

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR MIDDLE RELIEF PARTNERS, A CANNABIS CULTIVATION
FACILITY, LOCATED AT 1805 EMPIRE INDUSTRIAL COURT, ASSESSOR'S PARCEL
NO. 015-731-002; FILE NUMBER CUP17-057

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for Middle Relief Partners, a cannabis cultivation facility, to be located at 1805 Empire Industrial Court, also identified as Sonoma County Assessor's Parcel Number 015-731-002; and

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 cannabis cultivation facility is allowed within the PD (Planned Development, #0173) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The Policy Statement for Planned Development #0173 is silent in terms of allowable uses. Pursuant to Zoning Code Section 20-26.060(C), where a Policy Statement does not include a list of allowable land uses, the most similar standard zoning district and its list of allowable land uses shall apply. Zoning Code Table 2-10 lists allowable uses within the IL Zoning District, and allows cannabis cultivation with approval of a Conditional Use Permit; and
- B. The proposed cannabis cultivation facility is consistent with the General Plan land use designation of Light Industry in that these areas are intended for light industrial, warehousing and heavy commercial uses. The area is not within the boundary of any specific plan area; and
- 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 narrative provides a clear security plan, the plans include a sally-port, and the air filtration system is designed to minimize potential odors. The plans have been reviewed by City staff and the Project has been conditioned appropriately; and

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- 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 Project plans demonstrate compliance with all operational standards as specified in Zoning Code Chapter 20-46, and the subject site is within a fully developed area designated for light industrial uses. The Project plans have been review by City staff and conditioned appropriately; and
- 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, 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):
- a. Pursuant to CEQA Guidelines Section 15183, the project is consistent with the General Plan and zoning, for which an Environment Impact Report (EIR) was certified. No further environmental review is necessary as analysis has confirmed that there are no new environmental effects, or environmental effects of greater severity, peculiar to the parcel or the project that were not analyzed and addressed in a prior EIR.
 - b. 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 involves a change of use, which will require minor exterior modifications to the structure. 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 15300.2.)
 - c. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 in that it involves minor modifications to an existing facility, with no expansion of use. 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 15300.2.)
 - d. Pursuant to CEQA Guidelines Section 15332, the project qualifies for a categorical exemption as in-fill development as it is located on a site of less than five acres, within City limits, substantially surrounded by urban uses, with no

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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 Middle Relief Partners, a cannabis cultivation facility, 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 unless otherwise authorized by current Council policy.

EXPIRATION AND EXTENSION:

2. 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.
3. 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.

PLANNING DIVISION:

4. Compliance with all applicable operational provisions of Chapter 20-46 of the Zoning Code is required.

BUILDING DIVISION:

5. Obtain a building permit for the proposed project.

ENGINEERING DIVISION:

6. Compliance with Planning and Economic Development Engineering Development Services Exhibit A, dated August 17, 2017, attached hereto and incorporated herein.

FIRE DEPARTMENT

7. 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.
8. 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.
9. A fire sprinkler system designed and installed per NFPA 13 for Ordinary 2 Hazards shall be operable in the building prior to change of occupancy.
10. Site addressing shall comply with current Fire Department standards for commercial buildings: 12" tall address characters, illuminated by a photocell controlled light source.

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 May 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____

Chair

ATTEST: _____

Executive Secretary

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