

City Council
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Planning Director
Kari Svanstrom

Administrative Assistant
Rebecca Mansour

City of Sebastopol Planning Department

Meeting Date: July 9, 2019
Agenda Item: 7A
To: Planning Commission
From: Kari Svanstrom, Planning Director
Subject: Use Permit, Type 3 Cannabis Retail Delivery (Office Only)
Recommendation: Adopt the Resolution of Denial
Applicant / Owner: Highland Farms Wellness (Troy Tenga) / Michael Lipelt
File Number: 2019-06
Address: 523 South Main Street
CEQA Status: Categorical Exemption: Section 15301- Class 1
General Plan: CO: Commercial Office
Zoning: CO: Office Commercial

Introduction:

At its June 11, 2019 meeting, the Planning Commission held a duly-noticed public hearing for this application. After deliberations, the Planning Commission denied the project (5-2-1-0); read findings into the record; and, requested a Resolution be brought back to the Commission for formal adoption at its next meeting. The attached Resolution is now presented for adoption.

RESOLUTION NO. 19-__

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL
DENYING A USE PERMIT APPLICATION FOR HIGHLAND FARMS WELLNESS
TO OPERATE A TYPE 3 CANNABIS BUSINESS (CANNABIS RETAIL DELIVERY, OFFICE-ONLY)
AT 523 SOUTH MAIN STREET (APN 004-094-027)

WHEREAS, the Sebastopol Municipal Code (SMC) requires Findings for approval or denial of a Use Permit as found in SMC 17.415; and

WHEREAS, the City of Sebastopol adopted a Comprehensive Cannabis Ordinance on March 6, 2018, which contains additional Criteria and Findings for a Use Permit involving cannabis, including required Special Findings found in SMC Section 17.360.120; and

WHEREAS, an application for a Use Permit was filed on January 14, 2019, by Highland Wellness Farms to operate a Type 3: Cannabis retail delivery (office-only for medical or adult use) business at 523 South Main Street, Sebastopol, CA (the "Project"); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on June 11, 2019, to review and consider the application, and hear public testimony; and

WHEREAS, after the close of the public hearing on June 11, 2019, the Planning Commission considered the application and all oral and written evidence received on the application; and

WHEREAS, the Planning Commission found that the application does not meet the Findings, Special Findings, and Criteria required for approval of a Type 3 cannabis use as follows:

The proposed Project is inconsistent with the **Sebastopol Municipal Code (SMC) Section 17.415.030, Conditional Use Permit Finding B**, in that the establishment, maintenance and operation of the proposed cannabis business would have a detrimental impact to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area of the use, and the proposed would be detrimental or injurious to property and improvements in the neighborhood; and

That the proposed Project is inconsistent with the **SMC Section 17.360.120, Special Finding A**, in that the site and building is not appropriate for the proposed use, including but not limited to inadequate pedestrian and vehicle circulation, parking, loading and unloading areas, and inability to modify the site to ensure site security in a way that is compatible with surrounding land uses and development; and,

That the proposed Project is inconsistent with the **SMC Section 17.360.120, Special Finding B**, in that the proposed use is not compatible with surrounding uses, in that the Project site is surrounded by residential uses immediately adjoining to the north, east, and south, and residential uses to the west directly across South Main Street.

WHEREAS, after careful deliberation and consideration of the application and public testimony, the Planning Commission voted 5-2-1-0 (Ayes: Chair Wilson, Vice Chair Doyle, Commissioners Douch, Fernandez, and Kelly; Nays: Commissioners Fritz and Oetinger, Abstain: Alternate Commissioner Glaser [due to full Commission attendance]; Absent: None) to deny the Use Permit for the Project based on the above Findings.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY ADOPT THIS RESOLUTION adopting Findings for Denial of the Use Permit proposed by Highland Farms Wellness and denying the Use Permit for a Type 3 Cannabis Business (Cannabis retail delivery, office-only) at 523 South Main Street, Sebastopol, CA (APN 004-094-027).

Approved on July 23, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Certified: _____

Kari Svanstrom, Planning Director