

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR INDYONE, LLC, FOR THE OPERATION OF AN INDOOR MEDICAL CANNABIS COMMERCIAL CULTIVATION FACILITY WITHIN AN EXISTING 20,000 SQUARE-FOOT BUILDING LOCATED IN A LIGHT INDUSTRIAL ZONING DISTRICT IN NORTHWEST SANTA ROSA. NO EXTERIOR CHANGES TO THE BUILDING ARE PROPOSED. THERE IS NO RETAIL/DISPENSARY COMPONENT WITH THIS FACILITY, LOCATED AT 3320 INDUSTRIAL DRIVE, ASSESSOR'S PARCEL NUMBER 015-650-024, FILE NUMBER CUP17-078

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Indylene, LLC, an indoor medical cannabis commercial cultivation located within an existing approximately 20,000 square foot industrial building in northwest Santa Rosa, and located at 3220 Industrial Drive, also identified as Sonoma County Assessor's Parcel Number 015-650-024, as indicated on the plans and project description dated received July 13, 2017, (Project); and

WHEREAS, on December 14, 2017, 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.

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 provision of this Zoning Code and the City Code, in that the project will be located in an IL (Light Industrial) district. This IL (Light Industrial) district allows cultivation of cannabis through the Conditional Use Permit process.
- B. The proposed use is consistent with the General Plan and any applicable Specific Plan in that through the process of developing and later enacting a medical cannabis ordinance, the City identified suitable and compatible General Plan land uses for such an industry. The Light Industrial General Plan Land Use designation areas were identified as compatible for cannabis cultivation and manufacturing facilities.

- 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 project would occupy a warehouse building that is currently being used as a textile storage facility without employees. The use is compatible with the immediate surrounding neighborhood, consisting of an industrial district that includes a mix of manufacturing, warehousing, distribution, indoor recreational, and automotive related uses. Therefore, the area is well-suited for the proposed operation of a cannabis cultivation facility. In addition, there are no existing or planned residential uses in the immediate vicinity of the project site.
- 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 site is fully serviced by existing public infrastructure and utilities, including PG&E service, storm drainage, wastewater, and water services. The proposed use of cannabis cultivation, manufacturing, and packaging will take place completely inside an industrial building within an industrial district thus no adverse externalities are anticipated due to operations of this facility.
- 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 surrounding land uses as identified in the General Plan. Additionally, the project has met the requirements of the Cannabis ordinance by providing its operations plan that identifies the proposed means to minimize odors, light pollution, and noise. The project has also met the code requirements for security by submitting a security operations plan that includes background checks for employees 24-hour monitoring, use of surveillance cameras, secure entry gates to the project site, and similar measures.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, applicable to existing facilities involving no expansion of the facility. Additionally, the project qualifies for a Class 32 exemption, per Section 15332, as it involves an infill development on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no value as habitat for endangered, rare or threatened species, adequately served by necessary utilities and public services, and the project has no foreseeable significant adverse impacts.

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 Indylene, LLC, is approved subject to each of the following conditions:

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. 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.
3. Compliance with State and local licensing requirements, including the following:
 - A. The operator shall be required to obtain a State license once they become available, and shall comply with any applicable state licensing requirements, such background checks, criminal history limitations, as well as operational standards and locational criteria.
 - B. The operator shall be required to obtain any necessary agency permits and approvals for the proposed operation, which may include the Regional Water Quality Control Board.
 - C. Multiple medical cannabis uses and licenses proposed on this site shall occur only if authorized by the Medical Marijuana Regulation and Safety Act (MMRSA) and the City of Santa Rosa and only if all uses proposed are allowed pursuant to the City's Zoning Code.
4. Compliance with operational security and safety measures:
 - A. Management Information. The name or names and addresses of the person or persons having the management or supervision of applicant's business shall be provided to the Police Department.
 - B. Minors. (1) It is unlawful for any permittee, operator, or other person in charge of a medical cannabis operation to employ any person who is not at least 18 years of age. (2) Persons under the age of 18 shall not be allowed on the premises of the medical cannabis operation unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian. (3) The entrance to the medical cannabis operation shall be clearly and legibly posted with a notice indicating that person under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

- C. Odor Control. Odor control shall be regulated and maintained such that the odors of medical cannabis are not detected outside of the building. This shall include the applicant's proposed air quality filtration system, installed, operated and maintained consistent with manufacturer specifications and provisions.
 - D. Security Plans. The medical cannabis operation shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
 - E. Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities. Cameras shall remain in active, operable condition.
 - F. Security Video Retention. Security video shall be maintained for 90 days.
 - G. Alarm System. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. Santa Rosa City Code Section 6-68.130 requires that an alarm permit be obtained prior to installing an alarm system.
5. The permittee shall not transfer ownership or control of a medical cannabis operation or transfer a medical cannabis operation permit to another person unless and until the transferee obtains an amendment to the permit from the Planning and Economic Development Department stating that the transferee is now the permittee. Such an amendment is obtained through the issuance of a Zoning Clearance that documents the transfer and commits the transferee to compliance with each of the conditions of the original permit.

EXPIRATION AND EXTENSION:

- 6. 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.
- 7. 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:

- 8. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

9. Compliance with all conditions as specified by Exhibit "A" dated September 13, 2017, attached hereto and incorporated herein.

PLANNING DIVISION:

10. The exterior of the building will be covered by strategically placed security cameras. Surveillance footage will be maintained for 90 days.
11. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
12. All work shall be done according to the final approved plans dated received July 13, 2017.

13. **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.
- E. Prior to submission for plancheck the applicant will apply for Administrative Design Review. Those plans will show that the exterior elevations of the removed roll-up doors will be reconstructed to match the existing building elevation materials upon the west, east, and south, elevations of the building.

14. **LANDSCAPING:**

- A. All landscaping must 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.

15. 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 exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit.
- C. Light sources shall be concealed from public view.
- D. All lighting shall be directed toward the subject property and away from adjacent properties.
- E. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.

16. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- C. No fewer than 26 on-site parking spaces shall be provided and maintained for the duration of the proposed use.
- 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.

FIRE DEPARTMENT

17. A new public fire hydrant shall be installed adjacent to the north driveway curb cut as part of this project.
18. 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.
19. 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 have 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.

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 14th day of December, 2017, by the following vote:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

APPROVED: _____
Chair

ATTEST: _____
Executive Secretary