

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT FOR RADIANT FARM, A CANNABIS MANUFACTURING FACILITY, INVOLVING BOTH NON-VOLATILE MANUFACTURING (LEVEL 1) AND VOLATILE MANUFACTURING (LEVEL 2), FOR THE PROPERTY LOCATED AT 1821 EMPIRE INDUSTRIAL COURT, SUITE G; ASSESSOR'S PARCEL NUMBER 015-731-051; FILE NO. CUP18-095

WHEREAS, an application was submitted requesting the approval of a Conditional Use permit for Radiant Farm to allow an approximately 1,371-square foot cannabis manufacturing facility located at 1821 Empire Industrial Court, Suite G, also identified as Sonoma County Assessor's Parcel Number 015-731-051;

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

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 Manufacturing 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, which implements the Light Industry General Plan land use designation, and allows cannabis manufacturing with the approval of a Conditional Use Permit; and
- B. The proposed Cannabis Manufacturing 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 Cannabis Manufacturing 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, which will occur from the Suite F located in adjacent to the subject Suite G, 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. 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 the north property line after dark to minimize the possibility of headlight 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 the proposed Cannabis Manufacturing facility, 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 Cannabis Manufacturing facility is consistent with surrounding land uses. The property is located adjacent to a single-family residential neighborhood to the north, however, the suite proposed for this project is located at the south end of the existing industrial building. 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.

Application materials include an odor mitigation plan, prepared by Warner Mechanical Engineering, Inc., dated July 2, 2018, in noncompliance with Zoning Code regulations, and a security plan, including 24-hour video surveillance, in compliance with both City and State regulations.

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- F. The proposed Cannabis Manufacturing facility has been reviewed in compliance with the California Environmental Quality Act (CEQA). Refer to the Environmental Review section of this report for further discussion; and
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):

The proposed project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 in that it involves a change of use, which may require minor, if any, exterior modifications to the structure/site.

The proposed project 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:

- The Project will result in a negligible increase in vehicle trips as it is a small manufacturing facility, not to the public, and will have fewer than ten employees accessing the site daily, including shift changes; and
- The proposed Cannabis Manufacturing operation will be conducted from within an existing industrial building, which will not result in excessive noise on the exterior of the building. The Project has also been conditioned to remain in compliance with the Noise Ordinance, City Code Chapter 17-24, including the more restrictive sound levels specified for Residential uses along the northern property line; and
- The Project site will be hooked up to City-provided water and wastewater service; and
- An Odor Mitigation Plan, prepared by Jeff Warner, PE, Warner Mechanical Engineering, dated July 2, 2018, was prepared in compliance with Zoning Code Chapter 20-46.

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 Radiant Farm to allow cannabis manufacturing , 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 June 6, 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 all exterior modifications, including but not limited to, installation of exterior equipment, modification of existing trash enclosures, significant changes in landscaping, etc.
7. Pursuant to City Code Chapter 17-16, tThe Project is required to comply with Residential sound levels along the northern property line. If any exterior equipment is installed, plans for adequate screening and a acoustic study may be required with plans submitted with building permits.
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, coupled with specification sheets from the manufacturer.
11. Employees working during the night shift (after dark) shall not park in spaces provided along the northern property line.
12. No signs are approved as part of this Conditional Use Permit.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

ENGINEERING AND DEVELOPMENT SERVICES

14. 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 as related to this application unless specifically waived or altered by written variance by the City Engineer.

WATER DEPARTMENT

15. To determine if fees are due, provide the square footages of each of the types of use (office, warehouse, cultivation, etc.).
 - A. Provide square footage of each area of the building: Office, retail, warehouse, lab, etc.
 - B. For manufacturing – provide estimated peak monthly water and sewer usage in thousands of gallons.
16. Install a reduced pressure backflow device on the domestic meter per City std 876 if none exists.
17. Backflow prevention devices shall be designed and installed in accordance with current City Standards, State Health Code Title 17, and as required by the Director of Utilities.
18. Owners and/or operators 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
Contact this office at 543-4368 for additional information.
19. 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.

FIRE DEPARTMENT:

20. The facility shall comply with the requirements of “Building and Fire Code Requirements for Cannabis Related Occupancies” including General Requirements and those specific to Volatile Manufacturing. See <https://srcity.org/2515/Commercial-Cannabis-Application-Support> . All Plant Processing and Extraction facilities shall comply with CA Fire Code Chapter 38.

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

21. An annual Fire Department Operational Permit is required for cannabis manufacturing, testing and laboratory, and distribution facilities. The 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.
22. The building is required to be protected by automatic fire sprinkler system.
23. 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.
24. Fire department connections (FDC’s) shall be located within 100 feet of a fire hydrant.
25. Required Fire Department access roads shall be signed “No Parking – Fire Lane” per current Fire Department standards.
26. 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.
27. 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.
28. 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.

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 29th day of November 2018 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____

ATTEST: _____
CLARE HARTMAN, EXECUTIVE SECRETARY