

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR SANTA ROSA CRAFT COLLECTIVE TO OPERATE A CANNABIS MICROBUSINESS WITH ADULT AND MEDICINAL USE RETAIL (DISPENSARY), CULTIVATION, AND DISTRIBUTION WITHIN 10,300-SQUARE FOOT PORTION OF AN EXISTING 23,224 SQUARE FOOT BUILDING LOCATED AT 335 O’HAIR COURT, UNITS A AND B; ASSESSOR’S PARCEL NO. 043-135-008; FILE NO. CUP18-052 AND CUP 18-129

WHEREAS, applications were submitted requesting the approval of Conditional Use Permits for Santa Rosa Craft Collective to operate a 9,745 square foot cannabis microbusiness for adult and medicinal use with retail (State license Type 10), cultivation, and distribution (State license Type 12-Microbusiness) comprised of 1,690 square feet of retail sales and associated office and bathrooms, 4,319 square feet of cultivation and associated hallways, 3,637 square feet of distribution and associated administrative support area, with daily operating hours from 9 a.m. to 9 p.m., for the retail and 7 a.m. to 9 p.m. for the non-retail operations on property located at 335 O’Hair Court, Units A and B, also identified as Sonoma County Assessor's Parcel Number 043-135-008;

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

WHEREAS, the Planning Commission has 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; and

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 Project is allowed in the Light Industrial (IL) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-6 lists allowable uses within the Light Industrial Zoning District, which implements the Light Industrial General Plan land use designation, and allows cannabis cultivation, distribution, and retail with the approval of a major Conditional Use Permit; and
- B. The proposed Project is consistent with the General Plan land use designation of Light Industrial, which is applied to areas that are intended for cultivation, distribution and retail uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis cultivation, distribution, and retail (dispensaries) uses appropriate in areas designated as Light Industrial on the land use diagram; and

- 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 site is in area zoned and predominately occupied by light industrial uses. Property to the north, east and south are zoning light industrial, and the areas to the west is zoned residential. The children's birthday party venue, Kids Party Central, is located on the adjacent property inside an industrial building and is setback approximately 140 feet from the entrance to the cannabis dispensary and separated by parking, drive aisles and landscaping. Residences to the west are approximately 240 feet away and buffered by Colgan Creek and existing landscaping along the west property line and along the creek.

The Project contains a well-designed and landscaped parking area; security measures including lighting, restricted access for employees, refuse disposal areas, on-site security personnel, surveillance cameras and security fencing and gates.

Furthermore, the project site is in the Light Industrial zoning district on a site with a history of light industrial and warehouse uses. The entrance to the retail dispensary is visible from the street and the proposed project is compatible with the existing light industrial uses located on property to the north and south of the project site and adequately screened and separated from the residential uses located across Colgan Creek and from the children's indoor birthday party venue. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity; and

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the Project plans demonstrate compliance with all operational standards as specified in Zoning Code Chapter 20-46, and the subject site is within a fully developed area zoned for light industrial uses; and
- 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 physical appearance of the property will remain largely unchanged and on-site security personnel will monitor the parking lot to prevent loitering, consumption of cannabis or other nuisance activities. In addition, with the proposed odor control measures; the proposed operational procedures including site and building security, the lack of on-site consumption, storage and waste handling, inventory tracking, hours of operation, and age/medical restrictions; and compliance with all applicable state and local regulations, the proposed Project will not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, or welfare, or materially injurious to persons, property or improvements in the vicinity.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will require minor exterior modifications to the structure/site.

The proposed project also qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 in that it involves minor modifications to an existing facility, with no expansion of use.

Pursuant to CEQA Guidelines Section 15332, the project qualifies for a categorical exemption as infill development as it is located on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts to traffic, noise, air quality or water quality:

- Traffic. Based on the Institute of Transportation Engineers (ITE) *Trip general Manual*, 10th Edition, 2017, trip generation rates for “Marijuana Dispensary” (LU #882) and for “General Light Industrial” (LU #110) the Project is expected to generate 24 vehicle trips in the AM peak hour and 42 trips in the PM peak hours. In that the proposed Project would be expected to generate fewer than 50 trips during either the AM or the PM peak hours a full traffic impact study is not required per the City’s guidelines and there are no foreseeable significant adverse traffic impacts as a result of the project.
- Biology. The Project site is covered by an existing building and unpaved parking areas and has no habitat value. No trees or other vegetation will be removed from the site as a part of the Project.
- Noise - The proposed Project will operate within an existing building, which will not result in excessive noise on the exterior of the building and will operate within hours established for Retail Cannabis in Zoning Code Section 20-46.080(4)
- Air Quality/Odor - The letter addressed to the City of Santa Rosa, dated April 17, 2018, from Matthew Torre, Registered Professional Engineer of 15000 Inc. certifies that the Odor Mitigation Plan dated April 17, 2018 prepared for the Project meets or exceeds the requirements of the City of Santa Rosa, pursuant to Zoning Code Section 20-46; and
- Water –No changes are proposed to storm water drainage from the Project site. In addition, the site has municipal water and wastewater service.

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 the Project to allow cannabis retail (dispensary) and delivery services, is approved subject to each of the following conditions and the conditions in Exhibit A:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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.
2. All work shall be done according to the final approved plans dated received April 20, 2018.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period.
5. 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.

PLANNING DIVISION:

6. There shall be no internal connection (i.e. door, window) between the cannabis business and the adjoining warehouses that are not a part of the Project. If required to meet Building Code requirements, separate points of egress shall be provided that do not include a connection between any areas of the cannabis business and the vacant warehouse.
7. The mezzanine above the distribution area is not a part of the approved cannabis microbusiness and the access door to the mezzanine stairs shall remain locked.
8. Design Review is required for any exterior modifications.
9. An acoustic study shall be provided with plan sets submitted for building permits for all exterior mounted equipment, including HVAC equipment, and enclosure for said equipment, in compliance with the Noise Ordinance, City Code Chapter 17-16.

10. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
11. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
12. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
13. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
14. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
15. **PROJECT DETAILS:**
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
 - B. Permitted days and hours of operation for retail sales and retail deliveries are seven days a week 9 a.m. to 9 p.m. Non-retail operations are permitted seven days a week 7 a.m. to 9 p.m.

ENVIRONMENTAL SERVICES:

16. The operator(s) and/or owner(s) shall submit a Wastewater Discharge Permit Application including plumbing plans to City of Santa Rosa Environmental Services section. The application requires no permit fee and it can be accessed online at: www.srcity.org/generalapp
17. Any cannabis production and/or cultivation trench drain(s) excluding restroom waste lines shall connect to one common process waste line prior to any connection to the City sanitary sewer.
18. Install a sample box as per City Standard #522 or equivalent at the common process waste line in an area that is free of forklift traffic, and accessible to City personnel.
19. Owner may be required to install a City approved effluent meter or equivalent to measure all process waste discharges to the City sanitary sewer. The effluent meter will be used to determine discharge flow data for City commercial sewer discharge fees.

BUILDING DIVISION:

20. Obtain a building permit for the proposed project.

FIRE DEPARTMENT

21. Facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies” including General Requirements and those specific to cultivation and distribution. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> .
22. Building Permit submittal (required for verification of occupancy) shall include a copy of all required documents and reports for Fire Department review and approval.
23. An annual Fire Department Operational Permit is required for cannabis cultivation, manufacturing, testing and laboratory, and distribution facilities.
24. Annual permit submittal shall include re-certification of all processing equipment by a CA licensed professional engineer and updating of Hazardous Materials storage, use, handling, and waste records.
25. The building is required to be protected by automatic fire sprinkler system.
26. Fire flow and location of fire hydrants, fire protection appurtenances shall be in strict accordance with California Fire Code Chapter 5, Appendix B, and Appendix C as adopted by the City of Santa Rosa.
27. Fire department connection (FDC’s) shall be located within 100 feet of a fire hydrant.
28. Required Fire Department access roads shall be signed “No Parking – Fire Lane” per current Fire Department standards.
29. Provide a Fire Department key box (Knox box) access to the building and if a gate is installed across the driveway Opticom and key-switch/Knox pad-lock access through electric/manual gates will be required.
30. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. An illuminated address directory monument sign shall be provided at each entrance to the property.
31. Storage or use of any hazardous materials at the site will 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 permit 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.
32. CO2 enhancement processes for cultivation operations need to be clearly defined on the Building Plan submittal and additional monitoring equipment and signage will be required.

NOW, THEREFORE, BE IT 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 28th day of February 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit: Engineering Development Services Exhibit A