

RESOLUTION NO. 11873

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR DMCC, INC., AN INDOOR MEDICAL CANNABIS COMMERCIAL CULTIVATION FACILITY WITH MANUFACTURING WITH NON-VOLATILE SOLVENTS, DISTRIBUTION, TESTING, AND TRANSPORT OF CANNABIS PRODUCTS LOCATED AT 3499 INDUSTRIAL DRIVE, ASSESSORS PARCEL NUMBER 015-650-022, FILE NUMBER CUP17-042

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for DMCC, INC., an indoor medical cannabis commercial cultivation facility with manufacturing with non-volatile solvents, distribution, testing, and transport of medical cannabis products located at 3499 Industrial Drive, also identified as Sonoma County Assessor's Parcel Number 015-650-022 as indicated on the plans and project description dated received May 1, 2017, (Project); and

WHEREAS, on January 11, 2018, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed medical cannabis cultivation facility will be located in the Light Industrial zoning district, which permits the cannabis manufacturing, distribution, and testing uses by right, the cannabis transporter use subject to a Minor Use Permit, and the medical cannabis cultivation use subject to approval of a Conditional Use Permit;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that in enacting the medical cannabis commercial cultivation regulations, the City identified specific General Plan land use designation areas, including Light Industry, as appropriate districts for the proposed land use to occur. The proposed project has the potential to provide a viable commercial enterprise to the community, create full-time and part-time jobs on an infill site with access to and public transit;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the project would

improve and re-tenant a previously occupied but presently vacant building within an industrial district that includes a mix of manufacturing, warehousing, distribution, indoor recreational, and retail uses. As such, the area is well-suited for the proposed operation. There are no existing or planned residential uses in the immediate vicinity of the project site and the use has been conditioned to minimize impacts to adjacent properties;

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the proposed use, including all growing, harvesting, manufacturing, testing, packaging, and shipping functions, would be located wholly within an existing industrial building. All necessary utilities are available at the project site, including water, wastewater, storm drainage and PG&E service;
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the proposed development would be consistent with surrounding land uses as identified in the General Plan. Additionally, conditions of approval address the requirement to minimize potential odors, light pollution, and noise, as well as a requirement for a detailed security plan that includes background checks for employees, 24-hour monitoring, use of surveillance cameras, secure entry to the facility, and similar measures;
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, applicable to existing facilities involving no expansion of the facility. Additionally, the project qualifies for a Class 32 exemption, per Section 15332, as it involves an infill development on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for the DMCC, Inc. project, is approved subject to each of the following conditions:

GENERAL:

- 1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.

2. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
3. Compliance with State and local licensing requirements, including the following:
 - A. The operator shall be required to obtain a State license once they become available, and shall comply with any applicable state licensing requirements, such background checks, criminal history limitations, as well as operational standards and locational criteria.
 - B. The operator shall be required to obtain any necessary agency permits and approvals for the proposed operation, which may include the Regional Water Quality Control Board.
4. Compliance with operational security and safety measures:
 - A. Management Information. The name or names and addresses of the person or persons having the management or supervision of applicant's business shall be provided to the Police Department.
 - B. Minors. (1) It is unlawful for any permittee, operator, or other person in charge of a medical cannabis operation to employ any person who is not at least 18 years of age. (2) Persons under the age of 18 shall not be allowed on the premises of the medical cannabis operation unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian. (3) The entrance to the medical cannabis operation shall be clearly and legibly posted with a notice indicating that person under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.
 - C. Odor Control. Odor control shall be regulated and maintained such that the odors of medical cannabis are not detected outside of the building. This shall include the applicant's proposed air quality filtration system, installed, operated and maintained consistent with manufacturer specifications and provisions.
 - D. Security Plans. The medical cannabis operation shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
 - E. Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage

loitering, crime, illegal or nuisance activities. Cameras shall remain in active, operable condition.

- F. Security Video Retention. Security video shall be maintained for 90 days.
 - G. Alarm System. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. Santa Rosa City Code Section 6-68.130 requires that an alarm permit be obtained prior to installing an alarm system.
5. The permittee shall not transfer ownership or control of a medical cannabis operation or transfer a medical cannabis operation permit to another person unless and until the transferee obtains an amendment to the permit from the Planning and Economic Development Department stating that the transferee is now the permittee. Such an amendment is obtained through the issuance of a Zoning Clearance that documents the transfer and commits the transferee to compliance with each of the conditions of the original permit.

EXPIRATION AND EXTENSION:

- 6. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
- 7. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

- 8. Obtain Building Permits for the proposed project.

