

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR SOLFUL DISPENSARY, A CANNABIS RETAIL (DISPENSARY) WITH
DELIVERY, - LOCATED AT 755 FARMERS LANE, SUITE 140 - FILE NUMBER CUP19-
052.

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Solful Dispensary, to be located at 755 Farmers Lane, Suite 140, also identified as Sonoma County Assessor's Parcel Number(s) 014-850-001;

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

WHEREAS, the Planning Commission has considered the approved and adopted Conditional Use Permit for this use and project; 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 provisions of this Zoning Code and the City Code in that the proposed commercial cannabis retail dispensary and delivery use will occupy 1,665 square feet of an existing mixed use commercial building in the Office Commercial (CO) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with district requirements and all other applicable provisions of the Zoning Code and City Code; and
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the proposed commercial cannabis retail dispensary and delivery use is consistent with the applicable underlying General Plan goals and policies related to economic vitality and the associated Office General Plan Land Use Designation that is implemented by the Office Commercial (CO) zoning district in which the proposed use is located; 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 in that the proposed cannabis retail dispensary with delivery use is allowed under Section 20-23.030 Table 2-

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6 with approval of a Conditional Use Permit. The Project is located within the Office Commercial (CO) zoning district. As such, the area 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 mixed uses and within a commercial corridor. The project complies with the general operating requirements for cannabis businesses and the operating requirements specific to cannabis retail dispensaries with delivery; 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 1,665 square-foot suite of an existing mixed-use building. Adequate vehicular access to the site is provided from Farmers Lane. The project plans demonstrate compliance with all operational standards as specified in Zoning Code 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; 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 proposed project will be consistent with the land uses along Farmers Lane, which contains a variety of office, commercial, and residential uses. The Odor Mitigation Plan has been certified by a licensed engineer ensuring that the Project will effectively prevent cannabis odors from escaping the interior suite.

A Focused Traffic Study by W-Trans, dated August 19, 2020, indicates that the proposed use would not cause safety concerns as it relates to traffic, parking, access, and circulation to the site.

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. All cannabis product waste will be stored in a manner that prevents diversion, theft, loss, hazards and nuisance.

The subject property is located approximately 750 feet from the parcel lines of Montgomery High School located at 1250 Hahman Drive, which 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) in that project qualifies for a Class 1 Categorical

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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 interior 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;
- The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality as indicated in the Focused Traffic Study Provided by W-Trans, dated September 28, 2020 and the Odor Mitigation Plan by TEP Engineering dated August 30, 2019; 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.

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 Solful Dispensary, to be located at 755 Farmers Lane, Suite 140, 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.

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2. All work shall be done according to the final approved plans dated August 30, 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 Services Exhibit "A" dated September 28, 2020, attached hereto and incorporated herein.

PLANNING DIVISION:

7. 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.
8. Provide two bicycle parking spaces as recommended by the Focused Traffic Study, dated September 28, 2020, by W-Trans.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
10. **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 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 must be approved by the Planning Division prior to issuance of a building permit.

- 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.
- 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.

11. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. 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.

12. LIGHTING:

- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
- 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. Lower mounting heights are encouraged.

13. PARKING:

- A. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- 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.

14. SIGNING:

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

15. 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. 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 8th day of October, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

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