

RESOLUTION NO. 2023-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL
RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO THE ZONING ORDINANCE TO ALLOW
CANNABIS RETAIL DELIVERY (OFFICE-ONLY) AS A PERMITTED USE WITHIN THE INDUSTRIAL (M) DISTRICT

1. Whereas, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and
2. Whereas, the new General Plan includes policies and actions related to Economic Vitality, including;
 - a. *Policy EV 4: Emphasize Sebastopol's Roles as a Market, Service, and Tourism Hub for the West County and as a Gateway to the Coast.*
 - b. *Policy EV 5: Enhance the City's existing Businesses, Encourage Startup Businesses, and Support Home-based Businesses. And,*
3. Whereas, the Zoning Ordinance amendment includes other clarifying and policy changes identified by the Planning Department staff, the Planning Commission, and City Council; and
4. Whereas, the Planning Commission conducted a study session at a duly-noticed public meeting on November 8, 2022, to review the draft Zoning Ordinance, accepted public comment, and provided direction to staff related to the applicant's request; and
5. Whereas, the Planning Commission held duly-noticed public hearings on the draft Zoning Ordinance on February 14, 2023, to review the draft Zoning Ordinance modifications, accepted public comment, and, following a public hearing, adopted a resolution recommending City Council adopt the proposed ordinance; and
6. Whereas, pursuant to the California Environmental Quality Act (CEQA, codified at Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 CCR, § 15000 *et seq.*), on November 15, 2016, the City Council certified and adopted an Environmental Impact Report (EIR) for the Sebastopol General Plan (the "Project"; State Clearinghouse No. 2016032001); and
7. Whereas, pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same Project unless substantial changes are proposed; and

8. Whereas, the Planning Commission finds that no substantial changes have occurred, and concurs with the staff determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of the Zoning Ordinance amendment; and
9. Whereas, the Planning Commission finds that the Zoning Ordinance amendment is categorically exempt from the California Environmental Quality Act (CEQA), Class 5, minor alterations in Land Use Limitation exemption, in that it does not change existing land use categories in the General Plan, nor does it change existing Zoning Map classifications, and would not change density allowance on any property in the City; and further that it is exempt from the requirements of CEQA pursuant to Section 15061(b) (3) of the CEQA Guidelines in that it represents an evolution of local allowances pursuant to State law, with some uses mandated by the State, and others which already could occur in existing commercial and industrially-zoned properties, and as such would not foreseeably have any significant effect on the environment.
10. Whereas, the Planning Commission finds that the Zoning Ordinance amendments are compatible with the general objectives of the General Plan, in that the amendments are consistent General Plan policies and standards, thereby enhancing consistency between the General Plan and Zoning Ordinance; and
11. Whereas, the Planning Commission finds that the amendments will be in conformity with public convenience, general welfare, and good land use practice, in that the revisions are also intended to clarify the regulations and facilitate ease of use and understanding, as well as to establish appropriate standards and procedures; and
12. Whereas, the Planning Commission finds that the amendments will not be detrimental to the public health, safety and general welfare, and will not adversely affect the orderly development of property, in that they will harmonize the General Plan and Zoning Ordinance, better express the City's policies, and generally promote good land use planning and regulation.
13. Whereas, the Planning Commission finds that the amendments will not adversely affect the orderly development of property, in that the amendments will provide additional business opportunities within this district.

NOW, THEREFORE, the Planning Commission of the City of Sebastopol hereby recommends the City Council of the City of Sebastopol adopt the amendments to the zoning Ordinance to allow Cannabis Retail Delivery (Office-only) as a Permitted Use within the INDUSTRIAL (M) Zoning District.

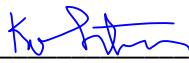
Approved on February 14, 2023 by the following vote:

AYES: Chair Fernandez, Vice Chair Fritz, Commissioners Burnes, Kelley, Oetinger

NOES:

ABSTAIN:

ABSENT:

Certified: 

Kari Svanstrom, Planning Director