

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE GREEN QI, A 4,185-SQUARE FOOT CANNABIS MICROBUSINESS, TO BE LOCATED AT 925 PINER ROAD; FILE NUMBER CUP18-056

WHEREAS, on April 17, 2018, an application was submitted requesting the approval of a Conditional Use Permit for Green Qi, a 4,185-square foot Cannabis Microbusiness comprised of a Cannabis Retail (dispensary) facility selling both medical and adult use cannabis products, including delivery and onsite consumption; Cannabis Distribution; and Light Manufacturing, to be located at 925 Piner Road, also identified as Sonoma County Assessor's Parcel Number 015-680-024; and

WHEREAS, on December 12, 2019, 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 Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed Cannabis Microbusiness is allowed within the IL (Light Industrial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the use is allowed within the IL zoning district and the project complies with all other applicable provisions of the Zoning Code and the City Code; and
- B. The proposed Cannabis Microbusiness is consistent with the General Plan land use designation of Light Industry which is intended to accommodate light industrial, warehousing and heavy commercial uses. Uses appropriate to this land use category include auto repair, bulk or warehoused goods, general warehousing, manufacturing/assembly with minor nuisances, home improvement retail, landscape materials retail, freight or bus terminals, research oriented industrial, accessory offices, and employee-serving commercial uses, and services with large space needs, such as health clubs. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding Cannabis Retail uses appropriate in areas designated as Light Industry on the General Plan 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:

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- The subject property is surrounded on all sides with similar commercial and light industrial uses;
 - The project meets parking requirements set forth in the Zoning Code. Pursuant to Zoning Code Table 3-4, the 4,185-square foot cannabis retail facility is required to provide 14 onsite parking spaces. When the project involves a change of use in an existing building without enlarging the space, Zoning Code Section 20-36.040(C)(2) allows a reduction in parking provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater. The project has a three-space parking deficit, which is less than a 25 percent reduction from standard parking requirements;
 - The facility will provide adequate security;
 - The project is required to comply with operational standards pursuant to Zoning Code Chapter 20-46;
 - The plans have been reviewed by City staff and the Project has been conditioned appropriately; 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 site is fully developed with a commercial building and no building expansion is proposed. It is in an area designed for commercial and light industrial uses where all services and utilities are available; 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 in that the subject property is surrounded on all sides with similar commercial and light industrial uses; and
- F. The project 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 IL 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 also qualifies for a Class 3 Categorical Exemption pursuant to Resolution No. _____

CEQA Guidelines Section 15303 in that it involves a change of use, which will require only 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.
- The proposed project also qualifies for a Class 32 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 Focused Traffic Study, prepared by W-Trans, dated September 19, 2019, attached to this report, concluded that the project would result in less than 50 new peak hour trips and does not trigger the additional operational analysis per the City's Standard Guidance for the Preparation of Traffic Impact Analysis.

A letter, prepared by Andrew Souza, P.E., TEP Engineering, dated May 8, 2018, attached to this report, states that the "industry accepted method to remove cannabis odors for exhaust airstreams is carbon filtration. Green Qi LLC will install activated carbon inline filters on their recirculating air systems serviced spaces at risk for emitting cannabis odors."

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 Green Qi, a 4,185-square foot Cannabis Microbusiness comprised of a retail facility selling both medical and adult use cannabis products including delivery and onsite consumption, distribution and light manufacturing, to be located at 925 Piner Road, 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. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.

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 Services Exhibit A, prepared by Carol Dugas, dated September 18, 2019, attached hereto and incorporated herein.

PLANNING DIVISION:

7. The Project shall comply with all applicable operational standards pursuant to Zoning Code Chapter 20-46.
8. 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.
9. 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., may be subject to review and approval of the Planning Division.

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10. Plans submitted for building permits shall provide an exterior lighting plan in accordance with Zoning Code Section 20-30.080.
11. Any exterior modifications to the project site, including but not limited to fences, landscaping, replacement of building materials, storage areas, or exterior mounted equipment, may require Design Review.
12. Pursuant to Zoning Code Section 20-46.080(F), signs shall be posted prohibiting the smoking or vaping on the premises.
13. Access to areas where onsite consumption is allowed shall be restricted to people 21 years of age or older.
14. Areas where onsite consumption is allowed shall not be visible at any time to persons under the age of 21 years.
15. The sale of alcohol or tobacco products is prohibited.
16. 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.
17. 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.
18. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
19. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
20. NATURAL RESOURCES:
 - A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
 - B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is

consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.

- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

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 December 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY