

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR GREEN QI LLC TO OPERATE A MEDICINAL AND ADULT USE CANNABIS RETAIL DISPENSARY AND DELIVERY WITH ON-SITE CONSUMPTION WITHIN AN EXISTING 1,410-SQUARE-FOOT BUILDING, LOCATED AT 4880 HIGHWAY 12; ASSESSOR'S PARCEL NO. 032-300-009; FILE NO. CUP19-055

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Green Qi LLC to operate a 1,410-square-foot cannabis retail and delivery facility and on site consumption on the property located at 4880 Highway 12, also identified as Sonoma County Assessor's Parcel Number 032-300-009;

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 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 provision of this Zoning Code and the City Code in that the commercial cannabis retail dispensary and delivery use will occupy 1,410 square feet of an existing commercial building in the Neighborhood Commercial (CN) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed commercial cannabis retail dispensary and delivery use is consistent with the General Plan and any applicable specific plan in that the use is consistent with the applicable underlying General Plan goals and policies related to economic vitality and the associated Retail and Business Services General Plan land use designation that is implemented by the Neighborhood Commercial (CN) 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 commercial cannabis retail dispensary with delivery use is allowed under Section 20-23.030 Table 2-6 with approval of a Conditional Use Permit. The Project is located on a site zoned Neighborhood Commercial (CN) zoning district. As such, the site is suitable for the use as proposed and the hours of operation are within those permitted in Section 20-46.080(F)(4).

The project site is developed for commercial uses, and parking meets Zoning Code

requirements and is adequate 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.

Additionally, the City's Traffic Engineering Department has determined that the proposed use will not trigger a need for a Traffic Study or Memo and the number of provided parking spaces are adequate for the proposed use.

- 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 1,410 square-feet of an existing commercial building. Adequate vehicular access to the site is provided from Highway 12. The project plans demonstrate compliance with all operational standards as specified in Chapter 20-46. 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 project will be consistent with the land uses along Highway 12, which contains a variety of office, commercial, and residential uses. The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors.

As required in 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 personnel will be provided. The facility will have a comprehensive surveillance system monitored by an outside agency 24/7.

The subject property is located at least 800 feet from the Douglas L. Whited Elementary School located at 4995 Highway 12. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

Per 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; and

- 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:
- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).
 - 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 only

minor exterior modifications to the structure/site.

- The Project qualifies for a Class 32 exemption under California Government Code Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:
 - The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
 - The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
 - The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species. While within the Santa Rosa Plain Conservation Strategy boundaries, the Project site was previously filled and is encircled by constructed roadways;
 - The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
 - The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.
- 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).

BE IT FURTHER RESOLVED that a Conditional Use Permit for Green Qi LLC to allow a commercial cannabis retail dispensary and delivery use with on-site consumption at 4880 Highway 12, 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 exhibit dated received by the City on August 12, 2019 and September 10, 2020.

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 a Building Permit for the proposed project.
6. Obtain demolition permit for the structures to be removed.

ENGINEERING DIVISION:

7. Compliance with Engineering Development Services Exhibit A, dated August 19, 2020, attached hereto and incorporated herein.

PLANNING DIVISION:

8. 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.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
10. Obtain a Sign Permit prior to installation of any signs. In accordance with Zoning Code Section 20-46.080(F)(11), advertising or marketing cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center is prohibited.
11. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
12. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
13. **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. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design shall be approved by the Planning Division prior to issuance of a building permit.

- C. All roof appurtenances, accessory equipment, and meters shall be totally screened from public view by an architectural design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

14. LANDSCAPING:

- A. All landscaping shall 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.

15. SIGNAGE:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. Sign permit approval shall be obtained prior to application for a building permit.
- C. Building permits for sign installations shall be separate permits from other building permits issued for construction.

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 24th day of September 2020, by the following vote:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY