RESOLUTION NO. 11931

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR THE HOOK DISPENSARY, A MEDICAL AND ADULT USE RETAIL CANNABIS DISPENSARY WITH DELIVERY IN AN EXISTING 1,350 SQUARE FOOT TENANT SPACE - LOCATED AT 817 RUSSELL AVENUE, SUITE C; APN: 015-101-027; FILE NUMBER CUP18-041.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for The Hook by Rx Boys, Inc./Eddie Alvarez, to allow a medical and adult use cannabis retail facility with delivery at 817 Russell Avenue, Suite C, also identified as Sonoma County Assessor's Parcel Number 015-101-027;

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, staff reports, oral and written, the General Plan and zoning on the subject property, 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 use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed Medical and Adult Use Cannabis Retail Dispensary with delivery will occupy 1,350 square feet of an existing building within the 11,700 square foot Russell Square Shopping located on a 37,897 square foot parcel in the CG – General Commercial Zoning District, subject to Planning Commission approval of a Major Conditional Use Permit;

B. The proposed use is consistent with the General Plan and any applicable specific plan in that the proposed Medical and Adult Use Cannabis Retail Dispensary with delivery uses are consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Retail and Business Services General Plan land use designation that allows retail and service enterprises, offices, and restaurants;

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 in that the proposed Medical and Adult Use Cannabis Retail Dispensary with delivery is allowed under Section 20-33.030 Table 2-6 with approval of a Conditional Use Permit. The existing site is located within the CG – General Commercial Zoning District. As such, the area is

suitable for the use and the proposed hours of operation daily from 12 p.m. to 7 p.m. are within those permitted in Zoning Code Section 20-46.080(F)(4.) The project site is developed for a retail use and parking is adequate for the staffing and operations associated with the use. The project complies with the general operating requirements for cannabis businesses and those operating requirements specific to medical and adult use retail dispensaries with delivery;

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 proposed use will be located entirely within an existing 1,350 square foot retail building. Vehicular access to the site is provided from Russell Avenue, which can be accessed from Cleveland Avenue and Range Avenue. The project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site, as conditioned, will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services;

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 in that the proposed project will be consistent with the surrounding land uses to the north, east, and south, which are within the CG, General Commercial Zoning District, and comprise a variety of commercial, residential, office, and civic uses.

The Odor Mitigation Plan has been certified by 15000INC., licensed engineers, verifying that the proposed odor control and mitigation plan "meets, or exceeds, the requirements of the City of Santa Rosa for cannabis odor mitigation."

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan. Applicant has indicated that "in accordance with Bureau of Cannabis Control Regulations Section 5045, Applicant will have security guards present at the retail premises at all hours" (24-hour security.) Applicant will provide and install a variety of security devises to ensure that only authorized personnel have access to the office and the stock/POS room where cannabis is stored. All access points from outside the facility will have both locks and alarms. The facility will have a comprehensive surveillance system with between twelve (12) and fifteen (15) security cameras monitored by an outside agency 24/7. In addition to surveillance system, a comprehensive electronic security system, including third party monitoring, will be provided. All cannabis/cannabis product waste and associated water will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

The existing commercial building is oriented toward the parking area for the commercial development to the east and away from residential development to the west. The proposed dispensary is setback from the project frontage on Russell Avenue and located between an existing convenience store to the south and architect's office to the north, which further buffer it from adjacent off-site uses.

In addition, the existing shopping center building and proposed dispensary space is separated from Bicentennial Apartments to the west by an existing 6 foot tall, solid wood fence with 2 feet of lattice located on the shared property line. The commercial building is setback approximately ten feet from the west property line and has only solid man doors on the rear elevation as the storefronts are oriented onto the parking lot to the east. Access to the rear of this building is restricted by a 6 foot tall, chain link gate restricted to authorized individuals, such as commercial building tenants.

Access from Russell Square Shopping Center to/from the adjacent Motel 6 and restaurants to the east is precluded by onsite 6 foot tall, chain link fencing. Ingress and egress to Russell Square Shopping Center is therefore only through the main driveway entrance and no direct access to surrounding parcels is available.

The subject property is located approximately 692 feet from the parcel line for the nearest school, the Anova Center for Education at 3033 Cleveland Avenue. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

Per Zoning Code Section 20-46.050 (E), the project is subject to Building and Fire permits. Additionally, an annual Fire Department Operational Permit is required, as well as meeting Health and Safety Code requirements.

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project qualifies for a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 Existing Facilities in that project is the use of an existing structure involving negligible expansion of use.

The project qualifies for a Class 3 Categorical Exemption under CEQA Guidelines Section 15303 Conversion of Small Structures in that the project involves a change of use, which will not require exterior modifications.

Pursuant to CEQA Guidelines Section 15332, the project qualifies for a Class 32 Categorical Exemption as infill development as it is consistent with applicable General Plan Land Use Designation and Zoning District, 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:

a. The Project site is fully developed with buildings and a parking lot with 52 parking spaces and has no habitat value and is surrounded by developed parcels with urban uses;
b. The Project is connected to City water and wastewater services and is served by all necessary utilities and public services, including storm drainage, gas and electrical services;
c. The Project includes a Trip Generation Study that concluded that there will be no

significant impacts to City streets and was vetted by City staff. An Odor Mitigation Plan was prepared in compliance with Zoning Code Section 20-46 and certified by 15000INC., licensed engineers. City staff reviewed the Project and no foreseeable significant adverse impacts to traffic, noise, air quality or water quality were identified;

Staff has further determined that 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 section15300.2.)

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 Rx Boys, Inc./Eddie Alvarez, to allow a medical and adult use cannabis retail facility with delivery service at 817 Russell Avenue, Suite C, is approved subject to each of the following conditions:

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 16, 2018.

3. A building permit shall be obtained for the project.

4. The selling of edibles requires a County Environmental Health Department permit. The County's permit is a separate process from the City's building permit process, but the building permit will not be issued prior to County Health Department approval.

5. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code.

6. 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.

7. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies" including General Requirements and those specific to Manufacturing. See https://srcity.org/2515/Commercial-Cannabis-Application-Support.

EXPIRATION AND EXTENSION:

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

9. 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:

10. Obtain a Sign Permit prior to installation of any signs.

11. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.

12. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080.)

13. A minimum of one bicycle parking space shall be provided on-site in compliance with Zoning Code section 20-36.040.

14. 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 hours of operation for cannabis retail sales and delivery service, as proposed in the application, shall be between 12 p.m. and 7 p.m. daily. Any proposed change to the hours of operation shall be considered by the Zoning Administrator.

    C. Applicant will limit all commercial deliveries to the dispensary to hours of 9 a.m. to 5 p.m. Monday through Friday.

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 13th day of December, 2018 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY