

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR ALOHA AINA, INC. MEDICAL AND ADULT USE RETAIL CANNABIS DISPENSARY WITH DELIVERY IN 2,134 SQUARE FEET OF AN EXISTING 2,500 SQUARE-FOOT BUILDING - LOCATED AT 1954 PINER ROAD, SUITE B; APN: 036-011-059 FILE NUMBER CUP18-060.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Aloha Aina, Inc. to allow a Medical and Adult Use Cannabis Retail facility with Delivery located at 1954 Piner Road Suite B, also identified as Sonoma County Assessor's Parcel Number(s) 036-011-059;

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 use will occupy 2,134 square feet of an existing building in the CG (General Commercial) Zoning District, which is allowed subject to Planning Commission approval of a Major Conditional Use Permit.
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the proposed Medical and Adult Use Cannabis Retail Dispensary with Delivery is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Retail and Business Services General Plan land use designation that allows retail and service enterprises, offices, and restaurants.
- 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 proposed Medical and Adult Use Cannabis Retail Dispensary and Delivery is an allowed use under Section 20-33.030 Table 2-6 with approval of a Conditional Use Permit. The existing site is located within the CG (General Commercial) Zoning District. As such, the area is well-

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suited for the use and the hours of operation are within those permitted in Zoning Code Section 20-46.080(F)(4). The project site is developed for a Retail use, and parking is adequate for the staffing and operations associated with the use. The project complies with the General Operating Requirements for Cannabis Businesses and those operating requirements specific to Medical and 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 will occupy 2,124 square feet within an existing 2,500 square foot retail building. Vehicular access to the site is provided via Piner Road and Marlow Avenue. The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building will remain fully accessible pursuant to Americans 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 east and south, which are within the CN – Neighborhood Commercial, and CG General Commercial Zoning Districts, and comprise a wide variety of commercial, office retail, and business uses.

The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources (see Attachment 7 – Certified Odor Mitigation Plan dated received June 21, 2018). 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 with after hours motion sensing, on-site security personnel, 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 for this business will be monitored by security guards during normal business hours, and the security cameras will provide after hours notification to management staff via email streaming.

The existing building is set back approximately 140 feet from the habitable space in the residential neighborhood to the north, and is separated by Piner Road. Per Zoning Code Section 20-46.050 (E), the project is subject to Building and Fire permits. 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 Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that project is

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the use of an existing private structure involving negligible expansion of use. The Project involves minor modifications to an existing facility and no expansion of use to the site is proposed.

The project qualifies for a Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project is a conversion of an existing small structure from one use to another where the project is going from one approved use to another similar use, does not exceed 2,500 square feet of building, and proposes no exterior modifications.

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 Aloha Aina, Inc., proposing a Medical and Adult Use Retail Cannabis Dispensary with Delivery in 2,134 square feet on an existing 2,500 square-foot building, 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 October 31, 2018.
3. Obtain a Building Permit for the proposed project.
4. 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>
5. Twelve inch illuminated building address characters shall be provided per Fire Dept. standards. Suites shall be provided with a minimum of six inch identification that is contrasting to the background.
6. 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

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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.

7. This project shall comply with Developer Engineering's Exhibit "A."

**EXPIRATION AND EXTENSION:**

8. This Conditional Use Permit shall be valid for a two-year period.
9. 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:**

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. **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 9:00 a.m. to 9:00 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 13th day of December, 2018 by the following vote:

AYES: (0)

NOES: (0)

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ABSTAIN: (0)

ABSENT: (0)

APPROVED: \_\_\_\_\_  
CASEY EDMONDSON, CHAIR

ATTEST: \_\_\_\_\_  
CLARE HARTMAN, EXECUTIVE SECRETARY