

## RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR FLORA TERRA TO OPERATE A CANNABIS MICROBUSINESS, INCLUDING CULTIVATION, DISTRIBUTION AND RETAIL, WITHIN AND EXISTING BUILDING LOCATED AT 1825 EMPIRE INDUSTRIAL COURT, SUITES A, B & C; ASSESSOR'S PARCEL NO. 015-731-008; FILE NO. CUP18-051

WHEREAS, an application was submitted requesting the approval of a Conditional Use permit for Flora Terra, an adult use cannabis microbusiness comprised of cultivation (8,797 square feet), distribution (421 square feet) and retail (1,000 square feet) uses, with daily operating hours from 7:00 am to 10:00 pm, for the property located at 1825 Empire Industrial Court, Suites A, B & C, also identified as Sonoma County Assessor's Parcel No. 015-731-008; 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 Microbusiness facility, which is comprised of cannabis cultivation, distribution and retail, 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, which implements the Light Industry General Plan land use designation, and allows cannabis cultivation and dispensary with the approval of a major Conditional Use Permit and Cannabis Distribution is permitted by right; and
- B. The proposed Microbusiness facility is consistent with the General Plan land use designation of Light Industry, which is applied to areas that are intended for light industrial, warehousing and heavy commercial uses. On December 19, 2017, the City Council adopted Ordinance No. ORD-2017-025 finding Microbusiness uses appropriate in areas designated as Light Industry on the land use diagram. The project site is located within a fully developed industrial park; 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. The site will provide adequate security, the floor plan identifies a sally port to be used for distribution purposes, and the Project is required to comply with operational standards pursuant to Zoning Code Chapter 20-46.

The property is located adjacent to a single-family residential neighborhood to the north and abuts a mobile home park separated by the railroad tracks and a sound wall to the west. Proximity of these Light Industrial and Residential land uses is within the scope of the General Plan 2035 Environmental Impact Report, which was certified by the Council in 2009.

Additional conditions of approval have been added to address potential impacts unique to this Project: 1) The Project is required to comply with the more restrictive sound levels permitted at residential property lines, pursuant to City Code Chapter 17-16, and 2) no parking is allowed along north property line after dark to minimize the possibility of head light glare.

The plans have been reviewed by City staff and the Project has been conditioned appropriately; and

- 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; 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. The proposed adult-use Microbusiness is consistent with surrounding land uses. The property is located adjacent to a single-family residential neighborhood to the north and abuts a mobile home park separated by the railroad tracks and a sound-wall to the west. The proximity of the Light Industrial and Residential land uses was within the scope of the General Plan 2035 Environmental Impact Report certified by the Council in 2009.

Additional conditions of approval have been added to address potential impacts unique to the Project. 1) The Project is required to comply with the more restrictive sound levels permitted at residential property lines, pursuant to City Code Chapter 17-16, and 2) no parking is allowed along north property line after dark to minimize the possibility of head light glare.

A Focused Traffic Study, prepared by W-Trans, dated April 20, 2018, provided that the Project would result in 17 (an increase of 11 over the previous use) trips during peak morning hour and 28 (and increase of 21 over the previous use) trips during the evening peak hour. The study concluded that, "Based on the minimal number of new peak hour

trips expected to be generated by the proposed project, it is reasonable to conclude that the change in land use would have a less-than-significant impact on traffic operation [per the City's Standard Guidance for the Preparation of Traffic Impact Analysis; and

- 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/site.
- 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.
- Pursuant to CEQA Guidelines Section 15332, the project qualifies for a categorical exemption as infill development as it is located 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 to traffic, noise, air quality or water quality:
  - A Focused Traffic Study, prepared by W-Trans, dated April 20, 2018, provided that the Project would result in 17 (an increase of 11 over the previous use) trips during peak morning hour and 28 (and increase of 21 over the previous use) trips during the evening peak hour. The study concluded that, "Based on the minimal number of new peak hour trips expected to be generated by the proposed project, it is reasonable to conclude that the change in land use would have a less-than-significant impact on traffic operation [per the City's Standard Guidance for the Preparation of Traffic Impact Analysis;
  - A noise evaluation was prepared by Hammett & Edison, Inc., dated September 14, 2018, concluded that the Project will comply with the City's Noise Ordinance. The project has been further conditioned to provide an updated noise evaluation in response to the final design of the equipment enclosure, which is required with plan sets submitted for building permits.
  - The Project site will be hooked up to City-provided water and wastewater service; and
  - In a letter addressed to the City of Santa Rosa, dated June 15, 2018, Jason Vander Veen, Mechanical Engineer, discusses in detail the design of the carbon filtration system that will be installed, pursuant to Zoning Code Section 20-46, at the Project site.
- 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.).

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 Flora Terra, to allow a Microbusiness, including cannabis cultivation, distribution and retail with delivery service, 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 April 19, 2018, and subsequent revisions to the interior floor plan, dated received on October 2, 2018.
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.
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.

**PLANNING DIVISION:**

6. Design Review is required for any exterior modifications, including but not limited to, installation of exterior ground-mounted equipment and associated screening; modification of existing trash enclosure; and significant changes in landscaping.
7. An updated acoustic study shall be provided with plan sets submitted for building permits for all exterior mounted equipment, including HVAC equipment, and enclosure for said equipment, in compliance with the Noise Ordinance, City Code Chapter 17-16. The Project is required to comply with Residential sound levels along the northern property line and at the railroad tracks.

8. Compliance with all applicable operational provisions of Zoning Code Chapter 20-46 is required.
9. Bike parking shall be installed in compliance with Zoning Code Chapter 20-36.
10. Plans submitted for building permits shall include an exterior lighting plan in compliance with Zoning Code Section 20-30.080.
11. Employees working during the night shift (after dark) shall not park in spaces provided along to the northern property line.
12. The applicant/business operator shall install a fence along the northern property line. The applicant/business operator shall work with the property owners of the four residential properties to the north (Assessor's Parcel Nos. 034-260-014 through 034-260-017) to design an appropriate fence. The fence design may require Design Review prior to construction.
13. No signs are approved as part of this Conditional Use Permit. All signs require a separate review process and both Planning and Building permits.
14. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
15. 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. Permitted hours of operation for cultivation and distribution activities shall be Monday through Sunday 7:00 a.m. to 10:00 p.m.

**ENGINEERING AND DEVELOPMENT SERVICES DIVISION:**

16. Compliance with Engineering and Development Services Exhibit A, dated October 1, 2018, attached hereto and incorporated herein.

**BUILDING DIVISION:**

17. Obtain a building permit for the proposed project.

**FIRE DEPARTMENT**

18. Facility shall comply with the requirements of "Building and Fire Code Requirements for Cannabis Related Occupancies" including General Requirements and those specific to cultivation, distribution and dispensaries. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> . Building

Permit submittal (required for verification of occupancy) shall include a copy of all required documents and reports for Fire Department review and approval.

19. An annual Fire Department Operational Permit is required for cannabis cultivation, manufacturing, testing and laboratory, and distribution facilities. Annual permit submittal shall include re-certification of all processing equipment by a CA licensed professional engineer and updating of Hazardous Materials storage, use, handling, and waste records.
20. The building may be required to be protected by automatic fire sprinkler system.
21. Fire flow and location of fire hydrants, fire protection appurtenances shall be in strict accordance with California Fire Code Chapter 5, Appendix B, and Appendix C as adopted by the City of Santa Rosa.
22. If a fire sprinkler system is required, the fire department connection (FDC's) shall be located within 100 feet of a fire hydrant.
23. Required Fire Department access roads shall be signed "No Parking – Fire Lane" per current Fire Department standards.
24. Provide a Fire Department key box (Knox box) access to the building and if a gate is installed across the driveway Opticom and key-switch/Knox pad-lock access through electric/manual gates will be required.
25. Twelve inch illuminated building address characters shall be provide per Fire Dept. standards. An illuminated address directory monument sign shall be provided at each entrance to the property.
26. Storage or use of any hazardous materials (such as pool chemicals) at the site will require a Hazardous Materials Inventory Statement to be submitted to the Fire Dept. for review via the California Environmental Reporting System (CERS). Materials in excess of the permit amounts will require a Hazardous Materials Management Plan to be submitted to the Fire Dept. for review and approval and may require payment of Hazardous Material Use or Hazardous Waste Generator permit fees.
  - A. CO2 enhancement processes for cultivation operations need to be clearly defined on the Building Plan submittal and additional monitoring equipment and signage will be required.

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 25<sup>th</sup> day of October 2018 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

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

ATTEST: \_\_\_\_\_

CLARE HARTMAN, EXECUTIVE SECRETARY