

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR A COMMERCIAL CANNABIS MANUFACTURING – LEVEL 2
(VOLATILE) USE IN A FLEXMOD UNIT - LOCATED AT 2715 GIFFEN AVENUE; APN:
010-450-008 FILE NUMBER CUP18-035

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Commercial Cannabis Manufacturing – Level 2 (volatile), to be located in a FlexMOD modular unit adjacent to 2715 Giffen Avenue, Building 2 East, also identified as Sonoma County Assessor's Parcel Number(s) 010-450-008;

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,

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 commercial cannabis Manufacturing – Level 2 (volatile) use will be located within the Light Industrial zoning district, where it is an allowed use, subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed use is consistent with the General Plan and any applicable specific plan, in that the use proposed at this location implements the General Plan vision by accomplishing a variety of Land Use and Economic Development goals by ensuring that industrial uses contributing to economic vitality goals are located in appropriate areas and residential neighborhoods are protected;
- 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 proposed use will locate within an existing industrial development and will comply with Building and Fire Code Requirements for Cannabis Related Occupancies, including general requirements and those specific to volatile manufacturing;
- 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 would be located entirely within a 480 square foot FlexMOD structure designed for this use and would be positioned adjacent to the existing industrial building (Building 2); secure access to the site is provided via Giffen Avenue; the building will be fully accessible pursuant to American's with Disabilities Act (ADA) standards, though no public access will be permitted due to the nature of the proposed use and for security purposes; and all necessary utilities are available at the project site;

- 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 use is consistent with the surrounding land uses; the project Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources; the project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities through a camera surveillance system, a professionally monitored alarm system, access controls, secure storage and waste areas inventory controls, and product inventory controls, and implementation of employee safety and security operational procedures; the parking area specifically allocated to this proposed business will be secured with a security fence, which will facilitate secure transport of material to and from the business; the proposed operations will not abut any residential uses; the project is subject to Building and Fire permits, as described in Building and Fire Code Requirements for Cannabis Related Occupancies, including general requirements and those specific to volatile manufacturing, and an annual Fire Department Operational Permit is required for cannabis manufacturing facilities; and
- F. The proposed Cannabis Retail (dispensary) business has been reviewed in compliance with the California Environmental Quality Act (CEQA):
- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303, in that it permits the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
 - 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 Commercial Cannabis Manufacturing – Level 2 (volatile), is approved subject to each of the following conditions:

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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 by the City on July 18, 2019.
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 a Building Permit for the proposed project.

FIRE

7. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies" including General Requirements and those specific to Volatile Manufacturing. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support>. All Plant Processing and Extraction facilities shall comply with CA Fire Code Chapter 38.

Building Permit submittal (required for verification of occupancy) shall include a copy of all required documents and reports for Fire Department review and approval.

8. An annual Fire Department Operational Permit is required for cannabis manufacturing, testing and laboratory, and distribution facilities.

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

ENGINEERING DIVISION:

9. Compliance with Engineering Development Services Exhibit A, dated November 14, 2019, attached hereto and incorporated herein.

PLANNING DIVISION:

10. 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.
11. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
12. **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 shall be approved by the Planning Division prior to issuance of a building permit.
 - C. All roof appurtenances, accessory equipment, and meters shall 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.

13. LANDSCAPING:

- A. All landscaping shall 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.

14. SIGNAGE:

- 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.

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 12th day of December, 2019, by the following vote:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

APPROVED: _____
PATTI CISCO, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY