

RESOLUTION NO. PC-2022-009

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR FLORA TERRA, A 1,140-SQUARE FOOT CANNABIS RETAIL FACILITY PROVIDING MEDICAL AND ADULT USE CANNABIS PRODUCTS, LOCATED AT 1226 4TH STREET; FILE NUMBER CUP21-061

WHEREAS, on July 6, 2021, an application was submitted requesting the approval of a Conditional Use Permit for Flora Terra, a Cannabis Retail facility providing products for medical and adult use, to be located at 1226 4th Street, also identified as Sonoma County Assessor's Parcel Number 009-113-019; and

WHEREAS, on August 16, 2021, a Neighborhood Meeting was held to introduce the proposed Cannabis Retail facility to neighbors; and

WHEREAS, on March 24, 2022, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, on March 24, 2022, the Planning Commission considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed dispensary is consistent with the General Plan land use designation of Retail and Business Services and any applicable specific plan. The Project implements several General Plan policies by providing diversity in and increasing employment opportunities; by facilitating the retention and expansion of local business operators; and by placing a retail use meeting everyday needs of Santa Rosa residents within walking distance of residential neighborhoods and along an arterial street where it is easily accessible. The subject site is not within the boundary of a specific plan area.
- B. The proposed Cannabis Retail facility (dispensary) use is allowed within the General Commercial (CG) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The dispensary use is permitted through the approval of a Conditional Use Permit in the CG zoning district and, as conditioned, the Project is required to remain in compliance with Zoning Code Chapter 20-46, which provides operating standards for all cannabis uses.
- C. The design, location, size, and operating characteristics of the proposed activity would be

compatible with the existing and future land uses in the vicinity. The Cannabis Retail facility is proposed in an existing 1,140-square foot commercial building located on an arterial street. The location is easily accessed and provides onsite parking in compliance with Zoning Code Chapter 20-36, and additional street is available. The Project site plan provides circulation and emergency access, and the project materials have been reviewed by the Traffic Division, Fire Department and Engineering Development Services and conditioned appropriately.

- D. The site is physically suitable for the type, density, and intensity of the proposed Cannabis Retail facility, including access, utilities, and the absence of physical constraints. Site circulation includes adequate parking in compliance with Zoning Code Chapter 20-36; the Project site plan allows for emergency access; the application materials include an Odor Mitigation Plan, prepared by Jason Vander Veen, Mechanical Engineer, dated July 2, 2021, stating the dispensary will be equipped with a carbon filtration system, the cannabis industry gold standard, to ensure odors will be contained within the building; the application materials also included a traffic analysis conducted by W-Trans, dated January 22, 2022, that concluded there would not be a significant impact stating “the Project would be expected to generate 13 more daily trips on average compared to the prior restaurant use, including one more trip during the a.m. peak hour and 16 more trips during the p.m. peak hour;” and water, sewer and emergency services are all available at subject site.
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located. The proposed dispensary is located on an arterial street in an area designed by the General Plan Land Use Diagram for commercial uses. An Odor Mitigation Plan, prepared by Jason Vander Veen, Mechanical Engineer, dated July 2, 2021, concluded that the installation of a charcoal filtration system “will ensure that there will be no cannabis odors detectable outside the facility, avoiding any impact on neighbors.” The project narrative discusses a security system that complies with the requirement set forth in Zoning Code Chapter 20-46, including onsite security personnel, 24-hour security cameras, robbery alarm system, secure storage for all cannabis products and waste, and commercial-grade locks on all windows and doors.
- F. The Project has been found in compliance with the California Environmental Quality Act (CEQA):

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

Pursuant to CEQA Guidelines Section 15332, the Project is categorically exempt as infill development.

- The use is consistent with the General Plan land use designation of Retail and Business Services and the zoning designation of General Commercial.
- The property is less than five acres and is within Santa Rosa City limits.
- The site is completely developed with no potential habitat for endangered, rare or threatened species.
- The site is currently served by all utilities and services.
- Re-tenanting the space will not result in any significant effects pertaining to noise, traffic, air quality, or water quality.
 - A traffic analysis conducted by W-Trans, dated January 22, 2022, concluded that traffic impacts would be less than significant stating “the Project would be expected to generate 13 more daily trips on average compared to the prior restaurant use, including one more trip during the a.m. peak hour and 16 more trips during the p.m. peak hour;”
 - An Odor Mitigation Plan, prepared by Jason Vander Veen, Mechanical Engineer, dated July 2, 2021, concluded that the installation of a charcoal filtration system “will ensure that there will be no cannabis odors detectable outside the facility, avoiding any impact on neighbors.

Pursuant to section 15183, the Project qualifies for streamlined review because it is consistent with the General Plan for which an Environmental Impact Report (EIR) was certified by Council in 2009. In December 2017, Council enacted comprehensive regulations for cannabis. Analysis concluded that cannabis-related uses were similar in terms of environmental impacts to other allowable uses in the General Industrial zoning district.

No further environmental review is necessary for the Project as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

No exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines section 15300.2).

BE IT FURTHER RESOLVED that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for Flora Terra, a 1,140-square foot Cannabis Retail facility, providing products for medical and adult use, to be located at 1226 4th Street, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.

EXPIRATION AND EXTENSION:

2. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
3. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

4. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

5. Compliance with Engineering Development Services Exhibit A, prepared by Cleve Gurney, dated October 22, 2021, attached hereto and incorporated herein.

