

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR MANIFEST VENTURE TO OPERATE A CANNABIS RETAIL (DISPENSARY) AND DELIVERY BUSINESS WITHIN A 1,554-SQUARE-FOOT TENANT SPACE, LOCATED AT 2489 GUERNEVILLE ROAD; ASSESSOR'S PARCEL NO. 034-131-005; FILE NO. CUP20-008

WHEREAS, an application was submitted requesting the approval of Conditional Use Permit for Manifest Venture to operate a 1,554-square-foot cannabis business with retail and delivery, within a 2,754-square-foot commercial building on property located at 2489 Guerneville Road, also identified as Sonoma County Assessor's Parcel Number 034-131-005;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which time 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 Project is allowed in the Neighborhood Commercial (CN) Zoning District and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-6 lists allowable uses within the Neighborhood Commercial Zoning District, which implements the Retail & Business Services General Plan land use designation, and allows cannabis retail dispensary, and delivery with the approval of a major Conditional Use Permit; and
- B. The proposed Project is consistent with the General Plan land use designation of Retail & Business Services, which is applied to areas that are intended for retail uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding cannabis retail (dispensaries), and delivery uses appropriate in areas designated as Neighborhood Commercial on the land use diagram; and

The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity. The site is in an area zoned and predominately occupied by commercial uses. Adjacent properties on three sides are also zoned CN. The Project is supported by an existing parking area; security measures including lighting, restricted access for employees, refuse disposal areas, on-site security personnel, and surveillance cameras. The entrance to the retail dispensary is visible from the street and the proposed project is compatible with the existing surrounding business park uses. The design, location,

size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity; and

- C. The site is physically suitable for the type, density, and intensity of the uses 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 zoned for light industrial uses; and
- D. 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 proposed new facility will include on-site security personnel that will monitor the parking lot to prevent loitering, consumption of cannabis or other nuisance activities. In addition, with the proposed odor control measures, the proposed operational procedures including site and building security, the lack of on-site consumption, storage and waste handling, inventory tracking, hours of operation, and age/medical restrictions; and, compliance with all applicable state and local regulations, the proposed Project will not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, or welfare, or materially injurious to persons, property or improvements in the vicinity.
- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which will require 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 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 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 proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for an exemption under California Government Code Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the State CEQA Guidelines. CEQA Guidelines §15183 mandates that projects which are consistent with the existing zoning and general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. There are no new significant effects peculiar to the Project or its site, no new significant effects, no new significant off-site or cumulative impacts, and no more severe adverse impacts than previously identified in the Santa Rosa General Plan 2035 EIR. The Santa Rosa General Plan 2035 EIR mitigation measures are applicable to and adequate for the Project. The proposed Northern Standard Project is within the scope of the Santa Rosa General Plan 2035 EIR, and no further CEQA documentation is required.

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 the Project to allow cannabis retail (dispensary) and delivery services, is approved subject to each of the following conditions and the conditions in the Exhibit A:

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 February 26, 2020.

EXPIRATION AND EXTENSION:

3. This Conditional Use Permit shall be valid for a two-year period.

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.

PLANNING DIVISION:

5. An acoustic study shall be provided with plan sets submitted for building permits for all exterior mounted equipment, including HVAC equipment, and enclosure for said equipment, in compliance with the Noise Ordinance, City Code Chapter 17-16.
6. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
7. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
8. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
9. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
11. **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.

BUILDING DIVISION:

12. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

13. Compliance with all conditions as specified by the attached Exhibit "A" dated May 21, 2020.

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 25th day of February 2021 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____

KAREN WEEKS, CHAIR

ATTEST: _____

ANDREW TRIPPEL, EXECUTIVE SECRETARY

Exhibit: Engineering Development Services Exhibit A