

RESOLUTION NO. XXXXX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR CITRUS HILL CANNABIS TO OPERATE A CANNABIS ADULT AND MEDICINAL USE RETAIL (DISPENSARY) AND DELIVERY FACILITY WITHIN A 654-SQUARE FOOT PORTION OF A 6,664-SQUARE FOOT INDUSTRIAL BUILDING, LOCATED AT 1236 BRIGGS AVENUE; ASSESSOR'S PARCEL NO. 012-083-009; FILE NO. CUP18-050

WHEREAS, an application was submitted requesting the approval of Conditional Use Permits for Citrus Hill Cannabis to operate a 654-square foot cannabis adult and medicinal retail (State license Type 10) and delivery facility, on property located at 1236 Briggs Ave., also identified as Sonoma County Assessor's Parcel Number 012-083-009;

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 IL-SA (Light Industrial – Station Area) 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 IL-SA Zoning District, which implements the Light Industry General Plan land use designation, and allows cannabis retail 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 manufacturing, cultivation, distribution and retail uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis, manufacturing, 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 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 IL-SA (Light Industrial-Station Area) Zoning

District and is surrounded on all sides by light industrial uses on land zoned and designated for light industry. 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 Report for the Project dated April 12, 2019 determined that adequate parking on the project site in combination with the spaces available on the adjacent property at 1240 Briggs Ave, bicycle parking, with sufficient and safe sight distances and on-site circulation, and employee parking 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

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

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 surrounding properties. 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 proposed use will be located entirely within an existing building and adequate vehicular access to the site is provided from Briggs Ave. 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. 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

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 which are in the IL-SA (Light Industrial – Station Area) zoning district and comprise warehousing and light manufacturing and associated retail businesses.

The Trip Generation and Parking Report for the Project by Transpedia Consulting Engineers dated April 12, 2019, demonstrates that with the availability of surplus parking on the adjacent property at 1240 Briggs Ave. the total parking supply (on- and off-site) is adequate to accommodate the anticipated peak parking demand, sight distances are adequate for safe egress from the site, and adequate space is available for internal parking lot circulation.

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 Ridgeway High School located approximately 1,100 feet east of 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 Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources. The project Security Plan will prevent theft or diversion of any cannabis or currency, as well as discourage loitering, crime, and illegal or nuisance activities, through the use of interior and exterior camera surveillance, on-site security personnel, 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., 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; and

- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving no 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 Report dated April 12, 2019, that concluded that there will be no significant impacts to City streets and that adequate on-and off-site parking was available to meet

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peak parking demand and was vetted by City staff.

- An Odor Mitigation Plan was prepared and signed by Matthew J. Torre, PE, dated June 13, 2018, in compliance with Zoning Code Section 20-46.

There are no foreseeable significant adverse impacts to traffic, noise, air quality or water quality.

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 12, 2019.

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.

ENGINEERING DIVISION:

5. Compliance with all conditions specified by Engineering Development Services Exhibit "A" dated September 3, 2019, attached hereto and incorporated herein.

PLANNING DIVISION:

6. Prior to issuance of building permits, the applicant shall demonstrate compliance with the requirements of Zoning Code Section 20-36.070(A)(1) for the four parking spaces approved to be located off the Project site on the property at 1240

Briggs Avenue by providing a recorded covenant running with the land (e.g. 1240 Briggs Avenue), recorded by the owner of the parking facility, guaranteeing that the required parking will be maintained exclusively for the Project for the duration of the Project.

7. Design Review is required for any exterior modifications.
8. 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.
9. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
10. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
11. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
12. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
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.

BUILDING DIVISION:

15. 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 26th day of September, 2019 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit: Engineering Development Services Exhibit A