

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR 365 RECREATION CLUB MEDICAL AND ADULT USE RETAIL CANNABIS DISPENSARY WITH DELIVERY IN 3,406 SQUARE FEET OF AN EXISTING 3,454 SQUARE FOOT COMMERCIAL RETAIL BUILDING ON ON A 17,859 SQUARE FOOT PARCEL - LOCATED AT 2750 MENDOCINO AVENUE; APN: 180-040-003, FILE NUMBER CUP18-042.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for 365 Recreation Club to allow a Medical and Adult Use Cannabis Retail facility with Delivery located at 2750 Mendocino Avenue, also identified as Sonoma County Assessor's Parcel Number 180-040-003;

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 will occupy 3,454 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 uses are 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

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well-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 already developed for a retail use, and parking is adequate for the staffing and operations associated with the use. The project complies with the Locational and 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 be located entirely within an existing 3,454 square-foot commercial retail building. Vehicular access to the site is provided via an existing curb cut along the project site's frontage on Mendocino 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. The proposed project will be consistent with the surrounding land uses to the north, east, and south, which are within the CG – General Commercial, Public and Institutional, and R-1-6 Single-Family Residential Zoning Districts, and comprise a wide variety of commercial uses, as well as government uses on the County of Sonoma Government Campus.

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 5 – Certified Odor Mitigation Plan dated May 5, 2018). The project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency. The project Security Plan also proposes to discourage loitering, crime, and illegal or nuisance activities by having an existing interior and exterior camera surveillance system, on-site security personnel with nightly patrols, a professionally monitored alarm system, access controls, and secure storage and waste areas. Inventory controls will be implemented, employee safety and security operational procedures will be implemented, and delivery service operation standards and procedures will be implemented. The parking area for this business will be monitored by a security guard during normal business hours.

Entry into the retail facility will be controlled and monitored by a trained security guard during operation hours. Video surveillance operating 24 hours a day, seven days a week will be monitored and retained for a period of six months.

The existing building is set back approximately 285 feet from the nearest habitable space in the residential neighborhood to the southeast. Per Zoning Code Section 20-46.050 (E), the project is subject to Building and Fire permits. An annual Fire Department Operational Permit is required, as well as Health and Safety Code for this business.

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Visual exposure to minors (including the daycare use located approximately 590 feet to the south of the project site and immediately across Mendocino Avenue to the west) will be limited by Zoning Code standards as advertising or marketing of cannabis products within 1,000 feet of a day care, a school providing instruction in kindergarten or any grades 1 through 12, playground or youth center, is prohibited. Additionally, as conditioned, a good-neighbor fence will be constructed at the rear of the property; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The project qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project involves minor modifications to an existing facility and no expansion of use to the structure/site is proposed.

The Project qualifies for a Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the Project involves a change of use, which will require minor exterior modifications to the structure/site.

Pursuant to CEQA Guidelines Section 15332, the project qualifies for a Class 32 Categorical Exemption as infill development as 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. Biology – The project site is covered by an existing building and parking lot and has no habitat value. No trees or other vegetation will be removed from the site as a part of the project; and
- b. Traffic –The project will have a less-than-significant impact on traffic in that the project proposes an increase of AM and PM peak hour trips of less 50 trips as per the standards of the ITE Trip Generation Manual and consistent with the City’s Standards for the Preparation of Traffic Impact Analysis.
- c. Air Quality – The project would not result in impacts to air quality. The project is well below the project screening thresholds established by the Bay Area Air Quality Management District. Furthermore, an Odor Mitigation Plan was prepared and signed by Andrew Souza, PE, TEP Engineering, dated May 5, 2018, and was prepared in compliance with Zoning Code Section 20-46.
- d. Noise – The proposed Project will operate within an existing building, which will not result in excessive noise on the exterior of the building and will operate within the hours established for Retail Cannabis in Zoning Code Section 20-46.080(4) as outlined in an analysis dated May 5, 2018 prepared by TEP Engineering. Inventory delivery hours will be limited between 9 a.m. and 6 p.m. daily, while the dispensary and associated customer delivery hours would also 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 ; and

- e. Odor – An Odor Mitigation Plan was prepared and signed by Andrew Souza, PE, TEP Enineering, dated May 5, 2018, and was prepared in compliance with Zoning Code Section 20-46.
- f. Water – There are no changes in impervious surfaces or storm water drainage proposed. In addition, the site has municipal water and wastewater service.

The City 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 section15300.2.)

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 365 Recreation Club, proposing a Medical and Adult Use Cannabis Retail Dispensary with Delivery in an existing 3,454 square-foot commercial tenant space on a 17,859 square foot parcel, 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 17, 2018.
3. Obtain a Building Permit for the proposed project.
4. The 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 provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code.
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

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submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.

EXPIRATION AND EXTENSION:

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

9. Permitted hours of operation for retail sales and retail delivery service shall be Monday through Sunday 9:00 a.m. to 9:00 p.m. Distributor/wholesale/inventory delivery hours shall be within the hours of 9:00 a.m. and 6:00 p.m. seven (7) days a week.
10. A six-foot-tall solid wood fence shall be constructed at the rear property line. The fence must be constructed prior to the issuance of the Certificate of Occupancy.
11. The illegal dwelling unit found in the second-story area of the on-site building must either be removed or legalized via building permit (if possible) prior to the issuance of the Certificate of Occupancy for the business. Additionally, the second-floor area must be labeled as non-habitable space on the building permit plans should the illegal dwelling unit be removed. The space occupied by the illegal dwelling unit cannot be utilized as part of the conditional use under this authorization for the site unless subsequently allowed by an amendment.
12. A detailed lighting plan that demonstrates consistency with Zoning Code standards for lighting shall be submitted as part of the building permit plans.
13. 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.
14. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
15. **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.

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:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CASEY EDMONDSON, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY