

RESOLUTION NO. 12050

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN DATED MARCH 25, 2021, FOR ALTERNATIVES EAST TO OPERATE A CANNABIS RETAIL FACILITY WITH DELIVERY SERVICE WITHIN A 2,449-SQUARE FOOT TENANT SPACE, LOCATED AT 2300 BETHARDS DRIVE, SUITE A; ASSESSOR'S PARCEL NO. 147-061-015; FILE NO. PRJ19-047

WHEREAS, on December 5, 2019, an application was submitted requesting the approval of a Conditional Use Permit for a Cannabis Retail facility, providing both medical and adult use products, including delivery service and an area for onsite consumption, to be located at 2300 Bethards Drive, Suite A, also identified as Sonoma County Assessor's Parcel No. 147-061-015; and

WHEREAS, on January 20, 2020, the scope of the Project was changed eliminating the onsite consumption area, leaving only the retail store and delivery service considered under this application; and

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 applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The proposed Cannabis Retail use with delivery service will operate out of an approximately 2,249-square foot area of a commercial building located within the Office Commercial (CO) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The project has been reviewed in compliance with applicable provisions of the Zoning Code and City Code, and has been conditioned to remain in compliance with Zoning Code Chapter 20-46, which regulates cannabis-related uses; and
- B. The proposed use is consistent with the General Plan and any applicable specific plan. The Project site is designated as Office on the General Plan Land Use Diagram, which is intended for administrative, financial, business, professional, medical, and public offices. The use is consistent with the applicable underlying General Plan goals and policies

related to economic vitality, implemented by the Office Commercial zoning district, in which this site is located.

- C. The design, location, size, and operating characteristics of the proposed dispensary with delivery service would be compatible with the existing and future land uses in the vicinity. The business will occupy an approximately 2,250-square foot area within an existing commercial building. A traffic and parking analysis was conducted by W-Trans, dated January 20, 2021, which concluded that there would be less than 50 peak hour trips added during both AM and PM peak hours and an additional study is not required pursuant to the City's Standard Guidance for the Preparation of Traffic Impact Analysis.
- 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. The site is located in a fully developed area where all utilities are available; the site plan provides clear circulation and adequate parking; and a Trip Generation Estimate, prepared by W-Trans, dated January 20, 2021, concluded that less than 50 peak hour trips would be added during both AM and PM peak hours, which does not trigger the need for additional study pursuant to the City's Standard Guidance for the Preparation of Traffic Impact Analysis.
- 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; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines Section 15301, the Project is categorically exempt because it involves minor modifications to an existing structure.

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 are 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 Office and zoning designation of Commercial Office; it occurs on property that is less than five acres within Santa Rosa City limits; it is completely developed with no habitat for endangered, rare threatened species; the site is currently served by all utilities and services; and re-tenanting the space will not result in any significant effects pertaining to noise, air quality, water quality or traffic. In a Trip Generation Estimate, prepared by W-Trans, dated March 9, 2021, the project will result in less than 50 new vehicle trips during both AM and PM peak hours. Pursuant to the City's *Standard Guidance for the Preparation of Traffic Impact Analysis*, further analysis in not required for projects that generate less than 50 new trip peak hour vehicle trips.

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).

Pursuant to CEQA Guideline Section 15183, the Project is exempt from further environmental review processing 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 Commercial Office 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.

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 to operate a Cannabis Retail facility, providing medical and adult use products, including delivery service, to be located at 2300 Bethards Drive, Suite A, 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.
2. All work shall be done according to the final approved plans dated January 20, 2021.

EXPIRATION AND EXTENSION:

3. 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.
4. 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:

5. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

6. Compliance with Engineering Development Services Exhibit A, prepared by Jesus McKeag, dated December 2, 2020, attached hereto and incorporated herein as Exhibit A.

PLANNING DIVISION:

7. 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 appropriate review authority.
8. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
9. The Project shall remain in compliance with Zoning Code Chapter 20-46.
10. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises.
11. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
12. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permits.
13. All lighting shall be directed toward the subject property and away from adjacent properties.
14. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
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. Separate Planning and Building sign permits are required for all signs.

FIRE DEPARTMENT

- 17. Obtain fire permits for change of use in the building, which may require fire sprinklers if not already provided.

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 25th day of March 2021 by the following vote:

AYES: (6) Chair Weeks, Vice Chair Peterson, Commissioner Carter, Commissioner Duggan, Commissioner Holton, and Commissioner Okrepkie

NOES: (0)

ABSTAIN: (0)

ABSENT: (1) Commissioner Kalia

APPROVED: *Karen Weeks*
Karen Weeks (May 27, 2021 08:28 PDT)
KAREN WEEKS, CHAIR

ATTEST: *Bill Rose*
Bill Rose (May 25, 2021 16:22 PDT)
BILL ROSE, EXECUTIVE SECRETARY

Exhibit A: Engineering Development Services Exhibit A

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICES

EXHIBIT "A"
December 2, 2020

Alternatives Health Collective
2300 BETHARDS DR
PRJ19-047

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Engineering Development Services 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. **Per City Code Section 18-12.015 (C), all properties including commercial and industrial parcels shall be subject to public improvement requirements when the cost of any improvement to an existing building exceeds a value of \$200,000.00. Based on the review of the preliminary valuation calculation, the project will not be required to perform any public improvements. A formal review of the valuation will commence during review of the building permit application. If the valuation is determined to be above the \$200,000 threshold, the project may be required to install or modify public improvements such as sidewalks, pedestrian ramps, driveway approaches, planter strips and bike lanes. Additional right-of-way and easement dedications may also be required to support the current or future expansion of the roadway.**
- III. In addition, the following summary constitutes the recommended conditions of approval on the subject application:

PUBLIC STREET IMPROVEMENTS

It is recommended that any nonstandard sidewalk sections and driveway approaches along the property's frontage and within the public right-of-way be upgraded to the current standard in order to ensure a compliant path of travel within the public right-of-way and to mitigate any potential trip hazards. Per City Code Section 13-32.020, the abutting property owner must maintain the sidewalk in a manner that avoids creating a dangerous situation for the property owner and any members of the public utilizing the corridor.

