

RESOLUTION NO. XXXX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR SGI SANTA ROSA, LLC, dba AUTHENTIC 707, A COMMERCIAL ADULT USE CANNABIS RETAIL USE (DISPENSARY) AND DELIVERY USE IN AN EXISTING 3,500 SQUARE FOOT BUILDING, INCLUDING DISPLAY AND SALE OF CANNABIS-RELATED PARAPHERNALIA AND EDIBLE PRODUCTS, AND INCLUDING A MINOR PARKING REDUCTION OF TWO (2) SPACES - LOCATED AT 3175 RANGE AVENUE, APN: 015-710-020; FILE NUMBER CUP19-102.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for SGI Santa Rosa LLC. dba Authentic 707, to allow an adult use cannabis retail (dispensary) facility and cannabis delivery and parking reduction at 3175 Range Avenue, also identified as Sonoma County Assessor's Parcel Number 015-710-020;

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, staff reports, 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 this Zoning Code and the City Code in that the proposed use will occupy an existing 3,500 square foot building in the Light Industrial (LI) Zoning District, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The applicant also proposes to display and sell cannabis related paraphernalia and edible cannabis products. Further, pursuant to Zoning Code §20-36.050.C., the applicant has also requested that a minor parking reduction of two (2) parking spaces be considered with the CUP. Also, the applicant has proposed a shared solid waste trash enclosure with uses at 816 Piner Road. With the minor parking reduction, the application complies with 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 use is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Light Industrial

General Plan land use designation that is implemented by the Light Industrial (LI) Zoning District in which the proposed use is located;

- 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 in that the proposed use is allowed under Section 20-24.030 Table 2-10 with approval of a Conditional Use Permit. The Project is located within the Light Industrial (LI) Zoning District. As such, the area is suitable for the use as proposed and the hours of operation are within those permitted in Zoning Code Section 20-46.080(F)(4.) The project site is developed for those uses permitted in the LI Zone, including but not limited to retail sales and other light industrial uses. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to adult use cannabis retail dispensaries and delivery. The project site also has access to pedestrian and bicycle facilities within ¼ mile. The project includes twelve (12) parking spaces on-site, a shared solid waste trash enclosure located on the immediately adjacent site at 816 Piner Road, and conditions of approval will require: a covenant agreement with the owner of 816 Piner Road for up to fifteen (15) parking spaces for employees of the proposed use at 3175 Range Avenue; and, a website posting showing drivers how to access the site without making U-Turns at the intersection of Piner Road and Range Avenue when approaching the site from the south along Range Avenue. The applicant has submitted a Traffic Report prepared by a licensed Traffic Engineer indicating the project will not have any local traffic impacts and will operate with adequate on-site parking and circulation based upon the shared parking and trash enclosure. A Minor Parking Reduction request has been submitted with the Conditional User Permit and the following findings are also appropriate for the request:
- (1) Due to special circumstances associated with the operation of the cannabis retail and delivery use, which requires additional security personnel and employees, the project will generate a parking demand on-site different from the standards specified in Table 3-4 of the Zoning Code;
 - (2) And, due to the applicant's ability to purchase, control and provide up to fifteen (15) parking spaces for its employees off-site, on the immediately adjacent parcel at 816 Piner Road, the twelve (12) parking spaces on-site will be sufficient for the safe, convenient, and efficient operation of the proposed use as indicated in the Traffic Report and addendum submitted June 9, 2020 from W-Trans;
- 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 industrial office building designed to accommodate retail and other light industrial uses. Vehicular access to the site is provided from Range Avenue. The site is also readily accessible by pedestrians and bicyclists and public transit stops are located within a quarter mile. Further, the site is buffered from residential uses to the south by Russell Creek and Bike Trail. Moreover, the project plans demonstrate compliance with all operational standards as specified in Zoning Code Section 20-46, and the applicant will provide adequate off-site parking for employees and a secured solid waste container at 816 Piner Road, which it also will own

and control. The building and site, as conditioned, will be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric services.;

- 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 use will be consistent with the surrounding land uses, which are occupied by a variety of retail and other light industrial uses, and Russell Creek and Bike Trail act as an adequate buffer for residential uses to the south. The proposed use retail and delivery uses are consistent with other retail and light industrial uses operating in the surrounding area.

