

RESOLUTION NO. PC-2022-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR A 4,130 SQUARE-FOOT CANNABIS MICROBUSINESS USE WITHIN AN EXISTING BUILDING LOCATED AT 1626 PINER ROAD; APN: 015-053-051 FILE NUMBER CUP21-098

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Cannabis Microbusiness, to be located within an existing building located at 1626 Piner Road, also identified as Sonoma County Assessor's Parcel Number(s) 015-053-051;

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 considered the approved and adopted Negative Declaration for this use and project; 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 Cannabis Microbusiness uses are 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 Cannabis Microbusiness use will be located within the Light Industrial (IL) zoning district, where it is an allowed use, subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed Cannabis Microbusiness uses are 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 proposed commercial cannabis uses are allowed under Zoning Code Section 20-24.030 - Table 2-10, with approval of a Conditional Use Permit. The Project is located on a site zoned Light Industrial (IL). As such, the site is suitable for the use as proposed and the hours of operation are within those permitted in Section 20-46.080(F)(4). Also, the project complies with the general operating requirements for cannabis businesses and the

operating requirements specific to cannabis uses. The project site is located on an area of Piner Road, which is predominantly developed with industrial uses;

- D. 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, and including general cannabis operating requirements. Per Section 20-46.050(E), the project is subject to Building and Fire permits. Additionally, an annual Fire Department Operational Permit is required, and the project must meet Health and Safety Code requirements;
- E. The proposed use will be located within a proposed existing 4,130 square-foot industrial building. Site design provides vehicular access and on-site parking. The project plans demonstrate compliance with all operational standards as specified in Chapter 20-46 - Cannabis. The building and site would be fully accessible pursuant to Americans with Disabilities Act (ADA) standards. All necessary utilities are available at the project site, including water, wastewater, gas and electric services;
- F. The proposed project will be consistent with existing developments along Piner Road, which supports a variety of industrial and commercial uses. The Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors to a level undetectable outside the building. As required in Section 20-46.050(G), the applicant has provided a Security Plan, and per the Security plan, security staff will be properly trained and present on site during hours of operation. The applicant will engage with a professional licensed security company to design and maintain surveillance and access control system. The professional security company will monitor surveillance and maintain alarm operations;
- G. The site exceeds the minimum 600-foot separation from schools and Cannabis overconcentration and there is a visible unobstructed storefront entrance accessible from the public right-of-way required under both State of California and Zoning Code Section 20-46.080(D);
- H. 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 an existing 4,130-square-foot industrial building, access to the site is provided via Piner Road; the building will be fully accessible pursuant to American's with Disabilities Act (ADA) standards, public access will be permitted due to the nature of the proposed use and with security measures in place; and, all necessary utilities are available at the project site;
- I. 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, 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 implementation of employee safety and security operational procedures including for the delivery and dispensary uses; the proposed site is not abutting any residential uses; the project is subject to Building and Fire permits, as described in Building and Fire Code Requirements for Cannabis Related Occupancies, and including general cannabis operating requirements; and

J. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for:

- 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).
- 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.
- Class 32 Categorical Exemption under CEQA Section 15332 (In-fill Development Projects) of the State CEQA Guidelines in that:
 - a. The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code;
 - b. 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;
 - c. The Project site has been previously developed and has no value as habitat for endangered, rare or threatened species.
 - d. 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
 - e. 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 conditions the project appropriately.
- 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

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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 SO CO Grow, LLC Cannabis Microbusiness (4,130 sq.ft.), to be located at 1626 Piner Road, 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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. All work shall be done according to the final project documents dated received by the City on March 7, 2022.

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 as specified by the attached Exhibit "A" dated June 7, 2022.

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),
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.
11. 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.

FIRE DEPARTMENT

12. 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.
13. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies". All Plant Processing and Extraction facilities shall comply with CA Fire Code Chapter 38.
14. An annual Fire Department Operational Permit is required for cannabis manufacturing, testing and laboratory, and distribution facilities.
15. 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.

SONOMA COUNTY DEPARTMENT OF HEALTH SERVICES – ENVIRONMENTAL HEALTH

16. A cannabis facility permit issued by EHS is required for the operation of a cannabis dispensary, including an establishment that delivers cannabis and

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cannabis products as part of retail sale, and/or a facility that manufactures cannabis infused edibles.

17. For composting, a review of the proposal is required by the Sonoma County Local Enforcement Agency for Solid Waste to determine if a Solid Waste Permit is required prior to commencing operations.

ENVIRONMENTAL COMPLIANCE

18. The operator(s) and/or owner(s) shall submit a Wastewater Discharge Permit Application including plumbing plans to City of Santa Rosa Environmental Services section. The Application requires no permit fee and it can be accessed online at: www.srcity.org/generalapp
19. 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.
20. 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.
21. May be required to install a City approved effluent meter or equivalent to measure all process waste discharges to the City sanitary sewer. The effluent meter will be used to determine discharge flow data for City commercial sewer discharge fees.
22. Any on-site manufacturing that involves producing baked or food grade products shall require the installation of a grease removal device(s) for any 3-compartment sink used for clean-up.
23. Note: See City's Interceptor Policy for more details on connections and sizing criteria.
24. Any fume hood drain that has a direct connection to City sanitary sewer shall be either protected with a berm and/or standpipe to prevent any chemical spill or leak to sanitary sewer.
25. All extraction condenser non-contact cooling water shall be recycled with either a chiller and/or water tower. The City of Santa Rosa Title 15-08.070 (18) prohibits the discharge of unpolluted wastewater including non-contact cooling water.

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.

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REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of October, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY