MEETING DATE: January 10, 2018

PREPARED BY: Issac A. George, Director of Community Development

SUBJECT: Conditional Use Permit No. 2017-003 (AMENDMENT) at 11 Richard Brann Drive.

APPLICANT: Rio Vista Farms, LLC, Rio Vista, CA

RECOMMENDATION

Motion to Adopt Resolution entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO VISTA APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT No. 2017-003.”

DISCUSSION

An application for a Conditional Use Permit (No. 2017-003) and Site & Architectural Review (2017-008) was approved by the Commission at its meeting on November 8, 2017. The original application submitted by Rio Vista Farms, LLC., 420 South 2nd Street, Rio Vista, CA 94571 (further identified as “applicant”) sought to operate a Type 12 (Non-Medical) Micro Business Facility at 11 Richard Brann Drive; however, the proposal was not approved by the Commission for the reason that the City was in the process of discussing whether to allow the retail component associated with the Type 12 Microbusiness license. Therefore, the applicant modified their request at the meeting to permit a Type 3A Cultivation and Type 6 Manufacturing license, with the understanding that the applicant could re-apply to amend the CUP for the inclusion of Microbusiness should the City allow Cannabis Microbusinesses in the future.

Subsequently, after conducting a joint meeting of the City Council and the Planning Commission, the City decided to promulgate an ordinance amending the existing cannabis ordinance clarifying that the retail component of the Microbusiness license would be allowed as long as the retail component at the premises will be limited products derived from the cannabis grown at the facility. The Planning Commission approved such an ordinance on December 13, 2017, and the applicant submitted an application for an Amendment of the Conditional Use Permit to allow Microbusiness. No other changes are proposed.
ENVIRONMENTAL REVIEW

Pursuant to Section 15332 (Class 32 - Infill Development) of the California Environmental Quality Act Guidelines, the proposed project is exempt from the provisions of CEQA.

ATTACHMENTS

1. Resolution of Approval
WHEREAS, Conditional Use Permit No. 2017-003 and Site & Architectural Review No. 2017-008 were originally approved by the Planning Commission on November 8, 2017 for the establishment of a Type 3A and Type 6 Cannabis Facility consisting of approximately 8,480 square feet at 11 Richard Brann Drive in the B-P (Business Park) Zone; and

WHEREAS, an Application has been filed by Rio Vista Farms, LLC., 420 South 2nd Street, Rio Vista, CA 94571, for the amendment of Conditional Use Permit No. 2017-003 for the inclusion of a Type 12 Microbusiness at 11 Richard Brann Drive; and

WHEREAS, the Planning Commission conducted a public hearing on the matter at its Regular Meeting on January 10, 2018, notice of time, place, and address, was duly published;

WHEREAS, members of the public were given the opportunity to speak on the application, and a report by the City staff was presented and made part of the record;

WHEREAS, the proposed business would not have any significant adverse impacts on the surrounding uses, in that the proposed uses are farther than 600 feet from a school, child care center, or a youth center; and

WHEREAS, the proposed use is consistent with the B-P (Business Park) Zoning designation of the site;

NOW, THEREFORE, BE IT RESOLVED that after hearing testimony, considering the evidence presented, and deliberation of the matters presented, the Planning Commission finds that:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.
2. The Planning Commission received and considered all public comment and testimony regarding the proposed project.
3. The CUP Amendment is consistent with the requirements of the City of Rio Vista General Plan, the Zoning Ordinance, and the Industrial Design Criteria.
4. The location of the project is not detrimental to the public health, safety, and welfare, or materially injurious to neighboring properties.
5. The business is not likely to generate an excessive number of calls for police service compared to similarly situated businesses of the same size as the business.
6. The business is not likely to cause secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including but not limited to, disturbance of the peace, illegal drug activity, Cannabis use in public, harassment of passersby, littering, loitering, illegal parking, loud noise or lewd conduct.
7. The proposed location, size, and other development standards of the premises are consistent with state law and this code. The proposed use will be fully within an enclosed structure and the indoor operations will not be visible from the public rights-of-way.

8. The site is reasonably safe from natural hazards.

9. That the amendment to Conditional Use Permit No. 2017-003 is Exempt pursuant to Section 15332 (Class – 32 Infill Development) of the California Environmental Quality Act Guidelines and does not have the potential for causing a significant effect on the environment.

10. The Planning Commission does hereby Approve the Amendment of Conditional Use Permit No. 2017-003 permitting a Microbusiness at 11 Richard Brann Drive, subject to the Conditions of Approval that: (1) the original Conditions of Approval of Conditional Use Permit No. 2017-003 and Site & Architectural Review No. 2017-008 are binding on this Amendment and said Conditions of Approval are incorporated herein by reference; and (2) That the retail component hereby permitted of the Type 12 Microbusiness shall be limited to retailing products derived from cannabis grown at the premises and not imported from off-premise locations.

PASSED, ADOPTED AND APPROVED this 10th day of January 2018 at a Regular Meeting of the Rio Vista Planning Commission by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

______________________________
Issac A. George, Community Development Director
Secretary to the Planning Commission
AFFIDAVIT OF THE ACEPTANCE OF CONDITIONS OF APPROVAL

I, _________________________, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of Amendment of Conditional Use Permit No. 2017-003. As the applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name of Applicant: ________________

By: ______________________________     __________________________

Date