

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR SUNSTONE ADVISORS INC TO OPERATE A COMMERCIAL CANNABIS RETAIL (DISPENSARY) WITH DELIVERY AND ON-SITE CONSUMPTION, CANNABIS MANUFACTURING LEVEL 1 (NON-VOLATILE), CANNABIS CULTIVATION, AND CANNABIS DISTRIBUTION WITHIN 5,893 SQUARE FEET OF A PROPOSED NEW 8,441 SQUARE FOOT BUILDING LOCATED AT 358 YOLANDA AVENUE; ASSESSOR'S PARCEL NOS. 044-072-007 AND 044-072-008; FILE NO. CUP18-070

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Sunstone Advisors, Inc. to operate a 5,893-square-foot cannabis business consisting of Cannabis Retail (Dispensary) with delivery and on-site consumption (4,279 sf). Manufacturing (non-volatile) (889 sf), Cultivation (469 sf), and Distribution (256 sf) land uses on property located at 350-358 Yolanda Avenue, also identified as Sonoma County Assessor's Parcel Numbers 044-072-007 and 044-072-008;

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 Light Industrial (IL) Zoning District and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-10 lists allowable uses within the IL Zoning District, which implements the Light Industry General Plan land use designation, and allows cannabis distribution, manufacturing, retail dispensary, cultivation, and delivery with the approval of a Conditional Use Permit; and
- B. The proposed Project is consistent with the General Plan land use designation of Light Industry, which is applied to areas that are intended for manufacturing and distribution uses. The proposed Commercial Cannabis Retail (Dispensary) and Delivery with on-site consumption, Cannabis Manufacturing, Cannabis Cultivation, and Cannabis Distribution uses are consistent with the applicable underlying General Plan goals and policies related to economic vitality and the associated Light Industry General Plan land use designation that is implemented by the Light Industrial (IL) zoning district in which the proposed uses are 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. The proposed commercial cannabis uses are allowed under Zoning Code Section 20-24.030 - Table 2-10, with approval of a Conditional Use Permit. The Project is located on a site zoned Light Industrial (IL). 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). Also, the project complies with the general operating requirements for cannabis businesses and the operating requirements specific to cannabis uses. The project site is located on the south side of Yolanda Avenue, which is predominantly developed with industrial uses, and parking meets Zoning Code requirements.

Additionally, W-Trans of Santa Rosa conducted a Traffic Impact Study (TIS) for the approved General Plan Amendment and Rezoning (PRJ19-002) of the six parcels and the proposed Conditional Use Permit, which indicates that any potential traffic impacts resulting from the proposed uses would be considered acceptable and are less than significant. The project includes public improvements along the site's Yolanda Avenue frontage, and these improvements would be constructed to meet applicable design standards. Furthermore, the Study indicates that proposed parking is adequate for the proposed uses; and

- D. 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 proposed use will be located within a proposed new 8,441 square-foot commercial/industrial building. Site design provides vehicular access and on-site parking. The project plans demonstrate compliance with all operational standards as specified in Chapter 20-46 - Cannabis. The building and site would be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, 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. The proposed project will be consistent with the land uses along Yolanda Avenue, which include a variety of industrial and commercial 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, and per the Security plan, security staff will be properly trained and present on site during hours of operation. The applicant will engage with a professional licensed security company to design and maintain surveillance and access control system. The professional security company will monitor surveillance and maintain alarm operations. The site is approximately 3,500 feet from Kawana Elementary School, and about 6,000 feet from Sonoma Academy High School. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations.
- F. The proposed Project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The proposed project is within the scope of the previously adopted Mitigated Negative Declaration (MND), including a Mitigation

Monitoring and Reporting Program, for the Yolanda Industrial Project certified by the City Council on December 8, 2020.

Section 15162 of the CEQA Guidelines states that no subsequent environmental review is required unless proposed project changes result in: new significant environmental effects or a substantial increase in previously identified effects, or a substantial change to project circumstances resulting in new environmental effects or a substantial increase in previously identified effect, or new information of substantial importance shows that the project would result in substantial impacts not previously analyzed, or a substantial increase in previously identified effect, or that necessitates reevaluation of mitigation measures. There are no changes to the project or to the circumstances surrounding the project site or new information demonstrating new or un-analyzed impacts. For these reasons no additional CEQA review is required.

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 with on-site consumption, Cannabis Manufacturing (non-volatile), Cannabis Distribution, and Cannabis Cultivation 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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. All work shall be done according to the final approved site plans dated March 2, 2021 and project description dated March 10, 2021.
4. The applicant shall comply with the Inclusionary Housing Ordinance requirements in Section 21.02 of the Santa Rosa Municipal Code (“Code”) regarding commercial linkage fees in effect at the time the building permit is issued. The project land use classification is Industrial for the purpose of fee calculation.

##### **EXPIRATION AND EXTENSION:**

5. This Conditional Use Permit shall be valid for a two-year period.
6. If exercised 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:**

7. Approved Minor Design Review is required for proposed redevelopment of the project site.
8. A Lot Merger of parcels with APNs 044-072-007 and -008 is required. The approved Lot Merger must be recorded before issuance of any required building permits.
9. A parking covenant prepared in accordance with Section 20-36.050(B) must be recorded before the building permit can be issued. The parking covenant will be for the parcels 044-072-009, 044-081-024, 044-081-029 and the new parcel resulting from required Lot Merger.
10. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
11. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
12. Plans submitted for building permit(s) shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080 – Outdoor Lighting.
13. Compliance with the City's Noise Ordinance, City Code Chapter 17-16, is required.
14. No signs are approved as part of this Conditional Use Permit. All signage requires separate Planning review and issuance of Sign and Building permits.
15. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
16. **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. Design(s) shall be approved through Design Review or by the Planning Division.
  - c. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved through Design Review or by the 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 through Design Review or by the Planning Division prior to issuance of a building permit.

**BUILDING DIVISION:**

17. Obtain a demolition permit for structures to be removed.

18. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
19. Obtain building permits for the proposed project. Minor Design Review approval is required prior to issuance of any required building permits.

## **FIRE DIVISION**

20. Projects shall be designed in compliance with established regulations adopted by the City of Santa Rosa affecting or related to structures, processes, premises and safeguards regarding the following:
  - a. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
  - b. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
  - c. Fire hazards in the structure(s) or on the premises from occupancy or operation.
  - d. Matters related to the construction, extension, repair, alteration or removal of the fire suppression or alarm systems.
  - e. Conditions affecting the safety of fire fighters and emergency responders during emergency operations
21. Fire service features for buildings, structures and premises shall comply with City adopted building standards.
22. Permit(s) shall be required as set forth in adopted California Building Code (CBC) Section 105, California Residential Code (CRC) Section R105 and California Fire Code (CFC) Sections 105.6 and 105.7. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.
  - a. Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents shall be submitted. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of adopted codes and relevant laws, ordinances, rules and regulations, as determined by the code official.
  - b. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with adopted codes and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

- c. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of adopted codes. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
  - d. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.
  - e. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and construction documents, hydraulic calculations and material specifications for fire hydrant, fire protection or detection systems shall be submitted to the fire department for review and approval prior to construction.
23. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.
24. For the purposes of prescribing minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations. building, facilities and premises in the course of construction, alteration or demolition, including those in underground locations shall be in compliance with CFC Chapter 33 and NFPA 241.
25. New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with CFC Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code and CFC Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument,

pole, or other approved illuminated sign or other approved means shall be used to identify the structure(s). Address identification shall be maintained.

26. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction, in accordance with CFC Section 507 and Appendices B & C.
  - i. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by adopted CFC Appendix B.
  - ii. Fire hydrant systems shall comply with adopted CFC Section 507.5.1 through 507.5.8 and Appendix C.
27. Fire apparatus access roads shall be provided and maintained in accordance with CFC Section 503 and Appendix D.
  - a. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Should a gate be planned to serve the facility, the gate shall be automatic operating by strobe, equipped with a Knox Company key operated electric gate release switch with dual key option for the Police Department.
    - ii. During a power failure, gate shall release for manual operation OR be equipped with standby power or connected to the building emergency panel.
    - iii. In addition to sending the request to exit signal to the gate operator, the magnetic detection loop (when activated) shall prohibit the gate from closing upon fire apparatus.
  - b. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided in accordance with CFC D105. For purposes of this requirement, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to one entire long-side of the building as approved by the fire code official. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. There

shall be no architectural features, projections or obstructions that would limit the articulation of the aerial apparatus.

- c. Required Fire Department access roads shall be signed “No Parking – Fire Lane” per current Fire Department standards.
    - i. Parking allowed only in designated spots. All curbs shall be painted red and posted “No Parking”.
  - d. A Fire Department key box shall be provided on the front of each structure for access to fire protection equipment within the building.
28. The provisions of the adopted CFC shall specify where fire protection and life safety systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems.
- a. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in adopted CFC Sections 903.2.1 through 903.2.20. Approved automatic fire sprinkler systems in existing buildings and structures shall be provided in locations described in adopted CFC Section 903.6.
    - i. Structure will be required to be protected by an automatic fire sprinkler system.
      - 1. If required Fire Department Connection (FDC) for the sprinkler and standpipe systems shall be located on the street side of the structure or facing approved fire apparatus access roads fully visible and recognizable from the street, and within 100 feet an approved fire hydrant.
29. A Phase 1 Environmental Site Assessment shall be provided to the Fire Department Hazardous Material Program for review. Phase 1 shall be approved prior to issuance of any grading, demolition or construction permit.
30. The following are a list of deferred plan submittal items that will be required by the Fire Department - additional items may be called out based on proposed use(s) of commercial spaces:
- a. Private Underground Fire Main
  - b. Fire Sprinkler System
  - c. Fire Alarm/Fire Sprinkler Monitoring System
  - d. Emergency Responder Radio System (to be determined)
  - e. Gates and barricades across fire apparatus access roads

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 13<sup>th</sup> day of May 2021 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: \_\_\_\_\_

KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_

ANDREW TRIPPEL, EXECUTIVE SECRETARY