

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT TO CHANGE THE OPERATOR NAME AND MAKE MODIFICATIONS TO AN APPROVED CANNABIS CULTIVATION USE FOR THE JQ GOLD, LLC CANNABIS FACILITY, INCREASING THE CANNABIS CULTIVATION LAND USE TO 12,439 SQUARE FEET AND THE CANNABIS DISTRIBUTION LAND USE TO 7,255 SQUARE- FEET WITHIN AN EXISTING BUILDING LOCATED AT 3515 AND 0 INDUSTRIAL DRIVE, ASSESSOR'S PARCEL NUMBERS 148-050-027 AND 148-041-049 – FILE NUMBER CUP21-068

WHEREAS, on November 12, 2020, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, approved a Conditional Use Permit and made recommendations to the City Council for approval of a General Plan land use amendment and Rezone for the T&L Micro Cannabis Facility, a 19,500 square-foot Cannabis Cultivation (10,202 sq.ft.), Manufacturing (non-volatile) (3,282 sq.ft.), and Distribution (6,016 sq.ft.) use in an existing commercial/industrial building on a ±1.01-acre project site located at 3515 and 0 Industrial Drive (the Project), also identified as Sonoma County Assessor's Parcel Numbers 148-050-027 and 148-041-049 (PRJ19-039); and

WHEREAS, on December 8, 2020, the City Council approved an amendment to the General Plan land use designation from Retail & Business Services to Light Industry and a request to rezone the submit parcels from General Commercial (CG) zoning district to the Light Industrial (IL) zoning district; and

WHEREAS, on August 2, 2021, a Major Conditional Use Permit application was received by Planning and Economic Development to modify the approved Major Conditional Use Permit to increase Cannabis Cultivation by 2,237 square feet and Cannabis Distribution by 1,239 square feet, and remove the Cannabis Manufacturing (non-volatile) land use; and

WHEREAS, on March 10, 2022, 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, in accordance with the California Environmental Quality Act (CEQA) an Initial Study, dated June 19th, 2020, was prepared for the approved T&L Micro Cannabis Facility project; and

WHEREAS, the Initial Study determined that, with incorporation of mitigation measures, the T&L Micro Cannabis Facility project would not have a significant effect on the environment and that a Mitigated Negative Declaration for the Project should be prepared; and

WHEREAS, on November 12, 2020, the Planning Commission passed a resolution adopting the Mitigated Negative Declaration for the T&L Micro Cannabis Facility; and

WHEREAS, based on substantial evidence, the requested Conditional Use Permit for the JQ Gold, LLC Cannabis Facility project is within the scope of the certified Mitigated Negative Declaration for the T&L Micro Cannabis Facility and therefore qualifies for an exemption from further environmental analysis pursuant to CEQA Section 15162 (Subsequent EIRs and Negative Declarations).

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 Project is proposed to be located within the Light Industrial zoning district, which permits the 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 in enacting cannabis commercial cultivation regulations, the City identified specific General Plan land use designation areas, including Light Industry, which is the designation for the subject site, as appropriate districts for the proposed land use to occur. The project would also furthers several General Plan goals and policies, including LUL-A (fostering a compact development plan), LUL-K (protecting industrial land supply), EV-B (facilitating retention and expansion of existing businesses), EV-B-7 (focusing on business attraction and filling vacancies in industrial structures), EV-C-2 (establishing an inventory of ready-to-go non-residential sites), and EV-D (maintaining economic vitality);
- 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 re-tenant a previously occupied commercial building within a commercial-industrial area that includes a mix of retail, manufacturing, warehousing, distribution, and indoor recreational uses, and 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, packaging and shipping functions, would be located wholly within an existing industrial building, the building will be fully accessible

pursuant to 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, including water, wastewater, storm drainage and PG&E services;

- 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 Project would be consistent with surrounding land uses as identified in the General Plan, proposed 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 gates to the project site, and similar measures; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Negative Declaration was certified for the T&L Micro Cannabis Facility project and determined the proposed project would result in potentially significant impacts in: Air Quality, Greenhouse Gases, and Transportation. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the project, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels, or through compliance with existing Municipal Code requirements or City standards. On November 12, 2020, the Planning Commission approved a resolution adopting a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the T&L Micro Cannabis Facility, for which the project description included analysis of the proposed conditionally permitted uses. Based on substantial evidence in light of the whole record, the modifications proposed by the JQ Gold Cannabis Facility do not constitute significant changes that would warrant a subsequent Negative Declaration pursuant to CEQA Section 15162 (Subsequent EIRs and Negative Declarations).

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 JQ Gold, LLC Cannabis Facility, a 19,694 square-foot Cannabis Cultivation (12,439 sq.ft.), and Distribution (7,255 sq.ft.) facility in an existing commercial/industrial building on a ±1.01-acre project site, to be located at 3515 and 0 Industrial Drive, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY 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 by the City on August 2, 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 a building permit for the proposed project.

PLANNING DIVISION:

7. Comply with all mitigation measures listed in the Mitigation Monitoring and Reporting Plan, dated June 19, 2020, included as Appendix A in the Mitigated Negative Declaration adopted for the T&L Micro Cannabis Facility project on November 12, 2020 (Resolution No. 12039).
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 for the T&L Micro Cannabis Facility by the Planning Commission. Minor exterior modifications shall be subject to Director-level design review at time of building permit submittal. 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),
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. 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.
 - C. 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. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:
 1. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 20-30.080 (Outdoor Lighting).
 2. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
12. NOISE
 - A. Use of air conditioning and ventilation equipment shall comply with the City's Noise Ordinance as contained in City Code Chapter 17-16 (Noise).
13. ODOR MITIGATION
 - A. Project shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside of the

structure in which the Business operates as described in the Certified Odor Mitigation Plan dated received by the City on August 2, 2021.

14. PARKING:

- A. 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.

15. 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.

FIRE DEPARTMENT:

- 16. Facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies”. 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.
- 17. An annual Fire Department Operational Permit is required for cannabis 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.
- 18. Modifications to the existing fire sprinkler system shall be made under a permit from the Fire Department.
- 19. If the applicant opts to install a security fence across the driveway, Opticom and key-switch/Knox pad-lock access through electric/manual gates will be required.

20. There are existing private onsite hydrants. Applicant should ensure they are maintained and functioning.
21. The project is subject to the building and fire codes in effect at time of building permit application. The next code cycle is scheduled to go into effect on January 1, 2023.

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 10th day of March, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY