

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR THE R&B DISPENSARY, A 3,550-SQUARE FOOT CANNABIS
RETAIL FACILITY, TO BE LOCATED AT 900 SANTA ROSA AVENUE; FILE NUMBER
PRJ18-055

WHEREAS, on April 17, 2019, an application was submitted requesting the approval of a Conditional Use Permit for R & B Dispensary, a 3,550-square foot cannabis retail facility selling both medical and adult use cannabis products, to be located at 900 Santa Rosa Avenue, also identified as Sonoma County Assessor's Parcel Number 009-334-015;

WHEREAS, 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, 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 application for the proposed Cannabis Retail (dispensary) facility includes a request to rezone the site from the PD (Planned Development – South Park) zoning district to the CG (General Commercial) zoning district. The Cannabis Retail use is allowed within the CG (General Commercial) zoning district and the project complies with all other applicable provisions of the Zoning Code and the City Code; and
- B. The proposed Cannabis Retail facility is consistent with the General Plan land use designation of Retail and Business Services which is intended for retail and service enterprises, offices and restaurants. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding Cannabis Retail uses appropriate in areas designated as Retail and Business Services on the land use diagram. The project applications include a request to rezone to the CG (General Commercial) zoning district, which is consistent with the General Plan land use designation; 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. Pursuant to Zoning Code Table 3-4, the 3,550-square foot cannabis retail facility is required to provide 14 onsite parking spaces. The site plan provides 11 parking spaces, and the applicant has negotiated an offsite location for eight additional spaces designated for employee parking

at 901 Santa Rosa Avenue Pursuant to Zoning Code Section 20-36.040, when a building's use changes to a new use without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater. Because the building design was approved and is being constructed as part of a previously approved project, and the parking deficit is less than the ten spaces and 25% of the parking requirement, the request to operate a cannabis dispensary from this location does not require a parking reduction.

The proposed site circulation has been reviewed and approved by Traffic Engineering staff; the business will provide adequate security; and the project is required to comply with operational standards pursuant to Zoning Code Chapter 20-46.

The subject property is bordered to the north by Bennet Valley Road and Highway 12; to the east by Rutledge Avenue and the Bennet Valley Senior Center; to the south by similar commercial uses; and to the west by Santa Rosa Avenue, similar commercial uses and a vacant lot; and

The plans have been reviewed by City staff and the Project has been conditioned appropriately; 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 designated for commercial 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 site is bordered to the north by Bennet Valley Road and Highway 12; to the east by Rutledge Avenue and the Bennet Valley Senior Center; to the south by similar commercial uses; and to the west by Santa Rosa Avenue, similar commercial uses and a vacant lot. The general nature of commercial uses was included in the scope of review in the General Plan 2035 Environmental Impact Report certified by the Council in 2009; and
- F. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4. The project proposes to operate from an approved commercial building and has maximized the amount of parking onsite. The project is providing eight offsite parking spaces designated for employees, which will reduce the onsite parking demand; and
- G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. The project will provide eight offsite parking spaces designated for employee parking. Any unused parking spaces will be available for customer use; and

H. The Rezoning has been found in compliance with the California Environmental Quality Act (CEQA). It is consistent with the General Plan land use designation for which an Environment Impact Report (EIR) was certified by Council in 2009.

Pursuant to section 15183, subdivision (i), any rezoning action consistent with the general plan shall not require additional environmental review except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site.

The Cannabis Retail use has been found in compliance with the California Environmental Quality Act (CEQA). The project is consistent with the General Plan for which an Environment 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 CG zoning district. The following technical studies were completed, both concluding that impacts related to the cannabis retail use would be less than significant.

- A Traffic Study and Technical Memorandum, both prepared by Janice Spuller, TJKM, both dated April 16, 2019, conclude that “Based on the City impact criteria the project is expected to have a less-than-significant impact at all of the study intersections.”
- R & B Dispensary will have a professionally installed carbon filtration system to prevent odors from escaping the building. The odor mitigation plan, prepared by Warner Engineering, Inc., dated April 10, 2018, states that the odor control mitigation plan exceeds what is expected for a cannabis retail facility and is consistent with best available technologies designed to mitigate cannabis odors.

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.

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 R & B Dispensary, a Cannabis Retail (dispensary) facility for medical and adult use products, located at 900 Santa Rosa Avenue, is approved subject to each of the following conditions:

PLANNING AND ECONOMIC 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.
2. All work shall be done according to the final approved plans dated July 3, 2019.
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. 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.
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.

BUILDING DIVISION:

6. Obtain a modification to the existing building permit or obtain an additional building permit for the proposed project.

ENGINEERING DIVISION:

7. Compliance with all conditions of approval as shown on Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated August 2, 2019, attached hereto and incorporated herein.

PLANNING DIVISION:

8. Contingent upon reclassification of the property at 900 Santa Rosa Avenue into the CG zoning district.
9. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

10. Any exterior modifications to the approved building design, including but not limited to fences, landscaping, replacement of building materials, storage areas, or exterior mounted equipment, will require Design Review.
11. The Project shall comply with all applicable operational standards pursuant to Zoning Code Chapter 20-46.
12. The Project shall comply with the Noise Ordinance, City Code Chapter 17-16, for commercial uses along the east, west and south property lines, and for residential uses along the north property line.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
14. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
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. **LIGHTING:**
 - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
 - B. Light sources shall be concealed from public view.
 - C. All lighting shall be directed toward the subject property and away from adjacent properties.
 - D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height.
17. **PARKING:**
 - A. Day-shift employees shall be provided with an offsite parking area. Two onsite spaces shall be reserved for employees working after dark.
 - B. 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.

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

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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 22nd day of August 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

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