An encroachment permit must be obtained from the Planning and Economic Development Department prior to performing any work within or adjacent to the public right-of-way.

STORM WATER COMPLIANCE

Note on the plans submitted with the building permit application that “no debris, soil, silt, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into or be placed where it may be washed by rainfall into the storm drain system. When operations are complete, any excess material or debris shall be removed from the work area.”

As applicable, the developer’s engineer shall comply with all requirements of the latest edition of the City Storm Water Low Impact Development Technical Design Manual.

BUILDING

Obtain a building permit prior to performing any improvement within the boundaries of the parcel that requires a permitting process.

WATER AND WASTEWATER

Demand fees may be required and shall be determined during review of the building permit application. Submit the type of use in each portion of the building (office, warehouse, lab, manufacturing, cultivation, etc.) and the square footage of each usage type with the building permit application. If the proposed use involves a cannabis growing operation, provide the number of plants and the estimated peak monthly water and sewer usage. The applicant may contact the Water Engineering Services division at 707-543-4300 to obtain a preliminary fee calculation.

All irrigation and domestic water services shall be protected with a reduced pressure backflow device per City Standard 876. Backflow additions or upgrades will be required as part of the build permit review. The location of all existing or proposed backflow devices shall be shown on the utility plan submitted with the building permit application.

The existing water service must be sized to support any additional fire and domestic demand. If the building is not served by an automatic fire sprinkler system, it is likely that the change of use will require the installation of fire sprinklers and an upsize of the water service per City standard 870. Any modifications to the existing water system must be installed under an encroachment permit. The water service size shall be determined based on flow calculations submitted by the sprinkler designer.

Properties currently protected by automated fire protection system may have backflow devices on the dedicated fire service that do not meet current standards. All dedicated fire services must be protected with a double detector check device per City Standard 880. Existing fire services protected by a single check device may be required to upgrade the device per City Standard 880 as part of the tenant improvements. Contact Water Engineering Services at 707-543-4200 or email watereng@srcity.org to determine the existing backflow type and to understand the specific requirements that will be placed on the building permit application. Any upgrades to the backflow device shall be installed under an encroachment permit.

A sewer cleanout per City Standard 513 must be installed on the existing sewer lateral if one does not already exist. The location of the cleanout must be shown on the utility plan submitted with the building permit application. The installation of the clean out must be performed under an encroachment permit.

A dedicated irrigation meter may be required if one does not already exist. The requirement will be based on the level of existing and proposed landscaping shown on the irrigation plans submitted with the building permit application.

Any additions or modifications to the existing landscaping shall be consistent with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Ordinance 4051, on December 1, 2015. Landscape plans will be reviewed during the building permit stage to determine compliance with the ordinance.

ENVIRONMENTAL COMPLIANCE

Tenant improvements performed in conjunction with a change of use or an expansion of an existing use may result in additional requirements associated with the discharge to the City's public wastewater system. Contact the Water Department's Environmental Compliance division at 543-3369 to determine the necessary permitting path and to better understand the specific requirements that will be brought forward during the review of the building permit application.










12050

Final Audit Report

2021-05-27

Created:	2021-05-25
By:	Mike Maloney (MMaloney@srcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAdvbuhPsE2htGiaaxJ0n4R1MHwwfxq41

"12050" History

-  Document created by Mike Maloney (MMaloney@srcity.org)
2021-05-25 - 11:19:25 PM GMT- IP address: 12.249.238.210
-  Document emailed to Karen Weeks (kweeks@srcity.org) for signature
2021-05-25 - 11:19:57 PM GMT
-  Document emailed to Bill Rose (wrose@srcity.org) for signature
2021-05-25 - 11:19:58 PM GMT
-  Email viewed by Bill Rose (wrose@srcity.org)
2021-05-25 - 11:22:21 PM GMT- IP address: 76.126.171.175
-  Document e-signed by Bill Rose (wrose@srcity.org)
Signature Date: 2021-05-25 - 11:22:36 PM GMT - Time Source: server- IP address: 76.126.171.175
-  Email viewed by Karen Weeks (kweeks@srcity.org)
2021-05-26 - 1:17:08 AM GMT- IP address: 98.207.225.20
-  Email viewed by Karen Weeks (kweeks@srcity.org)
2021-05-27 - 3:24:32 PM GMT- IP address: 98.207.225.20
-  Document e-signed by Karen Weeks (kweeks@srcity.org)
Signature Date: 2021-05-27 - 3:28:59 PM GMT - Time Source: server- IP address: 98.207.225.20
-  Agreement completed.
2021-05-27 - 3:28:59 PM GMT