

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT AND PARKING REDUCTION FOR MATANZAS ALLIANCE LLC,
DBA: JUSTICE GROWN DISPENSARY, TO OPERATE A 7,128-SQUARE FOOT
CANNABIS RETAIL FACILITY (DISPENSARY), LOCATED AT 1111 PETALUMA HILL
ROAD, SUITE A, SANTA ROSA; FILE NUMBER PRJ18-058

WHEREAS, on April 20, 2018, an application was submitted requesting the approval of a Conditional Use Permit (CUP) for Justice Grown Dispensary, a 7,128-square foot Cannabis Retail facility with delivery service selling both medical and adult use products, to be located at 1111 Petaluma Hill Road, Suite A, also identified as Sonoma County Assessor's Parcel Number 038-112-028. The companion Design Review application was submitted on September 26, 2018; and

WHEREAS, a Zoning Clearance was issued for an Office – Professional use (described in the project narrative as the Community Impact Area, where counseling services will be provided to victims of abuse), defined by the Zoning Code as office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property, and includes counseling services, to be located at 1111 Petaluma Hill Road, Suite B; and

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 Sections 20-52.050 (Conditional Use Permit) and 20-36.050(C)(1)(b), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed dispensary is allowed within the CG (General Commercial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code; and
- B. The proposed dispensary is consistent with the General Plan land use designation of Retail and Business Services which is intended for retail and service enterprises, offices and restaurants. On December 19, 2017, the City Council adopted Ordinance Number ORD-2017-025 finding Cannabis Retail uses appropriate in areas designated as Retail and Business Services on the land use diagram; and

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- C. The design, location, size, and operating characteristics of the proposed dispensary would be compatible with the existing and future land uses in the vicinity. The dispensary will occupy approximately 7,128 square feet of an existing 9,927-square foot commercial building; a Zoning Clearance for the project-related Community Impact Area (CIA), an Office - Professional use, has been issued for Suite B, the remainder of the building.

Pursuant to Zoning Code Table 3-4, the two uses combined would require 40 parking spaces (29 for the dispensary and 11 for the CIA). Typical hours of operation for the CIA are during the morning and evening, which generally do not compete with the peak-period parking needs of the dispensary. The project proposes to operate from an existing commercial building that has 29 onsite parking spaces, a deficit of 11. W-Trans conducted surveys in the immediate area, which were addressed in the Traffic Study, dated August 17, 2019. Because the CIA could potentially operate any time between 8:00 am and 8:00 pm, counts were taken weekdays in the morning, afternoon and evening. The survey concluded that there is sufficient on-street parking available on Barham Avenue, Petaluma Hill Road and Pressley Street to support a parking reduction.

The project has further been conditioned to install a Rectangular Rapid Flashing Beacon (RRFB), to provide safe access to pedestrians crossing Petaluma Hill Road;

The plans have been reviewed by City staff and the project has also been conditioned to comply with operational standards pursuant to Zoning Code Chapter 20-46; 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 designated for commercial 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 site is surrounded to the north, east and south with similar commercial uses, and to the west by a legal non-conforming residential use. The residential use is separated from the proposed dispensary by the office use located in Suite B. The general nature of commercial uses was included in the scope of review in the General Plan 2035 Environmental Impact Report certified by the Council in 2009. On December 19, 2017, the City Council adopted Ordinance Number ORD-2017-025 finding Cannabis Retail uses appropriate in areas designated as Retail and Business Services on the land use diagram; and
- F. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Zoning Code Table 3-4. The project proposes to operate from an existing commercial building and has 29 onsite parking spaced, 11 less than required by Table 3-4. A Traffic Study, prepared by W-Trans, dated August 17, 2019, concluded that there is adequate street parking around the subject property to warrant a parking reduction.

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- G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. The project has been conditioned to install a Rectangular Rapid Flashing Beacon (RRFB), to provide safe access to pedestrians crossing Petaluma Hill Road.
- H. The Cannabis Retail facility has been found in compliance with the California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15183, the project is consistent with the General Plan for which an Environment Impact Report (EIR) was certified by Council in 2009. In December 2017, Council enacted comprehensive regulations for cannabis. Analysis concluded that cannabis-related uses were similar in terms of environmental impacts to other allowable uses in the CG zoning district. No further environmental review is necessary for the Project as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and also qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will include only minor exterior modifications to the structure/site.

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and 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 also qualifies for a categorical exemption as infill development as it is located on a site of less than five acres within City limits and is substantially surrounded by urban uses; it has no value as habitat for endangered, rare or threatened species because the property is already developed; the property is already receiving all necessary utilities and public services; and the project has no foreseeable significant adverse impacts to traffic, noise, air quality or water quality:

A Traffic Study, prepared by W-Trans, dated August 17, 2019, concluded that “Under existing conditions, the study intersections are operating acceptably at LOS C or better overall and on all side-street approaches. With project generated traffic added to existing volumes, the study intersections would continue operating acceptably at LOS C or better.”

Justice Grown Dispensary will have a professionally installed carbon filtration system to prevent odors from escaping the building. A memo, prepared by Matthew Torre, Registered Professional Engineer, dated April 5, 2018, found that the odor mitigation plan “meets, or exceeds, the requirements of the city of Santa Rosa for cannabis odor mitigation.”

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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 Justice Grown Dispensary, to be located at 1111 Petaluma Hill Road, Suite A, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

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 September 26, 2018, and supplemental parking plan dated September 17, 2019.

EXPIRATION AND EXTENSION:

3. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
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.

BUILDING DIVISION:

5. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

6. Compliance with Engineering Development Exhibit A, prepared by Jesus McKeag, dated September 12, 2019, attached hereto and incorporated herein.

PLANNING DIVISION:

7. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

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8. Any exterior modifications to the approved building design, including but not limited to fences, landscaping, replacement of building materials, storage areas, or exterior mounted equipment, will require Design Review.
9. The Project shall comply with all applicable operational standards pursuant to Zoning Code Chapter 20-46.
10. Plan sets submitted for Building Permit shall include a Lighting Plan in compliance with Zoning Code Section 20-30.080. New exterior lighting shall require Design Review.
11. The Project shall comply with the Noise Ordinance, City Code Chapter 17-16, for commercial uses along the east, west and south property lines, and for residential uses along the north property line.
12. The Project shall comply with the Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
13. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
14. LIGHTING:
 - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
 - B. Light sources shall be concealed from public view.
 - C. All lighting shall be directed toward the subject property and away from adjacent properties.
 - D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height.
15. PARKING:
 - A. Onsite parking spaces located at the northeast corner of the site (dispensary frontage) and adjacent to the west side of the structure shall be reserved for customers of the dispensary and community outreach facilities.
 - B. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

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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 October 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

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