

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR GREEN PEN, LLC, A MEDICAL AND ADULT USE RETAIL CANNABIS DISPENSARY WITH DELIVERY IN A 2,943 SQUARE-FOOT BUILDING, AND APPROVING REDUCED ON-SITE PARKING AT 353 COLLEGE AVE; APN: 180-750-046; FILE NUMBER CUP18-080.

WHEREAS, Green Pen LLC, submitted an application requesting approval of a Conditional Use Permit to allow a medical and adult use cannabis retail dispensary with delivery at 353 College Avenue, also identified as Sonoma County Assessor's Parcel Number 180-750-046 and to allow reduced on-site parking; and

WHEREAS, on March 14, 2019, the Planning Commission held a duly noticed public hearing on the application at which the Planning Commission requested additional information regarding the on-site circulation, increased pedestrian traffic impacts to passing motorists, and the effects of the delivery on P.M. Peak Hour Trips and continued the item to a date uncertain; and

WHEREAS, a Revised Addendum to the Trip Generation and Parking Study was prepared by W-Trans, dated May 16, 2019, to address the concerns of the Planning Commission regarding on-site circulation, increased pedestrian traffic impacts to passing motorists, and the effects of delivery on P.M. Peak Hours; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application on September 12, 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 the Zoning Code and the City Code in that the proposed medical and adult use retail cannabis dispensary will occupy an existing 2,943 square-foot building in the CG-H (General Commercial - Historic) Zoning District, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with zoning district requirements and all other applicable provisions of the Zoning Code and City Code;

- 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 use 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;

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 with 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-H (General Commercial – Historic) Zoning District. As such, the area is well-suited for the use and the hours of operation are within those permitted in Zoning Code Section 20-46.080(F)(4).

A Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, determined that adequate on-site parking, bicycle parking, with sufficient and safe on-site circulation, and employee parking located in City Parking Garage No. 1 exists for the staffing and operations associated with the use. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to medical and adult use cannabis retail dispensaries with delivery;

- C. 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 2,943 square-foot building and adequate vehicular access to the site is provided from Glenn Street. The Project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46. The building and site will be fully accessible and compliant with the Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services.
- D. The Planning Commission finds that allowing for a reduced parking amount of 6 spaces (50%), consisting of six (6) existing on-site parking spaces, instead of 12 on-site parking spaces, is approved based on the following findings:

- Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Zoning Code Section 20-36.040, Table 3-4 in that a Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, by W-Trans, concludes that the parking supply provided is sufficient for the use as proposed with six (6) off-site parking spaces for employees in City Garage No. 1.

The deficiency in parking spaces associated with the operation of the dispensary has been conditioned to provide the safe and sufficient operation of the use by

purchasing parking passes to City Garage No. 1, to reduce the parking demand from employees. The project is providing 11 additional bicycle parking spaces than what is required by City Code. The project site is close to Downtown Santa Rosa with parking facilities and is within walking distance to bus stops within Santa Rosa's 15-minute headway corridors. Increased pedestrian traffic generated by employees parking at City Garage No. 1 would not result in a significant impact to traffic, and delivery services are anticipated to reduce P.M. Peak Hour Trips by 20 P.M. Peak Hour Trips.

- The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use in that the Trip Generation and Parking Study dated September 6, 2018, with Addendums on March 7, 2019, and May 16, 2019, by W-Trans indicated that the parking will be sufficient for the site. Additionally, there are sidewalks and infrastructure surrounding the site, and the project has been vetted by City Staff for the safe, convenient, and efficient operation of the proposed Dispensary.

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 CG – General Commercial, CD – Downtown Commercial, and comprise a wide variety of commercial, office retail, and business uses. The site is located on a commercial corridor on College Avenue with Highway 101 located to the west of the project site. Single family residences are located to the north and south of the commercial corridor on College Avenue and Downtown Santa Rosa begins approximately 1,200 feet southeast of the project site.

The Trip Generation and Parking Study by W-Trans dated September 6, 2018, with Addendums dated March 7, 2019, and May 16, 2019, provided for this project concluded that although the proposed on-site parking supply does not meet standard City Zoning Code requirements, ADA accessibility requirements can be met and the total parking supply available (on- and off-site) is adequate to accommodate the anticipated peak parking demand and the delivery service is anticipated to reduce the P.M. Peak Hour Trips by 20 fewer P.M. Peak Hour trips after collecting data from other dispensaries with delivery in Santa Rosa than what is indicated using ITE rates for cannabis dispensaries with delivery.

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 requirements for this business.

The closest school to the Project site based on the City of Santa Rosa's Public GIS map is St. Luke Lutheran School approximately 1,225 feet from the parcel line of the Project property. This exceeds the minimum 600-foot separation required under both State and

City of Santa Rosa regulations.

The City of Santa Rosa cannabis ordinance does not require setbacks from residential development for a cannabis dispensary beyond what is standard for any commercial retail land use, and the project will be conditioned to limit the noise from distributor delivery and other deliveries from large trucks to the site to prevent any noise nuisances to the Ridgway Preservation District neighborhood.

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 9 – Certified Odor Mitigation Plan dated April 4, 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, on-site security personnel with nightly patrols, 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;

- 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 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:

- The Project site includes a fully developed building and a parking lot with six (6) parking spaces and has no habitat value and is surrounded developed parcels with urban uses;
- The Project is connected to City water and wastewater services and is served by all necessary utilities and public services;
- The Project included a Trip Generation and Parking Study with Addenda that concluded that there will be no significant impacts to City streets and that adequate on-and off-site parking was available to meet peak parking demand and was vetted by City staff.

- An Odor Mitigation Plan was prepared and signed by Jeff Warner, PE, Warner Mechanical Engineering, dated April 4, 2018, and was prepared in compliance with Zoning Code Section 20-46.

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

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 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 Green Pen LLC, to allow a medical and adult use cannabis retail dispensary with delivery at 353 College Avenue 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 February 4, 2019.
3. A building permit shall be obtained for the project.
4. Ensure the suite is equipped with a minimum of a six-inch office suite address for clear identification of the occupied space. Installation to comply with California Fire Code as amended by the Santa Rosa City Code.
5. 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.
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.

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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. 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 parking passes for City Garage No. 1 to all employees.
14. **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, the project shall provide 12 covered bicycle parking spaces on the north side of the building.
 - D. As proposed, all distributor deliveries to the dispensary will be limited to the hours of 6 a.m. to 10 p.m. daily.
 - E. All commercial deliveries to the dispensary will be no earlier than 8 a.m. daily.

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 12th day of September, 2019, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY