

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

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
APPROVING A CONDITIONAL USE PERMIT FOR EXPANDING ROOTS DISPENSARY,  
A MEDICAL AND ADULT USE CANNABIS RETAIL (DISPENSARY) AND DELIVERY  
USE IN 1,340 SQUARE FOOT OF AN EXISTING BUILDING - LOCATED AT 3499  
INDUSTRIAL DRIVE; APN: 015-650-022; FILE NUMBER CUP18-073.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Expanding Roots Dispensary, to allow a medical and adult use cannabis retail (dispensary) facility and delivery at 3499 Industrial Drive, also identified as Sonoma County Assessor's Parcel Number 015-650-022;

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, staff reports, oral and written, the General Plan and zoning on the subject property, 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 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) and Delivery will occupy 1,304 square feet of an existing 9,035 square foot building located on a 0.72-acre parcel in the IL—Light Industrial Zoning District, 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) and Delivery use is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Light Industry General Plan land use designation;
- 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 use is allowed under Section 20-24.030 Table 2-10 with approval of a Conditional Use Permit. The existing site is located within the IL—Light Industrial Zoning District. As such, the area is

Resolution No. \_\_\_\_\_

suitable for the use and the proposed hours of operation daily from 9:00 a.m. to 9:00 p.m. 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 retail dispensaries with delivery;

Cannabis Cultivation, Manufacturing—Level 1 (non-volatile), and Distribution uses were previously approved by Planning Commission Resolution No. 11873 dated January 11, 2018. Pursuant to approval of the proposed Medical and Adult Use Cannabis Retail (Dispensary) and Delivery use, Expanding Roots will operate as a Cannabis Medical and Adult Use Microbusiness consisting of the previously approved Cannabis uses, and the Retail (Dispensary) and Delivery use currently under review. State law requires issuance of a Cannabis Microbusiness (Type 12) license for a cannabis operator to operate multiple cannabis businesses at a single location.

- 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 be located entirely within an existing 9,035 square foot industrial building where a portion of the existing building has previously served a retail use. Vehicular and pedestrian access to the site is provided from Industrial and Airway Drives, the site is accessible by bicycle, and it is within a quarter mile of public transit. The project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site, as conditioned, will be 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 north, west, and south, which are within the IL—Light Industrial Zoning District, and comprise a variety of light manufacturing and commercial retail sales and services uses.

The Odor Mitigation Plan has been certified by TEP Engineering, licensed engineers, verifying that the proposed odor control and mitigation plan “meets, or exceeds, the requirements of the City of Santa Rosa for cannabis odor mitigation.”

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan. Applicant has indicated that “in accordance with Bureau of Cannabis Control Regulations Section 5045, Applicant will have security guards present at the retail premises at all hours” (24-hour security). Applicant will provide and install a variety of security devices to ensure that only authorized personnel have access to the office and the stock/POS room where cannabis is stored. All access points from outside the facility will have both locks and alarms. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7. In addition to surveillance system, a comprehensive

electronic security system, including third party monitoring, will be provided. All cannabis/cannabis product waste and associated water will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

Sited on a corner parcel, the existing industrial building is oriented toward the public rights-of-way with parking area clearly visible from the building and public rights-of-way. Adjacent development to the west and north is industrial or commercial, and uses at these locations are industrial or commercial. The proposed dispensary location within the building is highly visible from public rights-of-way, which enhances security due to public exposure and provides 24-hour security personnel with clear sight lines.

The subject property is located approximately 1,097 feet from the parcel line for the nearest school, Lattice Educational Services at 3273 Airway Drive. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

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 meeting Health and Safety Code requirements.

- 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 Categorical Exemption under CEQA Guidelines Section 15301 Existing Facilities in that project is the use of an existing structure involving negligible expansion of use.

The project qualifies for a Class 3 Categorical Exemption under CEQA Guidelines Section 15303 Conversion of Small Structures in that the project involves a change of use, which will not require exterior modifications.

The project qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 Infill Development in that it is consistent with applicable General Plan Land Use Designation and Zoning District, 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:

- a. The Project site is fully developed with buildings and a parking lot with 26 parking spaces and has no habitat value and is surrounded by developed parcels with urban uses;
- b. The Project is connected to City water and wastewater services and is served by all necessary utilities and public services, including storm drainage, gas and electrical services;
- c. The Project includes a Trip Generation Study that concluded that there will be no significant impacts to City streets and was vetted by City staff.
- d. An Odor Mitigation Plan was prepared in compliance with Zoning Code Section

Resolution No. \_\_\_\_\_

20-46 and certified by TEP Engineering, licensed engineers.

- e. City staff reviewed the Project and no foreseeable significant adverse impacts to traffic, noise, air quality or water quality were identified;

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 Expanding Roots, Inc. to allow a medical and adult use cannabis retail (dispensary) and delivery service use at 3499 Industrial Drive, 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 January 3, 2019.
3. A building permit shall be obtained for the project.
4. The selling of edibles requires a County Environmental Health Department permit. The County's permit is a separate process from the City's building permit process, but the building permit will not be issued prior to County Health Department approval.
5. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. An illuminated address directory monument sign shall be provided at each entrance to the property..
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 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. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies" including General

Resolution No. \_\_\_\_\_

Requirements and those specific to Manufacturing. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support>.

**EXPIRATION AND EXTENSION:**

8. 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.
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.

**ENGINEERING DIVISION:**

10. Compliance with all conditions specified by Planning Commission Resolution No. 11873 Exhibit "A" dated June 1, 2017, attached hereto and incorporated herein.

**PLANNING DIVISION:**

11. Obtain a Sign Permit prior to installation of any signs.
12. 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.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080.)
14. A minimum of four (4) bicycle parking space shall be provided on-site in compliance with Zoning Code section 20-36.040.
15. Applicant will limit all commercial deliveries to the dispensary to hours of 9 a.m. to 5 p.m. Monday through Friday.
16. **PROJECT DETAILS:**
  - A. 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.
  - B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of

Resolution No. \_\_\_\_\_

main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.

- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.
- D. 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.

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 10th day of January, 2019 by the following vote:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

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

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