



# City of Santa Rosa

## Legislation Details

<b>File #:</b>	19-0909	<b>Version:</b>	1	<b>Name:</b>	PH - Fox Den Continued
<b>Type:</b>	CC- Public Hearing	<b>Status:</b>		<b>Agenda Ready</b>	
<b>File created:</b>	11/12/2019	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	12/3/2019	<b>Final action:</b>			
<b>Title:</b>	PUBLIC HEARING - CONTINUED HEARING ON APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR FOX DEN INC, A CANNABIS RETAIL AND DELIVERY BUSINESS IN AN EXISTING BUILDING LOCATED AT 4036 MONTGOMERY AVE, UNIT B, SANTA ROSA, CA; ASSESSOR'S PARCEL NUMBER 013-284-012; FILE NO. CUP18-076.				

BACKGROUND: On January 24, 2019, the Planning Commission approved a Conditional Use Permit for a cannabis retail dispensary and delivery for medicinal and adult use in an existing 1,773 square foot building located at 4036 Montgomery Ave, Unit B. On February 1, 2019, the Kiwi Preschool and Childcare filed an appeal of the Planning Commission's action. The grounds for the appeal are that the cannabis dispensary is an incompatible use with the Kiwi Preschool and Childcare located on the adjoining property behind the dispensary, traffic safety concerns, and that the dispensary will be detrimental to the welfare of Kiwi Preschool and Childcare.

The City Council held a public hearing on the appeal on April 9, 2019 and after taking public comment and deliberating on the merits of the application continued the hearing to allow the applicant to revise the proposal to address parking and on-site traffic circulation concerns.

RECOMMENDATION: It is recommended by the Planning Commission that the Council, by resolution, deny the appeal and approve a Conditional Use Permit for cannabis retail (dispensary) and delivery for medical and adult use at 4036 Montgomery Ave, Unit B.

**Sponsors:** Planning and Economic Development

**Indexes:** Exempt Project

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 - Disclosure Form, 3. Attachment 2 - Location Map, 4. Attachment 3 - Appeal Form, 5. Attachment 3b -Appeal Supplement, 6. Attachment 4 - Revised Project Narrative July 2019, 7. Attachment 5 - Project Plans Sept. 2018, 8. Attachment 6 - Updated Project Plans August 2019, 9. Attachment 7 - Traffic Study April 2018, 10. Attachment 8 - Traffic Studies and Responses, 11. Attachment 9 -TEP Engineering Odor Control, 12. Attachment 10 - CC ORD-2017-025, 13. Attachment 11 - Chapter 20-46 CANNABIS, 14. Attachment 12 - Chapter 17-16 NOISE, 15. Attachment 13 - PC Resolution 11935, 16. Attachment 14 - Correspondence, 17. Attachment 15 - Architectural Drawings (Uploaded 12/2/2019), 18. Attachment 16 - Updated Traffic Study (Uploaded 12/2/2019), 19. Attachment 17 - Late Correspondence (Uploaded 12/2/2019), 20. Late Correspondence (Uploaded 12-13-2019), 21. Resolution, 22. Presentation, 23. REDLINE - Resolution (Uploaded 12/4/2019), 24. FINAL - Resolution - As amended (Uploaded 12/4/2019)

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	to waive reading of the text and adopt as amended	Pass