

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR A CANNABIS RETAIL FACILITY WITH DELIVERY SERVICE, PROVIDING PRODUCTS FOR MEDICAL AND ADULT USE, LOCATED AT 3059 COFFEY LANE; FILE NUMBER CUP19-056

WHEREAS, on June 3, 2019, an application was submitted requesting the approval of a Conditional Use Permit for Erudite Dispensary, a Cannabis Retail facility with delivery service, providing products for medical and adult use, to be located at 3059 Coffey Lane, also identified as Sonoma County Assessor's Parcel Number 015-370-062; and

WHEREAS, on January 15, 2020, a Neighborhood Meeting was held to introduce the proposed Cannabis Retail facility to neighbors, at which no members of the public attended; and

WHEREAS, on August 12, 2021, 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, on August 12, 2021, the Planning Commission granted a request from the applicant to continue the item to September 9, 2021, so that further traffic analysis could be completed. The Planning Commission granted the continuance; and

WHEREAS, on September 9, 2021, the Planning Commission held a public meeting. Due to a clerical error, this item was left off the agenda, which triggered the requirement for rescheduling and re-noticing the item. A new Notice of Public Hearing for the meeting of September 23, 2021, was mailed to owners and occupants of properties within 600 feet of the subject site; the Notice was posted onsite and published in the Press Democrat; and

WHEREAS, on September 23, 2021, the Planning Commission 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.

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 Cannabis Retail (dispensary) use is allowed within the IG (General Industrial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The General Plan land use designation of Light Industry and site zoning are not consistent. The dispensary use is permitted through the approval of a Conditional Use Permit in both the IL (Light Industry) zoning district, which implements the Light Industry land use designation, and the IG (General Industrial) zoning district,

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pursuant to Zoning Code Table 2-10 (allowable land uses) and Section 20-52.050 (Conditional Use Permit). As conditioned, the Project is required to remain in compliance with Zoning Code Chapter 20-46, which provides operating standards for all cannabis uses. Therefore, the Project is consistent with both the General Plan and zoning; and

- B. The proposed dispensary is consistent with the General Plan and any applicable specific plan. The subject site is in an area designated as Light Industry on the General Plan Land Use Diagram, where the implementing zoning district is Light Industry (IL) and the Cannabis Retail use is permitted through the approval of a Conditional Use Permit pursuant to Zoning Code Table 2-10 (allowable uses) and Section 20-52.050 (Conditional Use Permit). The Project implements several General Plan policies by providing employment opportunities, and by placing a retail use within walking distance of residential neighborhoods and along an arterial street. The subject site is not within the boundary of a specific plan area; 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 Cannabis Retail facility is proposed in an existing structure located on an arterial street that is in need of maintenance. If approved, the Project includes minor exterior modifications that will have a significant effect on the aesthetics along this segment of Coffey Lane and the property will be maintained in good condition. The location, on an arterial street, is easily accessed and provides parking in compliance with Zoning Code Chapter 20-36. The Project site plan provides circulation and has been reviewed by the Fire Department and Engineering Development Services, and there are no issues as designed; 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. City staff have reviewed the project plans and there are no unresolved issues. Site circulation includes adequate parking in compliance with Zoning Code Chapter 20-36; the Project site plan allows for emergency access; the application materials include an Odor Mitigation Plan, prepared by RCH Group and certified by Eric Davis, Mechanical Engineer, dated August 2019, that concludes “the Odor Mitigation Plan will mitigate any potential odor impacts from the proposed operations;” the application materials included a Traffic Impact Study, prepared by Abrams Associates Traffic Engineering, Inc., dated September 2, 2021, that concluded project related impacts would be less than significant; water, sewer and emergency services are all available at subject site, and the site is located in an area designation for light industrial and 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 proposed dispensary is located on an arterial street in an area designed by the General Plan Land Use Diagram for light industrial and commercial uses. An Odor Mitigation Plan, prepared by RCH Group and certified by Eric Davis, Mechanical Engineer, dated August 2019, concludes “the Odor Mitigation Plan will mitigate any

potential odor impacts from the proposed operations.” The Project has been conditioned to remain in compliance with Zoning Code Chapter 20-46; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):
- a. Pursuant to CEQA Guidelines Section 15301, the Project is categorically exempt because it involves minor modifications to an existing structure.
  - b. 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 will be made.
  - c. 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 Light Industry and zoning designation of General Industrial; it occurs on property that is less than five acres within Santa Rosa City limits; it is completely developed with no potential 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. The application materials included a Traffic Impact Study, prepared by Abrams Associates Traffic Engineering, Inc., dated September 2, 2021, that concluded project related impacts would be less than significant
  - d. Pursuant to section 15183, the Project qualifies for streamlined review 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 General Industrial zoning district.
  - e. 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.
  - f. 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 Erudite Dispensary, a Cannabis Retail facility including delivery service, providing products for medical and adult use, to be located at 3059 Coffey Lane, is approved subject to each of the following conditions:

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## **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 stamped received on April 12, 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 a building permit for the proposed project.

### **ENGINEERING DIVISION:**

6. Compliance with Engineering Development Services Exhibit A, prepared by Carol Dugas, dated May 28, 2021, attached hereto and incorporated herein.

### **PLANNING DIVISION:**

7. The Project site plan 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.
8. All exterior modifications shall require some level of Design Review.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
10. Compliance with Zoning Code Chapter 20-46, which provides operating standards for cannabis uses.
11. The building and site landscaping shall be maintained in good condition.

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12. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit, and be consistent with the requirements of Zoning Code Chapter
13. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
14. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit and in compliance with Zoning Code Sections 20-30.080 (Outdoor lighting) and 20-46-050 (General operating requirements for cannabis uses).
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. A planning sign permit application is required for all signs.
17. NATURAL RESOURCES:
  - A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
  - B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
  - C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

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 23<sup>rd</sup> day of September 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR WEEKS

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY