

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR CALIFORNIA ORGANICA, INC CANNABIS FACILITY - LOCATED  
AT 1825 FERDINAND COURT - FILE NUMBER CUP21-091

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for California Organica, Inc., a cannabis facility with on site uses including *Cannabis Manufacturing Level 1 (non-volatile)* (2,545 SF), *Distribution* (3,481 SF), and *Cultivation - 5,001 sq ft or greater* (8,033 SF) to be located at 1825 Ferdinand Court, also identified as Sonoma County Assessor's Parcel Number 044-011-087;

WHEREAS, 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; and

WHEREAS, the Planning Commission has review the project for compliance with the California Environmental Quality Act (CEQA) and determined that the project qualifies for Class 1 (15301), Class 3 (15303) and Class 32 (15332) exemptions; and

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 California Organica Inc. Cannabis Facility project is proposed to be located within the General Industrial zoning district, which permits the proposed uses subject to Planning Commission approval of a Conditional Use Permit. The project has been reviewed and determined to be in compliance with all applicable Zoning Code sections, including Zoning Code Chapter 20-46 (Cannabis), Zoning Code Section 20-30.080 (Outdoor lighting), and City Code Chapter 17-16 (Noise).
- B. The proposed use is consistent with the General Plan and any applicable specific plan. In enacting cannabis commercial cultivation regulations, the City identified specific General Plan land use designation areas, including General Industry, as appropriate districts for the proposed land use to occur. Staff has identified several General Plan goals and policies that would be advanced through approval of the proposed project.

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in vicinity in that the proposed project is within an existing, underutilized building. The project would comply with all operational standards related to noise and odor, which require that no excessive noise is generated, and all odors to be contained within the building. The submitted Certified Odor Mitigation plan demonstrates the technologies and processes that would achieve compliance with the odor standards established by City Code Chapter 17-16. The existing and future residential uses to the east of the project site are not anticipated to be affected by additional traffic that would result from the proposed project due to an insignificant number of new trips being generated and the location of site access via Colgan Avenue to Ferdinand Court;
- 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 cannabis uses would be located in an existing industrial building, fully accessible pursuant to ADA standards, though no public access will be permitted for security purposes. All necessary utilities are available at the project site, including water, wastewater, storm drainage, and PG&E services. Finally, the project includes parking spaces that exceed the requirement established by Zoning Code Chapter 20-36 (Parking and Loading Standards);
- 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 allowed land uses as designated by the General Plan. As discussed above, cannabis operating standards and other applicable Zoning Code requirements account for and reduce potential conflicts with nearby residential uses including noise, odor, and lighting/glare. The Focused Traffic Study also concludes that an insignificant amount of traffic would be generated as a result of the proposed project, and that the additional traffic would not interfere with nearby residents' and business owners' reasonable enjoyment of their property; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff has determined that the project qualifies for:
- i. Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).
  - ii. Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will require only minor exterior modifications to the structure/site.
  - iii. Class 32 Categorical Exemption under CEQA Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:

1. The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
  2. The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
  3. The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species. While within the Santa Rosa Plain Conservation Strategy boundaries, the Project site was previously filled and is encircled by constructed roadways;
  4. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Based on the project description the trips generated by this project are negligible and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed project will occupy an existing building and all the work will take place inside of the building and mechanical equipment will be required to meet the City noise ordinance. Based on the certified Odor Control Plan the project will not emit any cannabis related odors. Any wastewater will be treated by the City Sewer Treatment facility; and
  5. The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditioned the project appropriately.
- iv. The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

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 California Organica, Inc., to be located at 1825 Ferdinand, is approved subject to each of the following conditions:

## **PLANNING AND ECONOMIC DEVELOPMENT**

### **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. All work shall be done according to the final approved plans dated received October 25<sup>th</sup>, 2021.
3. 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.

### **EXPIRATION AND EXTENSION:**

4. 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.
5. 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:**

6. Obtain building permits for the proposed project.

### **ENGINEERING DIVISION:**

7. Compliance with all conditions included in the attached Exhibit A prepared by Engineering Development Services (EDS) dated November 23, 2021.

### **PLANNING DIVISION:**

8. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
9. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),

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10. PROJECT DETAILS:

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform 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. Any roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the 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.

11. LIGHTING:

- A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Planning Commission approval.
- B. All lighting placement and design shall comply with Zoning Code Section 20-30.080 (Outdoor lighting).

12. PARKING:

- A. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- B. 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.

13. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
- B. A planning sign permit application is required for all signs.
- C. Sign permit approval shall be obtained prior to application for a building permit.

- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.
  - E. Building permits for sign installations shall be separate permits from other building permits issued for construction.
14. NATURAL RESOURCES:
- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
  - B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
  - C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
  - D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

**FIRE DEPARTMENT**

- 15. Facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies” including General Requirements and those specific to cultivation, manufacturing, and distribution. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support>.
- 16. An annual Fire Department Operational Permit is required for cannabis cultivation, manufacturing, testing and laboratory, and distribution

facilities. **Annual permit submittal shall include re-certification of all extraction equipment by a CA licensed professional engineer and updating of Hazardous Materials storage, use, handling, and waste records.**

17. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. Installation to comply with California Fire Code as amended by the Santa Rosa City Code. Six-inch numeric or alpha-numeric shall be provided for suites.
18. Storage or use of any hazardous materials at the site may require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permitted amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.
19. The building will be required to be protected by automatic fire sprinkler system throughout. Modifications to the existing sprinkler system requires plans and calculations submitted to the Fire Department for review and approval prior to any work on system.
20. Fire flow and location of fire hydrants, fire protection appurtenances shall be in strict accordance with California Fire Code Chapter 5, Appendix B, and Appendix C as adopted by the City of Santa Rosa.
21. The fire sprinkler system - fire department connection (FDC) shall be located within 100 feet of a fire hydrant.
22. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction, in accordance with CFC Section 507, Appendices B & C and Santa Rosa City Code.
23. Fire hydrant systems shall comply with adopted CFC Section 507.5.1 through 507.5.8 and Appendix C.
24. Fire hydrants installed for this project shall be commercial (double steamer) and provide a minimum of 2500 gpm at 20psi.
25. Fire hydrants shall be spaced at 300 feet in commercial areas
26. For private underground fire main installations, the Fire Department requires a deferred submittal for review and compliance with NFPA 24.
27. Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-stories or less in

height. Dead-end private access roads more than 150 feet in length shall have an apparatus turn-around per current Fire Department standards. Required Fire Department access roads shall be signed “No Parking – Fire Lane” per current Fire Department standards.

- 28. Provide a Fire Department key box (Knox box) access to the building and if a gate is installed across the driveway Opticom and key-switch/Knox pad-lock access through electric/manual gates will be required.
- 29. Deferred submittals to the Fire Department:
  - i. Private underground fire main
  - ii. Fire sprinklers
  - iii. Fire alarm
  - iv. Gates and barriers
  - v. Hazardous Materials Business Plan – CERS submittal

BE IT FURTHER 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 23rd day of June, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

Attached: EDS Exhibit A, dated November 23, 2021