

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

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR SONOMA GARDENS, A MEDICAL AND ADULT USE RETAIL CANNABIS DISPENSARY IN A 2,313 SQUARE FOOT TENANT SPACE IN AN EXISTING 4,626 SQUARE FOOT BUILDING, AND APPROVING REDUCED ON-SITE PARKING AT 2074 ARMORY DRIVE; APN: 180-270-044; FILE NUMBER CUP18-071.

WHEREAS, The Bjork Group submitted an application requesting approval of a Conditional Use Permit to allow a medical and adult use retail cannabis facility at 2074 Armory Drive, also identified as Sonoma County Assessor's Parcel Number 180-270-044 and to allow reduced on-site parking; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application on January 10, 2019 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 both 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 Retail Cannabis Dispensary will occupy a 2,313 square feet tenant space within an existing 4,626 square foot building located on a 10,018 square foot parcel at 2074 Armory Drive in the General Commercial Zoning District (CG), 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 proposed Medical and Adult Use Retail Cannabis Dispensary 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 Retail Cannabis Dispensary is allowed under Section 20-33.030 Table 2-6 with Conditional Use Permit approval. The existing site is located within the General Commercial Zoning District and the proposed location is suitable for the use.

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The proposed hours of operation daily from 9 p.m. to 9 p.m. are within those permitted in Zoning Code Section 20-46.080(F)(4.) Commercial deliveries to the dispensary will be occur weekdays between 9 a.m. and 5 p.m. The project site is developed and previously used for retail use and a focused traffic study has concluded that available on-site and off-site parking is adequate for the staffing and operations associated with the use. The project complies with the general operating requirements for cannabis businesses and operating requirements specific to medical and adult use retail dispensaries;

- 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 2,313 square foot space within an existing building. Adequate vehicular access to the site is provided from Armory Drive. The project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site are 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. The Planning Commission finds that allowing reduced parking consisting of the five (5) existing on-site parking spaces for the proposed dispensary use instead of nine on-site parking, and a total of ten (10) spaces for both on-site uses, is approved based on the following findings:
- On-street parking is available in the immediate vicinity that is not being used due to the unusual circumstance of Highway 101 running along the west side of Armory Drive resulting in a low intensity retail corridor resulting in accommodating any necessary on-street overflow parking that is acceptable, adequate and safe.
  - The W-Trans Traffic Study further concluded that the parking demand is reduced below the Zoning Code requirement of nine (9) parking spaces for the dispensary using the ITE Parking Generation rates requirements and the availability of on-site and street parking is adequate to address total peak parking demands.
  - The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. Although the proposed on-site parking supply is insufficient to meet City requirements, W-Trans Focused Traffic Study for the Sonoma Gardens Dispensary Project dated December 5, 2018 has concluded that the total parking supply available (on-site and off-site) is expected to be adequate to accommodate the anticipated peak demand.
- F. 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 and south, which are within the General Commercial Zoning District and comprise a variety of uses including commercial and institutional use and will not adversely impact residential uses to the east of the site. Highway 101 is located to the west of the project site and Armory Drive.

The building entrance and parking area are located on the west side of the existing building away from the residential uses to the east of the building and there is no access from the subject parcel onto the residential parcels. The proposed dispensary abuts a dry cleaner/laundry within the existing building and is contiguous to the Santa Rosa Junior College Security facilities to the south and north.

W-Trans Focused Traffic has concluded that although the proposed on-site parking supply is insufficient to meet City requirements, the total parking supply available (on- and off-site) is expected to be adequate to accommodate the anticipated peak demand.

The applicant has submitted an Odor Mitigation Plan that has been certified by TEP Engineering, a registered professional engineer, for compliance with Zoning Code Chapter 20-46.

The subject property parcel line is located approximately 1,463 feet from the nearest school, Steele Lane Elementary. 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.

- G. 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.

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. The Project site is fully developed with buildings and a parking lot with 10 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;

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- c. The Project includes a Focused Traffic Study that concluded that there will be no significant impacts to City streets. An Odor Mitigation Plan has been certified by TEP Engineering, a registered professional engineer, for compliance with Zoning Code Chapter 20-46;

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); and

BE IT FURTHER RESOLVED that a Conditional Use Permit for The Bjork Group to allow a medical and adult use cannabis retail facility at 2074 Armory 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 April 20, 2018.
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. 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 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 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.
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. Obtain a Sign Permit prior to installation of any signs.
11. 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.
12. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080.)
13. A minimum of one bicycle parking space shall be provided on-site in compliance with Zoning Code section 20-36.040.
14. As recommended in the W-Trans Focused Traffic Study, to reduce parking demand and maximize the number of spaces available for use by customers, the applicant shall provide transit passes to all employees.
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.
  - B. Permitted hours of operation for cannabis retail sales and delivery service, as proposed in the application, shall be between 9 a.m. and 9 p.m. daily.
  - C. As proposed, all commercial deliveries to the dispensary will be limited to the hours of 9 a.m. to 5 p.m. Monday through Friday.

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

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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