

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR STONY POINT WELLNESS TO OPERATE A CANNABIS RETAIL
(DISPENSARY) AND DELIVERY BUSINESS WITHIN A 2,270-SQUARE-FOOT TENANT
SPACE, LOCATED AT 411 STONY POINT ROAD ASSESSOR'S PARCEL NO. 146-040-
022 - FILE NUMBER CUP20-066

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Stony Point Wellness to operate a 2,270-square-foot cannabis retail (dispensary) and delivery business within a 7,866-square-foot commercial building on the property located at 411 Stony Point Road, within the Stony Point Shopping Center, also identified as Sonoma County Assessor's Parcel Number(s) 146-040-022;

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 provisions of this Zoning Code and the City Code in that the proposed commercial cannabis retail (dispensary) and delivery use would occupy 2,270 square feet of an existing commercial building in the General Commercial (CG) zoning district, which is allowed subject to Planning Commission approval of a Conditional Use Permit. The application complies with zoning district requirements and all other applicable provisions of the Zoning Code and City Code, including the City's Cannabis Ordinance;
- 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 Retail and Business Service General Plan Land Use Designation that is implemented by the General Commercial (CG) 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

Resolution No. _____

cannabis retail (dispensary) and delivery use is allowed under [Section 20-23.030 Table 2-6](#) with approval of a Conditional Use Permit. The Project is located within the General Commercial (CG) 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 is located in an existing commercial building and is supported by a shared 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 Stony Point Shopping Center in which it is located. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity;

- 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 would be located entirely within an existing 2,270 square-foot space of an existing commercial building. Adequate vehicular access to the site is provided from Stony Point Road. The project plans demonstrate compliance with all operational standards as specified in Zoning Code Section [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 would be consistent within the Stony Point Shopping Center, which contains a variety of commercial retail uses. The project includes a certified Odor Mitigation Plan, prepared by Jeffrey Warner, a licensed engineer, dated October 26, 2020, ensuring that the Project will effectively prevent cannabis odors from escaping the building by implementing engineering and administrative controls.

A Focused Traffic Study by W-Trans, dated December 23, 2020, which indicates that the proposed use would not cause safety concerns as it relates to traffic and access to the site and would result in less than 50 new Peak Hour Trips, has been reviewed and approved by the City's Traffic Engineering Division.

As required in Section [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 1,300 feet from the parcel lines of JX Wilson Elementary School, which exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.

Resolution No. _____

Per Section [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) 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 interior modifications to the structure/site.

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 the Project to allow cannabis retail (dispensary) and delivery, to be located at 411 Stony Point 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. All work shall be done according to the final approved plans dated March 23, 2021.

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.

Resolution No. _____

BUILDING DIVISION:

5. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

6. Compliance with Engineering Development Services Exhibit "A", dated March 5, 2021, attached hereto and incorporated herein.

PLANNING DIVISION:

7. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
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. 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. Exterior lighting shall be in compliance with Zoning Code Section 20-30.080.
11. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
12. All roof appurtenances, accessory equipment, and meters shall be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.

FIRE DEPARTMENT

13. Comply with the Fire Department Memorandum dated April 8, 2021, attached hereto as Exhibit B and incorporated herein.

BE IT FURTHER 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 13th day of May 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

Resolution No. _____

ABSENT:

APPROVED: _____

KAREN WEEKS, CHAIR

ATTEST: _____

ANDREW TRIPPEL, EXECUTIVE SECRETARY

ATTACHMENTS:

Exhibit A: Engineering Development Services Exhibit “A” dated March 5, 2021

Exhibit B: Fire Department Memorandum dated April 8, 2021