

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA FOR A CONDITIONAL USE PERMIT FOR EXTENDED HOURS OF OPERATION FOR MEDICAL AND ADULT USE CANNABIS RETAIL WITH DELIVERY SERVICES OPERATING IN AN 1,170 SQUARE FOOT TENANT SPACE IN AN APPROXIMATELY 9,822 SQUARE FOOT BUILDING WITH DAILY OPERATING HOURS FROM 10:00 AM TO 7:00 PM - LOCATED AT 2425 CLEVELAND AVENUE; APN: 015-481-026 FILE NUMBER CUP18-086.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Sonoma Patient Group to allow weekend extended hours of operation and delivery services for an existing cannabis retail facility located at 2425 Cleveland Avenue, also identified as Sonoma County Assessor's Parcel Number(s) 015-481-026;

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 in that the proposed Medical and Adult Use Cannabis Retail Dispensary with delivery services and extended weekend hours of operation is located within the Commercial Office zoning district, where it is an allowed use, subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the use proposed at this location implements the General Plan vision by accomplishing a variety of Land Use and Economic Development goals by ensuring that office uses contributing to economic vitality goals are located in appropriate areas and residential neighborhoods are protected;
- 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 an existing previously approved use with the owner in "good standing" and is not proposing

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any changes to interior or exterior structures or design and complies and will continue to comply with Building and Fire Code requirements for Cannabis Related Occupancies, including general requirements and those specific to Adult Use Cannabis Retail (Dispensary);

- 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 entirely within a 1,170 square foot tenant space of a 9,822 square foot office building. Access to the site is provided via Cleveland Avenue, and the building will remain fully accessible pursuant to American's 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 CO and CG zoning districts and comprise a variety of commercial, office retail, and business uses. 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. The project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities, by having an existing interior and exterior camera surveillance system, a professionally monitored alarm system, access controls, and secure storage and waste areas, as well as implementing inventory controls, employee safety and security operational procedures, delivery service operation standards and procedures, and training on such procedures. The parking area specifically allocated to this proposed business will be monitored by a security guard during normal business hours and a nightly patrol after the business has closed. The existing building is setback approximately 116-feet from the residential neighborhood to the west, and is separated by a six-foot tall, brick wall. Per Section 20-46.050 (E), the project is subject to building and fire permits as described in Building and Fire Code Requirements for Cannabis Related Occupancies including general requirements. Additionally, an annual Fire Department Operational Permit is required as well as Health and Safety Code for this business; and
- 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 exemption under CEQA Guidelines Section 15301 in that it is the permitting of an existing facility involving negligible expansion of an existing use and no expansion or alteration to the site is proposed. City 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 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 Sonoma Patient Group to allow weekend extended hours of operation and delivery services, 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 May 8, 2018.
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.
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.

**PLANNING DIVISION:**

6. 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.
7. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
8. **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 retail sales and delivery service shall be Monday through Sunday 10:00 a.m. to 7:00 p.m.

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 23rd day of August, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Chair

ATTEST: \_\_\_\_\_  
Executive Secretary