcels.</td>
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Access
The project site is accessed via Skylane Boulevard, a County-maintained public road. All vehicular access would be through a private driveway which leads from Skylane Boulevard to the building. Skylane Boulevard is accessed by Shiloh Road to the north and Airport Boulevard to the south. (See ATT 4: Aerial Map).

Wildfire Risk
The proposed project site is located within the Sonoma County Fire Protection District, a Local Responsibility Area, and is mapped as being within a Moderate Fire Hazard Severity Zone.

The nearest fire station to the property is located at 5570 Fire Alarm, approximately 1,000 feet north of the site. The nearest fire hydrant is on Skylane Boulevard, approximately 500 feet south of the site.

Emergency access to and from the site would be controlled through an existing private driveway from Skylane Boulevard which is a County-maintained public road.

Water/Wastewater/Utilities
The Town of Windsor provides water and sewer services for the project site.

Electrical service is provided through PG&E. The structure containing the project site does not have individual electrical meters for each tenant space, limiting the ability to purchase and use renewable energy.

Waste Management Plan Description: Hazardous waste is disposed of through the Sonoma County Small Business Toxics Disposal Program. Pure Analytics is registered as an authorized hazardous waste hauler by the State of California. The project application indicates that cannabis waste is mixed 50:50 with concrete to prevent access by wildlife and other individuals. The concreted waste is disposed of by landfill. All materials used in the process that can be recycled, such as plastic sample containers, are recycled. These used containers are cleaned to remove all residues, labels are removed and then recycled.

Agricultural Conditions/Land Encumbrances/Contracts
There are no agricultural conditions, land encumbrances, or land contracts related to the proposed project.

Other Environmental Conditions
There are no other environmental conditions related to the proposed project.

Project History
The table below summarizes key project milestones and events.

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<thead>
<tr>
<th>Date</th>
<th>Project Event/Milestone</th>
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<tbody>
<tr>
<td>8/30/2017</td>
<td>Application</td>
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<tr>
<td>4/25/2018</td>
<td>Completeness</td>
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<tr>
<td>5/1/2018</td>
<td>Referral to prominent agencies</td>
</tr>
<tr>
<td>11/19/2018</td>
<td>Updated Application Submittal</td>
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<tr>
<td>2/1/2019</td>
<td>Neighborhood Notification</td>
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</table>
ANALYSIS

General Plan Consistency

Sonoma County previously determined that cannabis uses (including testing) are consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. In adopting the Cannabis Ordinances No. 6189 and No. 6245, the Board of Supervisors concluded that cannabis testing may be permitted within the Limited Industrial land use designation subject to securing a Use Permit, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan.

The Limited Industrial land use category allows a smaller range of uses and may also be applied outside Urban Service Areas. Limited Industrial designation provides sites for development to meet service and employment needs where the range or scale of industrial uses is limited. Factors that may limit these uses are lack of public services, incompatible adjacent land uses, and adverse environmental impacts. Industrial parks are included in this category as well as land extensive industrial development.

The following General Plan policies are applicable to the project:

- Policy LU-1.2: Encourage the major share of commercial and industrial growth in the cities but accommodate a limited amount of this growth in unincorporated communities with urban services.
- Policy LU-6i: Provide expanded opportunities for a mix of residential and commercial or industrial use in Urban Service Areas.
- Policy LU-16a: Require full urban improvement standards and services for discretionary commercial, industrial and urban residential projects within the Urban Service Boundary.
- Policy LU-19d: Use the following criteria for approval of discretionary projects in the "Limited Commercial" and "Limited Industrial" category:
  - The use specifically serves the service, employment, or agricultural processing needs of local area residents or the local agricultural community,
  - The use is compatible with adjacent residential or agricultural uses,
  - The use won't adversely affect the level of service on public roadways and will not interfere with the movement of farm vehicles, and
  - If the use is located within a designated scenic corridor, mitigate visual impacts by appropriate setbacks, landscaping, and/or screening.

