

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL  
USE PERMIT FOR THE DUKE COLLECTIVE INC. COMMERCIAL CANNABIS  
CULTIVATION - LOCATED AT 2835 DUKE COURT; APN: 043-260-004 - FILE NUMBER  
CUP16-073

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Duke Collective Inc. Commercial Cannabis Cultivation, to be located at 2835 Duke Court, also identified as Sonoma County Assessor's Parcel Number(s) 043-260-004;

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 Duke Collective Inc. cannabis cultivation facility will be located within an existing 24,510-square-foot building in the Light Industrial zoning district, which is permitted subject to Planning Commission approval of a Major Conditional Use Permit.
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that in enacting its medical cannabis commercial cultivation regulations, the City specifically identified certain industrial zoning districts, which implement the industrial General Plan land use designations, where this use would be allowed. Staff finds that the proposed medical cannabis commercial cultivation use is consistent with the applicable underlying General Plan goals and policies related to industry, economic vitality, and the associated Light Industry General Plan land use designation.
- 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 be located in an existing 24,510-square-foot building, within a light industrial neighborhood that includes a mix of light manufacturing, warehousing, and distribution uses, with residential properties located to the north with no shared street access. As such, the area is well-suited for the proposed operation. In addition, the existing building is

Resolution No. \_\_\_\_\_

located on the portion of the site furthest from the residential uses, and the proposal includes continuous on-site security personnel, security cameras and monitoring systems, all of which will be coordinated with local law enforcement.

- 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 an existing 24,510-square-foot industrial building. Access to the site is provided via Duke Court, and 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. All necessary utilities are available at the project site, including water, wastewater, storm drainage, gas and electric 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 proposed project will be consistent with the surrounding land uses to the east, west, and south, which are within the IL zoning district and comprise a variety of light manufacturing, warehousing, distribution uses. The residential properties located to the north of the site are not anticipated to be substantially impacted based on the lack of shared street access, and proposed equipment to regulate odor and noise. In addition, project conditions of approval would further regulate the use to ensure it will not result in a public nuisance or health and safety hazard. This includes implementation of a security plan including continuous on-site security, an alarm monitored building, background checks for employees, the use of surveillance cameras, and secure entry gates to inhibit vehicles from accessing the project site during non-operational hours.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that the proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, which applies to existing facilities involving no expansion of the facility. The proposed project involves use of an existing 24,510-square-foot industrial building, for a commercial cannabis cultivation facility, with no proposed building expansion or exterior building renovations.

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 Duke Collective Inc. Cannabis Cultivation 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 October 3, 2016, and the Project Description received February 2, 2017.
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.

### **ENGINEERING DIVISION:**

7. Compliance with Engineering Development Services Exhibit "A," dated November 15, 2016, attached hereto and incorporated herein.

### **PLANNING DIVISION:**

8. Odor control shall be regulated and maintained such that the odors of medical cannabis are not detected outside of the building. This shall include applicant's proposed use of a dual air quality filtration system (units for each growing room, plus a unit for exhaust from the building), installed, operated and maintained consistent with manufacturer specifications and provisions.

Resolution No. \_\_\_\_\_

9. The exterior of the building will be covered by strategically placed security cameras. Surveillance footage will be maintained for 90 days.
10. Noise levels shall be regulated and maintained at all times such that they do not exceed the sound levels outlined in Chapter 17-16 of the City Code, at the residential and industrial bound property lines.
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 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.
13. TREE PRESERVATION:
  - A. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.
  - B. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
    - i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.

- ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
  - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
  - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
  - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
  - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- C. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
  - D. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
  - E. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
  - F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
  - G. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

14. 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 lighting shall be directed toward the subject property and away from adjacent properties.

Resolution No. \_\_\_\_\_

- C. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

15. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Planning and Economic Development Department in some other fashion.
- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- 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.

16. 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.

17. 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.

#### **RECREATION AND PARKS DEPARTMENT**

- 18. The applicant shall pay park fees in effect at the time the building permit is issued.

