

RESOLUTION NO. RES-2018-182

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING A CONDITIONAL USE PERMIT FOR COMMERCIAL CANNABIS MANUFACTURING – LEVEL 2 (VOLATILE) - LOCATED AT 444 YOLANDA AVE, SUITE B; APN: 044-091-065 FILE NUMBER CUP18-0081

WHEREAS, on January 19, 2018, an application was submitted to the Department of Planning & Economic Development requesting approval of a commercial volatile cannabis manufacturing and distribution facility proposed within 3,869-square-feet of an existing 4,874-square-foot industrial building (Suite B) on a 2.09-acre developed industrial park site, located at 444 Yolanda Ave, Suite B, Santa Rosa, CA 95404, also identified as Sonoma County Assessor's Parcel Number 044-091-065 (Project); and

WHEREAS, on July 26, 2018, 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 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, made certain findings and approved a Conditional Use Permit for the proposed commercial volatile cannabis manufacturing and distribution facility; and

WHEREAS, an appeal of the Planning Commission's action was filed by Matthew and Shelly Earnhsaw (Appellant), seeking review by the City Council pursuant to City Code Chapter 20-62.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code Sections 20-52.030 (Design Review) and 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa denies the appeal, affirms the decision of the Planning Commission with modification as specified, and makes the following findings and determinations:

- A. The proposed use, as conditioned, 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 commercial cannabis Manufacturing – Level 2 (volatile) use will be located within the Light Industrial zoning district, where it is an allowed use, subject to Planning Commission approval of a Conditional Use Permit;
- B. The proposed use, as conditioned, is consistent with the General Plan and any applicable specific plan in that the use proposed at this location implements the General Plan vision by accomplishing a variety of Land Use and Economic Development goals by ensuring that industrial uses contributing to economic vitality goals are located in appropriate areas and residential neighborhoods are protected;

- C. The design, location, size, and operating characteristics of the proposed activity, as conditioned, would be compatible with the existing and future land uses in the vicinity in that: the proposed use will locate within an existing industrial development and will comply with Building and Fire Code Requirements for Cannabis Related Occupancies, including general requirements and those specific to volatile manufacturing;
- 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 a 3,869-square-foot tenant space of a 4,874-square-foot industrial building; access to the site is provided via Yolanda Avenue; 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 and for security purposes; and all necessary utilities are available at the project site;
- E. Granting the permit, as modified, 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 use, as conditioned, is consistent with the surrounding land uses; the project Odor Mitigation Plan has been certified by a licensed engineer ensuring that all mitigation controls are sufficient to effectively mitigate odors from all sources; the project Security Plan seeks to effectively prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities through a camera surveillance system, a professionally monitored alarm system, access controls, secure storage and waste areas inventory controls, and product inventory controls, and implementation of employee safety and security operational procedures; the parking area specifically allocated to this proposed business will be secured with a chain link fence and rolling gate, with privacy screening, which will facilitate secure transport of material to and from the business; the existing building is setback approximately 28-feet from the residential neighborhood to the south, and is separated by a 6-foot tall, wooden fence; the volatile manufacturing operations will be set back within the building and will be appropriately contained in accordance with the conditions of approval; the project is subject to Building and Fire permits, as described in Building and Fire Code Requirements for Cannabis Related Occupancies, including general requirements and those specific to volatile manufacturing, and an annual Fire Department Operational Permit is required for cannabis manufacturing facilities; and
- F. The proposed project has been reviewed in compliance with California Environmental Quality Act (CEQA). The project qualifies for a Class 1 exemption under CEQA Guidelines Section 15301 in that the proposed project involves minor alteration of an existing private structure with no expansion of use beyond that existing at the time of the lead agency's determination. The proposed interior and exterior alterations are negligible and will not result in any significant impact(s). The tenant space was previously used for a flood/fire damage and mold restoration company. 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).

BE IT FURTHER RESOLVED that Major Conditional Use Permit is approved subject to each of the following conditions:

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. Compliance with all conditions of approval identified in Planning Commission Resolution No. 11908, adopted on July 26, 2018, approving a Conditional Use Permit for a commercial cannabis volatile manufacturing and distribution facility, with modifications as specified by this Council, attached as Exhibit A and made part of this resolution.

BE IT FURTHER RESOLVED that the Council finds and determines this entitlement 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 would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

IN COUNCIL DULY PASSED this 16th day of October, 2018.

AYES: (5) Vice Mayor Rogers, Council Members Combs, Sawyer, Schwedhelm, Tibbetts

NOES: (1) Mayor Coursey

ABSENT: (1) Council Member Olivares

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – Conditions of Approval as Modified