PLANNING DIVISION:

6. The Project site plan as presented for issuance of a building permit shall be the same as that approved by the Planning Commission, date-stamped received on July 6, 2021. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
7. Exterior modifications shall require some level of Design Review.
8. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
9. Compliance with Zoning Code Chapter 20-46, which provides operating standards for cannabis uses.
10. Compliance with the Noise Ordinance, City Code Chapter 17-16.
11. The building and site landscaping shall be maintained in good condition. All debris onsite shall be removed daily.

12. All outdoor refuse receptacles shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit and be consistent with the applicable requirements of Zoning Code.
13. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
14. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit and in compliance with Zoning Code Sections 20-30.080 (Outdoor lighting) and 20-46-050 (General operating requirements for cannabis uses).
15. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
16. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
17. NATURAL RESOURCES:
 - A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
 - B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
 - C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

BE IT FURTHER RESOLVED that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 24th day of March 2022 by the following vote:

AYES: (7) Chair Weeks, Vice Chair Peterson, Commissioner Cisco, Commissioner Duggan, Commissioner Cisco, Commissioner Holton, Commissioner Okrepkie

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: *Karen Weeks*
Karen Weeks (Mar 29, 2022 18:29 PDT)
KAREN WEEKS, CHAIR

ATTEST: *Jessica Jones*
JESSICA JONES, EXECUTIVE SECRETARY

Attachment: Engineering Development Services Exhibit A

**CITY OF SANTA ROSA, CALIFORNIA
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
ENGINEERING DEVELOPMENT SERVICES DIVISION**

**EXHIBIT "A"
01/26/2022**

**AT&T Communication Facility
2400 Bluebell Drive
CUP21-064**

- I. Applicant's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. The approval of this project shall be subject to the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of the building permit review and approval.
- III. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans submitted/ date stamped received November 13, 2021.

PUBLIC STREET IMPROVEMENTS

1. An encroachment permit shall be obtained from the Planning and Economic Development Department prior to performing any work for power and fiber installation within or adjacent to the public right-of-way.

BUILDING - (from Michael Enright dated September 29, 2021)

2. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
3. Obtain building permits for the proposed project.

FIRE – (from Scott Moon dated September 30, 2021)

4. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction, in accordance with CFC Section 507, Appendices B & C and Santa Rosa City Code.

5. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by adopted CFC Appendix B.
6. Fire hydrant systems shall comply with adopted CFC Section 507.5.1 through 507.5.8 and Appendix C.
7. Fire hydrants installed for this project shall be commercial (double steamer) and provide a minimum of 2500 gpm at 20psi.
8. Fire hydrants shall be spaced at 300 feet in commercial areas
9. For private underground fire main installations, the Fire Department requires a deferred submittal for review and compliance with NFPA 24.
10. Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-stories or less in height. Dead-end private access roads more than 150 feet in length shall have an apparatus turn-around per current Fire Department standards. Required Fire Department access roads shall be signed "No Parking – Fire Lane" per current Fire Department standards.
11. Vehicle gates limiting fire apparatus access to commercial facilities shall be electrically operated with strobe-actuated controllers and Knox-key override in the ingress direction, and either similar controls or magnetic detection loops in the egress direction. Gates shall fail to an unlocked condition in the event of power outage.
 - a. A deferred plan submittal for permit prior to installation shall be submitted to the Fire Department for review and approval.
12. 24 Hour Emergency contact information shall be installed on the surrounding fence, at the entry gate for emergency responders.
13. A Knox key lock box shall be provided with keys to access the facility.
14. A deferred submittal shall be provided to the Fire Department for review and approval of the diesel generator prior to installation.
 - a. Hazardous Materials placarding shall be provided on the exterior of the fencing enclosure for identification of all hazardous materials stored on site.
15. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and

approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.

16. The interior of the fencing enclosure shall always be maintained free of any vegetation and rubbish.
17. Deferred submittals to the Fire Department:
 - a. Private underground fire main
 - b. Diesel generator
 - c. Gates
 - d. Hazardous Materials Business Plan – CERS submittal



01/26/2022

CLEVE GURNEY - EDS ASSISTANT ENGINEER

PC-2022-009

Final Audit Report

2022-03-30

Created:	2022-03-30
By:	Lani Buckheit (lbuckheit@srcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAF0hD9DXQ1jPcdu_IM8ImICHHZpM6EEhT

"PC-2022-009" History

-  Document created by Lani Buckheit (lbuckheit@srcity.org)
2022-03-30 - 0:09:46 AM GMT- IP address: 12.249.238.210
-  Document emailed to Karen Weeks (kweeks@srcity.org) for signature
2022-03-30 - 0:10:25 AM GMT
-  Document emailed to Jessica Jones (jjones@srcity.org) for signature
2022-03-30 - 0:10:25 AM GMT
-  Email viewed by Jessica Jones (jjones@srcity.org)
2022-03-30 - 0:16:06 AM GMT- IP address: 12.249.238.210
-  Document e-signed by Jessica Jones (jjones@srcity.org)
Signature Date: 2022-03-30 - 0:16:23 AM GMT - Time Source: server- IP address: 12.249.238.210
-  Email viewed by Karen Weeks (kweeks@srcity.org)
2022-03-30 - 1:29:34 AM GMT- IP address: 172.225.88.244
-  Document e-signed by Karen Weeks (kweeks@srcity.org)
Signature Date: 2022-03-30 - 1:29:46 AM GMT - Time Source: server- IP address: 98.207.225.20
-  Agreement completed.
2022-03-30 - 1:29:46 AM GMT