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 23<sup>rd</sup> day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Chair

ATTEST: \_\_\_\_\_  
Executive Secretary

**CITY OF SANTA ROSA, CALIFORNIA  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
ENGINEERING DEVELOPMENT SERVICES DIVISION**

**EXHIBIT "A"  
NOVEMBER 15, 2016**

**Commercial Cannabis Cultivation  
2835 DUKE COURT  
PRJ16-026  
CUP16-073**

- 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 submitted /stamped received October 3, 2016.

**PUBLIC STREET IMPROVEMENTS**

1. If applicable, then an Encroachment Permit is required prior to issuance of the building permit. Any improvements, proposed or required, within the public right will be reviewed and approved with the Encroachment Permit application. Only Construction plans submitted with the Encroachment Permit Application are final plans and will be approved for construction. Contact Engineering Development Services at 543-4611, located at 100 Santa Rosa Avenue, Room 5, as soon as possible to begin Encroachment Permit application processing. Encroachment Permit application processing may take 4-6 weeks. Submit plans showing all work in the public right of way, or in public easements, including all work on public utilities (water meter boxes, sewer lateral cleanouts, backflow devices, etc.)
2. Existing streets cut by new services will require edge grinding per City Standard 209, Trenching per Standard 215 and an A.C. over lay.



### **STORM WATER COMPLIANCE (SUSMP)**

3. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into or be placed where it may be washed by rainfall into the storm drain system. When operations are completed, any excess material or debris shall be removed from the work area.
4. Cannabis cultivation may require additional permits and/or approval from other agencies including the State of California and/or Federal permits. The applicant shall apply directly to these agencies for any required permits and obtain all permits prior to City building permit issuance.

### **WATER AND WASTE WATER**

5. Demand fees may be required and will be determined after review of the building permit application. Submit the type of use in each portion of the building (office, warehouse, cultivation, lab, etc.) and the square footage of each type of use. Provide the number of plants that will be onsite and the estimated peak monthly water usage in thousands of gallons for water and sewer usage to Water Engineering Services to calculate the fees for this application.
6. Any water and sewer demand, processing and meter installation fees must be paid prior to the issuance of any Building Permit. The applicant may contact Utilities Engineering to determine estimated fees.
7. If applicable, submit landscape and irrigation plans in conformance with the Water Efficient Landscape Ordinance adopted by the Santa Rosa City Council, Resolution No. 4051, dated Oct 27, 2015. Plans shall be submitted with the Building Permit application.
8. Water laterals and meters shall be sized to meet domestic, irrigation and fire protection uses and reduced pressure back flow per City Standard 876 will be required on all water services. The fire line will require a double detector check valve backflow device per City Standard 880. The flow calculations shall be submitted to the Engineering Development Services during the first plan check phase of the Improvement Plans to determine adequate sizing.

### **ENVIRONMENTAL COMPLIANCE – October 31, 2016**

9. 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](http://www.srcity.org/generalapp)

10. 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.
11. 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.
12. 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.

#### **FIRE – November 15, 2016**

Site is an existing 29,000 s.f. building, approximately 20 foot tall, Type III-B construction, with an existing fire sprinkler system. Fire Apparatus access is adequate. One public and three private on-site fire hydrants surround the facility.

13. An automatic fire sprinkler system per NFPA 13 is required throughout the facility. Sprinkler system shall be designed for Ordinary Hazard 1 protection in grow areas, and Ordinary Hazard 2 protection in processing areas. Sprinkler system shall be monitored by a Waterflow Monitoring Fire Alarm system designed and installed per NFPA 72 and CA Fire Code.
14. Addressing per current Fire Department standards (12" address characters on the building, visible from street access, with photocell controlled illumination) is required.
15. 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.
16. 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 install 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.

A handwritten signature in cursive script, appearing to read 'CEC', is positioned above the typed name.

---

CAROL CLARK - PROJECT ENGINEER  
E:\ENG\CEC\PRJ/Duke ct. 2835 MCC