

RESOLUTION NO. PC-2023-002

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL CANNABIS MICROBUSINESS USE WITHIN THE 14,949-SQUARE-FOOT INDUSTRIAL BUILDING LOCATED AT 460 TIMOTHY ROAD; APN: 125-181-029, FILE NUMBER PRJ22-008 (CUP22-025 & DR22-017)

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Commercial Cannabis Microbusiness within the 11,520-square-foot industrial building and with an addition of a 3,429-square-foot expansion to the building to operate 10,610 square feet for cultivation, 252 square feet for manufacturing (non-volatile), and 395 square feet for distribution located at 460 Timothy Road, also identified as Sonoma County Assessor's Parcel Number 125-181-029;

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 proposed use is allowed within the Light Industrial (IL) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-10 lists allowable uses within the industrial zoning districts, which implement the Light Industry General Plan land use designation. The proposed cannabis Microbusiness use, as proposed and conditioned, is consistent with all of the requirements of Zoning Code Chapter 20-46 and will be located within the Light Industrial zoning district, where it is allowed, subject to Planning Commission approval of a Conditional Use Permit; and
- B. The proposed use is consistent with the General Plan and any applicable specific plan, in that the proposed use implements the General Plan vision by accomplishing various Land Use and Economic Development goals and ensuring that industrial uses that contribute to economic vitality are located in appropriate areas and residential neighborhoods are protected. Also, the proposed project implements the Roseland Area/Sebastopol Road Specific Plan goal and policies by re-occupying and renovating an existing vacant building, which would assist in maintaining the economic viability of the area and add more positions for employment within the City while ensuring compatibility with the surrounding neighborhoods through proposed design, operational, and security measures; 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, in that the site is in the Light Industrial zoning district and contains an existing industrial building; the project site is paved and fenced, with the entrance to the site provided by Timothy Road. In addition, the applicant requires to improve the street frontage by developing a continuous sidewalk. The proposed project is compatible with the industrial uses to the north and south. The residential area on the easterly side of this project has a sound wall and is separated by the SMART rail lines. The closest residential uses are the on the west of the project site, divided by the private driveway and screened by the existing fence. The proposed expansion and improvement to a vacant building and lot would renovate the site and make it more compatible with existing and future land uses.

The proposed use will comply with Building and Fire Code requirements for Cannabis Related Occupancies, including general cannabis requirements. The 14,949-square-foot industrial building would require 16 parking spaces and the proposed 20 parking spaces on-site exceed the minimum required parking spaces.

The proposed exterior addition and site improvements have been reviewed by City Building, Engineering, and Fire divisions and appropriately conditioned to comply with all local regulations currently in effect. The applicant will include water-efficient landscaping onsite, provide parking stalls in compliance with the zoning code, install surveillance cameras and locks, and install exterior lighting to ensure the public safety and the safety of persons within the facility; 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 proposed use would be located inside the 14,949-square-foot industrial building, access to the site is provided via Timothy Road; the building will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards, though no public access will be permitted due to the nature of the proposed use and for security purposes; and, all necessary utilities are available at the project site. Additionally, the project narrative demonstrates compliance with all operational standards as specified in 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 use is consistent with the industrial land uses along Timothy Road. The proposed use will have on-site security personnel that will monitor the site. The project Security Plan seeks to prevent theft or diversion of any cannabis effectively and to discourage loitering and crime. A professionally monitored alarm system will be installed, and doors will be equipped with commercial-grade security locks. The project is subject to Building and Fire permits, as described in Building and Fire Code Requirements for Cannabis Related Occupancies and including general cannabis operating requirements. The project Odor Mitigation Plan has been certified by a licensed engineer, ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources. Additionally, the project would not result in noisy activities since most of the equipment will be placed inside the building or within an enclosed area outside the

building; and

F. The proposed use has been reviewed in compliance with the California Environmental Quality Act (CEQA) and it qualifies for:

