

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR CR SANTA ROSA, LLC (DBA: COOKIES RETAIL) TO OPERATE A CANNABIS RETAIL (DISPENSARY) AND DELIVERY USE WITHIN AN EXISTING 4,475-SQUARE-FOOT BUILDING, LOCATED 1937 SANTA ROSA AVENUE; ASSESSOR'S PARCEL NO. 043-063-034; FILE NO. CUP21-013

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for CR Santa Rosa, LLC (dba: Cookies Retail) to operate a 4,475-square-foot cannabis retail (dispensary) and delivery facility on the property located at 1937 Santa Rosa Avenue, also identified as Sonoma County Assessor's Parcel Number 043-063-034;

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 General Commercial (CG) zoning district and complies with all other applicable provisions of the Zoning Code and the City Code. Zoning Code Table 2-6 lists allowable uses within the commercial zoning districts, which implement the Retail and Business Services General Plan land use designation. The proposed commercial cannabis retail (dispensary) and delivery use will occupy 4,475 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; and
- B. The proposed Project is consistent with the General Plan land use designation, which is applied to areas that are intended for commercial uses. The use is consistent with the applicable underlying General Plan goals and policies related to economic vitality and the associated Retail and Business Services land use designation; 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 Project is allowed under Section 20-23.030 Table 2-6 with approval of a Conditional Use Permit. The Project site is located along a Santa Rosa Avenue corridor that is predominantly occupied by commercial uses. 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. The entrance to the retail dispensary is located on the north side of the building visible from Santa Rosa Avenue, and the proposed project is compatible with the existing uses.

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. Therefore, the design, location, size and operating characteristics of the Project will be compatible with existing and future land uses in the vicinity; 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 commercial building. Adequate vehicular access to the site is provided from Santa Rosa Avenue. 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; 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 as required by Section 20-46.050(G), the applicant has provided an Odor Mitigation Plan certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors. At least two security guards will be on site during hours of operation that will track and monitor the entryway and the parking lot. A professional video surveillance system will be installed to monitor the entire perimeter and the parking lot 24 hours per day.

The Project site is located at least 3,000 feet from the Kawana Elementary School. This exceeds the minimum 600-foot separation required under both State of California and the City of Santa Rosa regulations. Additionally, no other cannabis dispensary is within 600 feet from the Project site.

Per Section 20-46.050(E), the project is subject to Building and Fire permits. An annual Fire Department Operational Permit is required prior to operation, 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).

- 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 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 CR Santa Rosa, LLC (dba: Cookies Retail) to allow a commercial cannabis retail dispensary and delivery use at 1937 Santa Rosa Avenue, 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 exhibit dated received by the City on September 20, 2021.

EXPIRATION AND EXTENSION:

4. 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.
5. 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:

6. Obtain a Building Permit for the proposed project.

ENGINEERING AND FIRE DIVISIONS:

7. Compliance with Engineering Development Services Exhibit A, dated October 4, 2021, 2021, attached hereto and incorporated herein.

PLANNING DIVISION:

8. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
9. 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.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
11. All exterior lighting shall comply with Zoning Code Section 20-30.080.
12. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
13. 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.
14. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits. 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.
15. Any new signage should be placed so that it is outside of the vision triangle at the project driveway to maintain existing sight lines.

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 14th day of October 2021, by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
ANDREW TRIPPEL, EXECUTIVE SECRETARY

ATTACHMENTS:

Exhibit A: Engineering Development Services Exhibit “A” dated October 4, 2021