

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
APPROVING A CONDITIONAL USE PERMIT FOR BKIND TO OPERATE A CANNABIS  
RETAIL (DISPENSARY) AND DELIVERY BUSINESS, WITHIN AN EXISTING  
BUILDING LOCATED AT 1128 SONOMA AVE; ASSESSOR'S PARCEL NO. 014-121-002;  
FILE NO. CUP18-079

WHEREAS, an application was submitted requesting the approval of a Conditional Use permit for BKind, a 2,314 square foot medical and adult use cannabis retail and delivery business comprised of retail (634 square feet), storage (421 square feet), offices (228 square feet), processing (255 square feet); delivery operations (178 square feet), and utility room, restroom, and hallways, with daily operating hours from 9 a.m. to 9 p.m., for the property located at 1128 Sonoma Ave., also identified as Sonoma County Assessor's Parcel Number 014-121-002;

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 cannabis retail dispensary and delivery business is allowed in the Office Commercial (CO) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-6 lists allowable uses within the Office Commercial Zoning District, which implements the Office General Plan land use designation, and allows cannabis retail and delivery with the approval of a major Conditional Use Permit; and
- B. The proposed cannabis dispensary and delivery facility is consistent with the General Plan land use designation of Office, which is applied to areas that are intended office uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis retail (dispensaries) and delivery uses appropriate in areas designated as Office on the land use diagram; 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 site is surrounded by residential uses on three sides; however, with the conditions of approval limiting hours of the retail operation Sunday through Thursday between the hours of 9 a.m. and 7 p.m. and with compliance with all operational standards of Zoning Code Chapter 20-46, the

design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity.

The plans have been reviewed by City staff and the Project has been conditioned appropriately; 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 Project plans demonstrate compliance with all operational standards as specified in Zoning Code Chapter 20-46, and the subject site is within a fully developed area zoned for office 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. With the conditions of approval restricting the hours of retail operations and requiring a fence along portions of the west property line; the proposed odor control measures; the proposed operational procedures including site and building security, storage and waste handling, inventory tracking and age/medical condition restrictions; and compliance with all applicable state and local regulations, the proposed Project is consistent with surrounding land uses, including the abutting residential uses to the west, south and east; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will require minor exterior modifications to the structure/site.

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 in that it involves minor modifications to an existing facility, with no expansion of use.

Pursuant to CEQA Guidelines Section 15332, the project qualifies for a categorical exemption as infill development as it 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:

- Traffic - According to the April 23, 2018 Trip Generation Study prepared by W-Trans, the project will have a less-than-significant impact on traffic in that it will generate two more trips during the a.m. peak and seven more trips during the p.m. peak than the existing medical office use;
- Noise - The proposed Project will operation with an existing building, which will not result in excessive noise on the exterior of the building and will operate within more restrictive hours than those established for Retail Cannabis in Zoning Code

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Section 20-46.080(4). As a condition of approval, the retail hours of the Project are restricted Sunday through Thursday from 9 a.m. to 7 p.m. and on Friday and Saturday, the retail hours are 9 a.m. to 9 p.m. Delivery hours would be consistent with the hours of operation allowed by the Zoning Code which are 9 a.m. to 9 p.m. seven days a week;

- Air Quality - In a letter addressed to the City of Santa Rosa, dated April 17, 2018, Jeff Warner of Warner Mechanical Engineering, Inc. discusses in detail the design of the carbon filtration system that will be installed, pursuant to Zoning Code Section 20-46, at the Project site.
- Water – There are no changes in impervious surfaces or stormwater drainage proposed. In addition, the site has municipal water and wastewater service.

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 the Project to allow cannabis retail (dispensary) 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 April 20, 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. Design Review is required for any exterior modifications.
7. An acoustic study shall be provided with plan sets submitted for building permits for all exterior mounted equipment, including HVAC equipment, and enclosure for said equipment, in compliance with the Noise Ordinance, City Code Chapter 17-16. The Project is required to comply with Residential sound levels along the west, south and east property lines.
8. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
9. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
10. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
11. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
12. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
13. Prior to occupancy, the applicant shall install a fence along segments of the west property line to screen the adjacent residences from the Project parking lot. Prior to submitting the plans and design review application for the fence to the City, the applicant shall consult with the adjacent property owner on the design of the fence and incorporate to the extent feasible, the neighbor's input on the fence location, height, materials and overall design.
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 retail sales shall be Sunday through Thursday 9:00 a.m. to 7:00 p.m. and Friday and Saturday 9:00 a.m. to 9 p.m. Delivery service hours of operation are permitted seven days a week 9 a.m. to 9 p.m.

**BUILDING DIVISION:**

15. Obtain a building permit for the proposed project.

**FIRE DEPARTMENT**

16. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards.
17. 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.
18. Facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies” including General Requirements and those specific to Dispensaries. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> Fire flow and location of fire hydrants, fire protection appurtenances shall be in strict accordance with California Fire Code Chapter 5, Appendix B, and Appendix C as adopted by the City of Santa Rosa.

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 29<sup>th</sup> day of November 2018 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

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

ATTEST: \_\_\_\_\_

CLARE HARTMAN, EXECUTIVE SECRETARY