

RESOLUTION NO. XXXX-21

**A RESOLUTION OF THE SAN LUIS OBISPO PLANNING COMMISSION
GRANTING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT
AND OPERATION OF A CANNABIS RETAIL STOREFRONT, TO BE
ESTABLISHED IN TWO PHASES, INCLUDING A CATEGORICAL
EXEMPTION FROM ENVIRONMENTAL REVIEW AS REPRESENTED IN
THE PLANNING COMMISSION AGENDA REPORT AND ATTACHMENTS
DATED JULY 14, 2021
(3535 SOUTH HIGUERA STREET, USE-0142-2021)**

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on July 14, 2021 for the purpose of considering a Conditional Use Permit application USE-0142-2021 for establishment and operation of a Cannabis Retail Storefront; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

Section 1. Findings. Based upon all the evidence, the Commission makes the following findings in support of approval of the Conditional Use Permit:

1. The proposed use is consistent with Section 17.86.080 Zoning Regulations and Chapter 9.10 of the Municipal Code because, as proposed, the use will not negatively impact the residential uses in the neighborhood, is consistent with adjacent businesses that have similar hours of operation, will not be located within 1,000 feet of any pre-school, elementary school, junior high school, high school, public park or playground, within 600 feet of any licensed daycare center, within 300 feet of residential uses within the Cannabis Business Zone (CBZ), or within 1,000 feet of another cannabis retail storefront, and the business shall adhere to the City's Noise Ordinance and conditions of approval.
2. The site is physically suitable in terms of:
 - a. Its design, location, shape, size, and operating characteristics of the proposed use;
 - b. Traffic generation and the provision of public and emergency vehicle (e.g. fire and medical) access;

- c. Public protection services (e.g. fire protection, police protection, etc.); and
 - d. The provision of utilities (e.g. potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
3. The project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because the cannabis retail storefront does not present a potential threat to the surrounding property and buildings. This project is subject to Use Permit requirements, City regulations, and California Building Code requirements designed to address health, safety, and welfare concerns. Additionally, the applicant prepared a Security Plan that addresses both state-wide regulations of the Bureau of Cannabis Control and concerns of the City Police Department.
 4. The cannabis retail storefront, as proposed, will comply with all the requirements of State and City for the dispensing of cannabis, including dual licensure and participation in an authorized track and trace program.

Section 2. Environmental Review. The project is categorically exempt from the preparation of environmental documentation under the California Environmental Quality Act (CEQA). The project is consistent with General Plan policies for the land use designation and is consistent with the applicable zoning designation and regulations. The project consists of the operation of existing, private structures that involves negligible expansion of use beyond existing and historical vehicle services uses, as described in CEQA Guidelines § 15301 (Existing Facilities). Additionally, the project site is not on a list of hazardous waste sites and does not contain a significant historical resource. The property is less than one acre in size and is entirely surrounded by urban uses that have no value as habitat for endangered, rare or threatened species as the site is located on an existing developed property and is almost entirely paved. The site is served by required utilities and public services.

Section 3. Action. The Planning Commission does hereby approve the use permit application USE-0142-2021 for a cannabis retail-storefront dispensary project located at 3535 South Higuera Street subject to the following conditions:

1. The proposed use shall operate consistent with the project description and other supporting documentation submitted with this application unless otherwise conditioned herein, including, but not limited to: the Operations Plan; Chapter 9.10 of the City Municipal Code; and Section 17.86.080 (E) (5) (f) of the City Municipal Code. This use permit shall be reviewed by the Community Development Director if any reasonable written complaint is received from any citizen or from the Police Department or upon receipt of evidence that the use is not in compliance with conditions of approval and the Municipal Code. The Community Development Director may refer the complaint to the Planning Commission at his/her discretion and conditions of approval may be added, deleted, or modified or the use permit

may be revoked to ensure on-going compatibility between uses on the project site and other nearby uses.

2. Any parking lot lighting installed on the site by the applicant shall be night sky compliant. The Director of Community Development may modify this requirement upon a determination that such lighting would not be conducive to the safety of the public or would not meet the requirements of the California Building Code, while maintaining consistency with the intent of the City's Lighting and Night Sky Ordinance.
3. The applicant shall obtain and maintain the commercial cannabis operator permit and any appropriate state licenses.
4. The applicant shall pay all applicable current and future state and local taxes and all applicable commercial cannabis fees and related penalties established by the City Council, including but not limited to application, administrative review, inspection, etc.
5. Minors and persons under the age of twenty-one on the premises, even if accompanied by a parent or guardian or a person between the ages of eighteen and twenty possessing a valid medical cannabis identification card shall be prohibited from entering the cannabis retail storefront.
6. Outdoor storage of cannabis or cannabis products is prohibited.
7. Retail sales operations proposed to commence at the completion of "Phase One" site improvements shall only occur within the smaller, 612-square foot structure on site (identified as Building 1). Sales operations from this structure shall take place for no more than one year from time of initial occupancy, and sales operations shall commence within the larger, 2,695-square foot structure (identified as Building 2) by this date.
8. Prior to issuance of a building permit, the applicant shall record a Community Benefits Agreement, in a form subject to the approval of the City Attorney.
9. The applicant shall defend, indemnify, and hold harmless the City and/or its agents, officers, and employees from any claim, action, or proceeding against the City and/or its agents, officers, or employees to attack, set aside, void, or annul the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review ("Indemnified Claims"). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim, and City shall fully cooperate in the defense against an Indemnified Claim.

On motion by _____, seconded by _____, and on the following roll call vote:

AYES:

NOES:

REFRAIN:

ABSENT:

The foregoing resolution was passed and adopted this day of July 14, 2021.

Tyler Corey, Secretary
Planning Commission