- The Project qualifies for a Class 3 exemption under California Government Code Section 15303 of the State CEQA Guidelines in that the Project is located in an urbanized area, and the proposed 3,429 square foot addition is below the required 10,000 square feet threshold. In addition, the site is zoned for such use and not involving the use of significant amounts of hazardous substances. All necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- The Project qualifies for a Class 32 exemption under California Government Code Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:
  - The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
  - The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
  - The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species. The habitat assessment report prepared by WRA Environmental Consultants, dated March 24, 2022, indicates that about 93 percent of the lot is disturbed by the existing building and the parking lot and is surrounded by urban development. The report concludes that it is highly unlikely California Tiger Salamander (CTS) to be present within the Study Area;
  - The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Traffic Report prepared by Transpedia Consulting Engineers, dated March 17, 2022, and City stamped June 1, 2022, indicates the Project is exempt from Vehicle Miles Traveled (VMT), and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed use and all the work will take place inside the building, and all the work will be required to meet the City noise ordinance. Based on the certified Odor Control Plan, the Project will not emit cannabis-related odors. The City Sewer Treatment facility will treat any wastewater. The noise plan submitted by the applicant concludes that all equipment will be specified to meet the City noise standards, and the majority of the air conditioning equipment will be installed inside the building; and
  - The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.
- The Project qualifies for an exemption pursuant to CEQA Guidelines section 15183 in that the Project is consistent with the City's General Plan and the Roseland Area/Sebastopol Road Specific Plan for which EIRs were prepared and certified and, as

evidenced by the special studies prepared for the Project, the Project does not contain conditions, nor would it result in any of the following effects.

- Effects that are peculiar to the project or the parcel on which the project would be located.

There are no project specific effects which are peculiar to the Project or its site, and which the General Plan or Specific Plan EIRs failed to analyze as significant effects. The subject property is no different than other properties in the surrounding area, and there are no Project specific effects that are peculiar to the Project or its site. The project site is located in an area developed with industrial uses. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects. In addition, all Project impacts were adequately analyzed by the specific plan and General Plan EIR.

- Effects that were not analyzed as significant effects in the General Plan EIR.

The project site is within the planning boundaries of the Roseland Area/Sebastopol Road Specific Plan, adopted in 2016, and was analyzed by the Specific Plan EIR (State Clearinghouse No. 2016012030). The General Plan was amended in 2016 to incorporate the land use and housing policies of the Specific Plan. The Project does not include any new land use that could create an effect that has not been previously analyzed by the Specific Plan or General Plan.

- Effects that are potentially significant off-site impacts and cumulative impacts that were not discussed in the prior EIR prepared for the General Plan.

There are no potentially significant off-site and/or cumulative impacts which the General Plan or Specific Plan EIRs failed to evaluate. The proposed Project is within the scope of the General Plan and Specific Plan EIRs and would represent a small part of the growth that was forecasted for build-out of the General Plan. The General Plan and Specific Plan EIRs considered the incremental impacts of the future development, such as the Project and planned Roseland Village project, and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

- Effects that are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

The applicant has provided a focused traffic study, prepared by Transpedia Consulting Engineers, dated March 17, 2022, and City stamped June 1, 2022. Also, a habitat assessment report has been provided by WRA Environmental Consultants, dated March 24, 2022. None of the studies revealed any new information or condition that suggests a previously identified significant effect is more severe than determined at the time the General Plan or Specific Plan EIR were certified.

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 Commercial Cannabis Microbusiness, 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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. All work shall be done according to the final project documents dated received by the City on October 18, 2022.

**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. 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.
7. Obtain building permits for the proposed project.

**ENGINEERING DIVISION:**

8. Compliance with Engineering Development Services Exhibit A, dated November 1, 2022, attached hereto and incorporated herein.

**PLANNING DIVISION:**

9. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.

10. 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.
11. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
12. Exterior lighting and photometric plans shall be submitted with the building permit application. Plans shall demonstrate compliance with Zoning Code Section 20-30.80 and indicate method of reducing light bleed to adjoining properties.
13. All landscaping shall 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.
14. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits. In accordance with Zoning Code Section 20-46.080(F)(11), advertising or marketing cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center is prohibited.
15. No wall, fence, hedge, other plant material, or any other view obstruction shall be erected or maintained within a driveway vision triangle.

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 12<sup>th</sup> day of January 2023, by the following vote:

AYES: ()  
NOES: ()  
ABSTAIN: ()  
ABSENT: ()

APPROVED: \_\_\_\_\_  
KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_  
JESSICA JONES, EXECUTIVE SECRETARY

ATTACHMENTS:

Exhibit A: Engineering Development Services Exhibit "A" dated November 1, 2022