Staff has concluded that the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan because:

- The project site is located within an Urban Service Area with convenient access to an arterial or collector highway.
- The proposed use would be similar to adjacent and nearby land uses, would be on a developed parcel, and the site has urban services and adequate infrastructure.
- The proposed use serves an urban population and would add to the local workforce.
The proposed project would not add to the wildfire risk of the surrounding area because the use would be enclosed in an existing structure, in an existing industrial park location, accessible by emergency vehicles via Skylane Boulevard with fire hydrants in close proximity and a fire station located approximately 1,000 feet of the project site.

**Sonoma County Airport Specific Plan Consistency**

The Sonoma County Airport Specific Plan provides an intermediate level of detail between the General Plan and site development plans submitted to the County for approval. The Land Use goal(s) and policies center on, and land use policies are discussed by land use category.

The Industrial Park designation aims to provide areas exclusively for modern, non-nuisance industrial activities which are compatible both among themselves and with adjoining non-industrial areas, including the existing Airport Industrial Park on Airport Boulevard west of Laughlin Road, and surrounding agricultural and open space areas. The Industrial Park designation is intended to accommodate light industrial uses such as warehousing and distribution, research and development, administrative activities, light manufacturing and assembly, machine shops, and professional uses.

The following Sonoma County Airport Specific Plan policies are applicable to the project:

- **General (A) Goal 4**: Provide for expanded employment opportunities for county residents in order to achieve County (General Plan) goals for a more balanced distribution between jobs and people, and reduced home-to-work travel.

- **Economic (B) Goal 1**: Place specific plan emphasis on implementing Sonoma County General Plan goals to:
  - Encourage diverse and stable economic growth;
  - Attract industries in order to reduce unemployment in the county’s existing workforce;
  - Encourage development of more local sources of employment to reduce the need for out-of-county commuting; and
  - Assist new industries attempting to locate in the county.

- **Land Use (C) Goal 1**: Accommodate landowner interests and identified market demands for both industrial park and additional heavy industrial land uses within the planning area in order to maximize the pace of economic development.

- **Land Use (C) Goal 13**: In the interest of maximum accommodation of future industrial demands and minimization of traffic volumes, limit retail and service commercial development in the planning area to uses and needs generated by primary internal industrial activities.

The project would be consistent with the goals, objectives, polices, and programs of the Sonoma County Airport Specific Plan because:

- The proposed cannabis testing laboratory would be fully contained in an existing building and is considered a non-nuisance industrial activity;
- The testing laboratory would be similar to nearby industrial and adjoining non-industrial areas;
- Hours of operation would be similar to nearby businesses;
- The project does not propose changes to the exterior of the building or the site;
- The proposed use and existing structure have urban services for water and sewer services;
Zoning Consistency

1. **Base Zoning Regulations: Section 26-44-030, Industrial Park District**

   The proposed operation meets the development criteria under the base zoning set forth in Article 44. Commercial cannabis is allowed with a use permit in compliance with Section 26-88-250. The project would meet all required setbacks, lot coverage, parcel size and density requirements.

2. **Valley Oak Habitat Combining District**

   There would be no tree removal as part of the project, and there are no exterior improvements proposed which could impact trees.

3. **Parking and Loading Requirements: Section 26-44-030(i)**

   The project site meets the zoning requirements for parking and loading. The minimum parking requirements for office space apply to the project as they are the most restrictive and the use classification for all tenancies in the existing building could not be confirmed. The parking requirements for Office Space in the Industrial Park (MP) Zoning District are one (1) space per 275 square feet of gross building floor area when buildings have more than 15,000 square feet of office space. In addition, one parking space is needed for vehicles stored on the premises, including fleet vehicles. This translates to 25 parking spaces for the proposed use, including four additional spaces for fleet vehicles. The entire building requires 58 spaces with the office parking requirement ratio. Per submitted site plans, the site contains a total of 91 parking spaces, including two handicapped parking spaces. The site also contains four loading docks at the rear of the structure.