ENGINEERING DIVISION:

- 9. Compliance with all conditions as specified by Exhibit "A" dated June 1, 2017, attached hereto and incorporated herein.

PLANNING DIVISION:

- 10. The exterior of the building will be covered by strategically placed security cameras. Surveillance footage will be maintained for 90 days.
- 11. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
- 12. All work shall be done according to the final approved plans dated received May

1, 2017.

13. PROJECT DETAILS:

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and California Building Codes, as well as the City's Design Review Guidelines.
- B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

14. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

15. LIGHTING:

- A. Adequate external lighting shall be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- B. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.

- C. Light sources shall be concealed from public view.
 - D. All lighting shall be directed toward the subject property and away from adjacent properties.
 - E. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
16. PARKING:
- A. The parking lot shall be constructed to City standards.
 - B. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
 - C. No fewer than 15 on-site parking spaces shall be provided and maintained for the duration of the proposed use.
 - D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

FIRE DEPARTMENT

- 17. Storage or use of any hazardous materials at the site will require a Hazardous Materials Business Plan to be submitted to the on-line reporting program at <http://cers.calepa.ca.gov/>. The Fire Department will review for approval. Materials on site in excess of threshold quantities will require a Hazardous Materials Permit to be submitted to the Fire Department for review and approval and require payment of Hazardous Material Management Plan fee.
- 18. Fire Apparatus Access roads (Fire Lanes) shall be provided to within 150 feet hose-pull distance of all first floor exterior walls. Fire Lanes over 150 feet long shall have an approved fire apparatus turn-around. Vehicle gates limiting fire apparatus access shall be approved by the Fire Department. Electrically operated gates shall be equipped with strobe-actuators ("Opticom") on ingress side with Knox-key override on keypad. Egress side shall have strobe-actuator or magnetic loop detection in pavement. Fire Lanes shall be signed or marked per current Fire Department standards.
- 19. A fire sprinkler system designed and installed per NFPA 13 for Ordinary 2 Hazards shall be operable in the building prior to change of occupancy.
- 20. Site addressing shall comply with current Fire Department standards for commercial buildings: 12" tall address characters, illuminated by a photocell controlled light source.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of January, 2018, by the following vote:

AYES: (7) Chair Cisco, Vice Chair Edmondson, Board Member Duggan, Board Member Groninga, Board Member Peterson, Board Member Weeks, Board Member Kalia

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: 
Chair

ATTEST: 
Executive Secretary

Exhibit A – Engineering Development Services conditions dated June 1, 2017

PLANNING AND ECONOMIC DEVELOPMENT
ENGINEERING DEVELOPMENT SERVICE

EXHIBIT "A"

June 1, 2017

3499 Industrial Dr
DMCC, Inc Cultivation Facility
CUP17-042

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans stamped received May 1, 2017:

WATER

1. There is an existing 2" water service. Currently the property has a 1" domestic meter with no backflow. The domestic meter will be required to install a reduced pressure backflow device per Std. 876. The existing 5/8" irrigation meter only has a DC backflow and must be upgraded to a reduced pressure backflow device per Std. 876 as well. If the existing service is not large enough to serve the fire, irrigation and domestic services and must be upsized, the existing service will need to be abandoned at the main per current City standards under an Encroachment Permit.
2. To determine if fees are due, provide the square footages of each of the types of use (office, warehouse, cultivation, etc.). to determine fees due for areas under cultivation it is necessary to provide the number of plants along with the estimated peak monthly water and sewer usage in thousands of gallons.
3. An Encroachment Permit must be obtained from Engineering Development Services of the Planning and Economic Development Department prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements.

Environmental Compliance

4. Submit a City of Santa Rosa general wastewater discharge permit application including plumbing plans to Environmental Compliance, 4300 Llano Road, Santa Rosa, CA. It requires no fee and it can be accessed on line at

www.srcity.org/generalapp

5. Any cannabis production and/or cultivation trench drain(s) excluding restroom waste lines shall connect to one common process waste line prior to any connection to the City sanitary sewer.
6. Install a sample box as per City Standard #522 or equivalent at the common process waste line in an area that is free of forklift traffic, and accessible to City personnel. If there are no trench drains or a process water discharge a sample box is not needed.
7. Install a City approved effluent meter or equivalent to capture common process waste line flow before discharge to non-process sanitary sewer lines or City sanitary sewer. Meter location will be project dependent. In the case of 100% process water reclamation, a City process meter or equivalent will be required, in lieu of the effluent meter, in order to capture incoming water used for production and cleanup.

Larry Lackie
Project Engineer