

RESOLUTION NO. XXXXX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR SANTA ROSA NKM TO OPERATE A CANNABIS MICROBUSINESS WITH ADULT AND MEDICINAL USE RETAIL (DISPENSARY), DELIVERY, CULTIVATION, NON-VOLATILE MANUFACTURING, AND DISTRIBUTION WITHIN 3,712-SQUARE-FOOT PORTION OF AN EXISTING 9,280-SQUARE-FOOT BUILDING, LOCATED AT 468 YOLANDA AVENUE, SUITES 304 AND 305; ASSESSOR'S PARCEL NO. 044-091-066; FILE NO. CUP18-062

WHEREAS, an application was submitted requesting the approval of Conditional Use Permits for Santa Rosa NKM to operate a 3,712-square-foot cannabis microbusiness for adult and medicinal use with retail (State license Type 10), delivery, cultivation, non-volatile manufacturing, and distribution (State license Type 12-Microbusiness) comprised of 404-square-feet of retail sales, 1,584-square-feet of cultivation, 519-square-feet of distribution, and 1,205-square-feet of non-volatile manufacturing, with daily operating hours from 9:00 a.m. to 5:00 p.m., on property located at 468 Yolanda Avenue, Suite 304 7 305, also identified as Sonoma County Assessor's Parcel Number 044-091-066;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which time 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 Project is allowed in the Light Industrial (IL) 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 Light Industrial Zoning District, which implements the Light Industrial General Plan land use designation, and allows cannabis cultivation, distribution, manufacturing, retail dispensary, and delivery with the approval of a major Conditional Use Permit; and
- B. The proposed Project is consistent with the General Plan land use designation of Light Industrial, which is applied to areas that are intended for cultivation, distribution and retail uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis cultivation, distribution, and retail (dispensaries), and delivery uses appropriate in areas designated as Light Industrial 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 in an area zoned and predominately occupied by light industrial uses. Property to the north, east and west are zoned light industrial, and the areas to the south is zoned residential. Residences to the south are approximately 190 feet away and buffered by another industrial building and surrounding parking areas.

The Project is supported by a well-designed, shared parking area; security measures including lighting, restricted access for employees, refuse disposal areas, on-site security personnel, and surveillance cameras.

Furthermore, the project site is in the Light Industrial zoning district on a site with a history of light industrial and warehouse uses. The entrance to the retail dispensary is visible from the street and the proposed project is compatible with the existing light industrial uses located on property to the north, east, and west of the project site and adequately screened and separated from the residential uses located to the south. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity; 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 light industrial 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. The physical appearance of the property will remain largely unchanged and on-site security personnel will monitor the parking lot to prevent loitering, consumption of cannabis or other nuisance activities. In addition, with the proposed odor control measures; the proposed operational procedures including site and building security, the lack of on-site consumption, storage and waste handling, inventory tracking, hours of operation, and age/medical restrictions; and, compliance with all applicable state and local regulations, the proposed Project will not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, or welfare, or materially injurious to persons, property or improvements in the vicinity.
- 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 also 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. Based on the traffic memo prepared by Transpedia Consulting Engineers, on May 24, 2019, the Project is expected to generate 13 vehicle trips in the AM peak hour and 15 trips in the PM peak hours. Because the proposed Project would be expected to generate fewer than 50 trips during either the AM or the PM peak hours, a full traffic impact study is not required per the City's guidelines and there are no foreseeable significant adverse traffic impacts as a result of the project.
- Biology. The Project site is covered by an existing building and paved parking areas and has no habitat value. No trees or other vegetation will be removed from the site as a part of the Project.
- 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 hours established for Retail Cannabis in Zoning Code Section 20-46.080(4)
- Air Quality/Odor - The letter addressed to the City of Santa Rosa, dated June 21, 2018, and certified by Andrew Souza, Registered Professional Engineer of TEP Engineering, certifies that the Odor Mitigation Plan for the Project meets or exceeds the requirements of the City of Santa Rosa, pursuant to Zoning Code Section 20-46; and
- Water –No changes are proposed to storm water drainage from the Project site. 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 and the conditions in Exhibit A:

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 19, 2018.

EXPIRATION AND EXTENSION:

3. This Conditional Use Permit shall be valid for a two-year period.
4. 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:

5. Design Review is required for any exterior modifications.
6. 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.
7. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
8. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
9. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
10. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
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.

BUILDING DIVISION:

13. Obtain a building permit for the proposed project.

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 25th day of July 2019 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit: Engineering Development Services Exhibit A