4. **Industrial Park Zoning District Performance Standards Sec. 26-44-010**

   The Industrial Park Zoning District contains Performance Standards that apply to all industrial park uses in the planning area. These include requiring noise to comply with the noise element of the general plan, not allowing vibration to be discernible with instruments at the project site's lot line, requiring compliance with the Bay Area pollution control district for smoke, dust, fumes, contaminants and odors, shielding any light source used for exterior lighting so it is not directly visible from off site and controlling reflected light to prevent significant off-site glare. Performance standards also require adequate safety devices for all activities involving, and all storage of, flammable and explosive materials, prohibits open burning, prohibits dangerous radioactivity emissions, or electrical disturbance or electromagnetic interference, and requires pretreatment of all wastes detrimental to a public sewer system or detrimental to the functioning of a sewage treatment plant. Where pretreatment is not effective, the waste cannot be discharged to a public sewer system.

   The level of noise generated by the proposed project would fall within the General Plan standards, including transportation-generated noise, because the use is indoor and would generate less traffic than industrial shipping and receiving operations. The proposed testing laboratory would not generate any vibrations and would not change or increase exterior lighting. Conditions of approval set limitations for storage of flammable and explosive materials. The proposed project does not involve the use or emissions of radioactivity.

   The applicant is registered as an authorized hazardous waste hauler by the State of California. Toxic waste would be disposed of through the Sonoma County Small Business Toxics Disposal Program and disposed in a manner not to pollute the environment.

5. **Cannabis Ordinance**

   This commercial cannabis use is conditionally permitted in the MP zoning district, pursuant to Sonoma County Code Section 26-88-250 as outlined in Table 1C: Allowed Cannabis Uses and Permit Requirements for Industrial
Zones. Table 1C shows that Cannabis Testing/Laboratory uses are allowed with a Use Permit within the MP zoning district.

In addition, Sonoma County Code Section 26-88-250 subsections (a) through (p) outline the development and operating standards for commercial cannabis uses including limitations on use, operator qualifications, and operational requirements. These requirements are in addition to those established by the base zoning district (MP Industrial Park).

**Environmental Analysis**

The initial Cannabis Ordinance (Ordinance No. 6189) was subjected to environmental review and a Mitigated Negative Declaration was adopted that incorporated development standards into the code to address potential environmental concerns. Compliance with these development standards helps to limit the potential environmental impacts identified in that analysis.

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and CEQA Guidelines, and California Code of Regulations. Staff has determined that the project is exempt under CEQA Section 15301, Existing Facilities because it involves negligible or no expansion of the existing structure and use.

**NEIGHBORHOOD/PUBLIC COMMENTS**

On February 1, 2019, an early neighborhood notification was sent to neighboring properties within 300 feet of parcel boundaries. To date, Staff has received one response expressing concerns related to increased cannabis consumption in the area, increased traffic, and security. This correspondence is attached to the Staff Report for reference (ATT 11). A notice of Hearing Waiver was published for this project on August 30, 2019. Permit Sonoma received an email in 2019, from a local resident, requesting a blanket public hearing for all Hearing Waivers at that time. Therefore, this project is presented for Sonoma County Board of Zoning Adjustment consideration.

**RECOMMENDATIONS**

**Staff Recommendation**

Staff recommends the Board of Zoning Adjustments approve the Use Permit for a Limited Term Cannabis Testing Laboratory subject to the attached Conditions of Approval.

**ATTACHMENTS**

1. Draft Conditions of Approval
2. Use Permit Proposal Statement
3. Vicinity Map
4. Aerial Map
5. Site Plan
6. General Plan Land Use Map
7. Airport Area Specific Plan Land Use Map
8. Zoning Map
9. Floor Plans
10. Site Photos
11. Opposition Letter
12. Draft Resolution
13. Public Comments