In addition, all HVAC and exhaust equipment will be placed on the roof and screened by the existing parapet wall. The applicant will also install a noise blanket, the best available noise control technology, as a condition of approval to insure ambient noise levels will not exceed 70 dB at the property line.

The Odor Mitigation Plan has been certified by a licensed professional engineer, verifying that the proposed odor control and mitigation plan “meets, or exceeds, the requirements of the City of Santa Rosa for cannabis odor mitigation.”

As required in Zoning Code Section 20-46.050(G), the applicant has provided a Security Plan. The applicant has indicated that in accordance with Bureau of Cannabis Control Regulations Section 5045, security guards will be present at the retail premises during hours of operation. The applicant will provide and install a variety of security devices to ensure that only authorized personnel have access to the office and the secured storage room where cannabis is stored, and all access points from outside the facility will have both locks and alarms. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7. In addition to surveillance system, a comprehensive electronic security system, including third party monitoring, will be provided. All cannabis/cannabis product waste will be disposed of in a manner that prevents diversion, theft, loss, hazards and nuisance.

Both the business entrance and parking area are clearly visible from the public right-of-way. The proposed area for retail/dispensary activity within the building is visible, which enhances security due to public exposure and provides 24-hour security personnel with clear sight lines. Further, customers will be screened to insure compliance with State and City cannabis laws before they can enter the retail floor area and the delivery use will require a Type 10 License from the State of California.

The subject property is located at least 1,500 feet from the parcel lines of the Pivot Charter School at 2999 Cleveland Avenue and Lattice Educational Services at 3273 Airway Drive. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations. The project site is also more than 600-feet in distance from the nearest approved or proposed cannabis operations, which are The Green Qi at 925 Piner Road and The Hook Dispensary at 817 Russell Way.

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, and the project must meet Health and Safety Code requirements.

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project qualifies for the following exemptions: A Class 1 Categorical Exemption under CEQA Guidelines Section 15301 Existing Facilities in that the project is the use of an existing structure involving negligible expansion of use; A Class 3 Categorical Exemption under CEQA Guidelines Section 15303 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and, as a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 infill development in that 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 is fully developed with a building and 12-space parking lot 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 includes a Trip Generation Study that concluded that there will be no significant impacts to City streets, Levels of Service or expected VMT and GHG, and was vetted by City staff;
 - An Odor Mitigation Plan was prepared in compliance with Zoning Code Section 20-46 and certified by a licensed professional engineer; and
 - City staff reviewed the Project and found no foreseeable significant adverse impacts to traffic, noise, air quality or water quality were identified.

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); and,

BE IT FURTHER RESOLVED, that this Conditional Use Permit, including the requested parking reduction, 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 SGI Santa Rosa LLC dba Authentic 707, to allow the adult use cannabis retail (dispensary) use and delivery at 3175 Range Avenue, which will include cannabis-related paraphernalia and edibles and a minor parking reduction to twelve (12) spaces and shared parking for as many as fifteen parking spaces at 816 Piner Road, 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 July 28, 2020.
3. A building permit shall be obtained for the project.
4. 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.
5. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. An illuminated address directory monument sign shall be provided at each entrance to the property.
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.
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. 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.
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.

ENGINEERING DIVISION:

10. Compliance with all conditions specified by Engineering Development Services Exhibit “A” dated May 20, 2020 attached hereto and incorporated herein.

PLANNING DIVISION:

11. Applicant shall create and maintain on its website to the public a map that demonstrates how the driver of a vehicle can access the project site without having to make a “U” turn movement from northbound Range Avenue at Piner Way onto southbound Range Avenue.
12. The applicant shall provide a shared parking agreement to the satisfaction of the Community Development Director and City Attorney for a minimum of fifteen (15) parking spaces. The document shall be recorded at the County Record’s Office following approval of the agreement form and content by the Director and City Attorney.
13. Obtain a Sign Permit prior to installation of any signs.
14. 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.
15. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
16. Applicant will continue to offer transit passes and an interior bicycle storage area to its employees to help reduce the need for vehicle parking.

17. **PROJECT DETAILS:**

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
- B. The design of the shared off-site trash enclosure, exterior lights, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The overall design of the project must be approved by the Planning Division prior to issuance of a building permit in conformance with the Design Review processes established in Zoning Code §20-50.020 Authority for land use and zoning decisions, Table 5-1.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architectural design element approved by the Design Review Board or Planning Division.

