

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR GOOD ONWARD, INC. CANNABIS FACILITY- LOCATED AT 3192
JUNIPER AVENUE - FILE NUMBER PRJ18-082

WHEREAS, an application was submitted to the Planning and Economic Department requesting the approval of a Conditional Use Permit for Good Onward, Inc. Cannabis Facility, a commercial cannabis facility with onsite uses including *Manufacturing Level 1 (non-volatile)* and *Manufacturing Level 2 (volatile)* (9,836 sq ft), *Commercial cultivation (5,001 sq ft or greater)* (12,434 sq ft) , and *Distribution* (3,644 sq ft) on a 2.05-acre parcel located at 3192 Juniper Avenue, also identified as Sonoma County Assessor's Parcel Numbers 148-050-027 and 148-041-049; and

WHEREAS, the requested entitlements include a request for a Conditional Use Permit approval for Cannabis *Manufacturing Level 1 (non-volatile)* and *Manufacturing Level 2 (volatile)*, *Commercial cultivation (5,001 feet or greater)*, and *Distribution*; 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

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a draft initial study was prepared for the Project; and

WHEREAS, the draft initial study determined that, with incorporation of mitigation measures, the project would not have a significant effect on the environment and that a Mitigated Negative Declaration for the Project should be prepared; and

WHEREAS, on January 14, 2021, the Planning Commission passed a resolution adopting the Mitigated Negative Declaration for the Good Onward, Inc. Cannabis Facility; 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 use 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 Project is

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proposed to be located within the General Industrial zoning district, which permits the uses subject to Planning Commission approval of a Conditional Use Permit;

- B. The proposed use is consistent with the General Plan and any applicable specific plan, in that in enacting cannabis commercial cultivation regulations, the City identified specific General Plan land use designation areas, including General Industry, as appropriate districts for the proposed land use to occur, and staff has identified several General Plan goals and policies that would be advanced through approval of the proposed project;
- 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 redevelop a construction storage and staging yard facility into a facility for cannabis manufacturing, cultivation, and distribution. The General Plan Land Use designation of the subject parcel and surrounding parcels is General Industry, which provides sites for manufacturing and distribution activities with potential for creating nuisances. The parcel located at 3210 Juniper Avenue contains an existing residential use. This parcel is designated General Industry by the General Plan Land Use Diagram; therefore, future redevelopment of the site would result in greater compatibility with the proposed cannabis use. The project's required compliance with Cannabis Odor Control requirements, City's Noise and Outdoor Lighting Ordinances, and required public improvements including the widening of Juniper Avenue to allow for adequate space for two-way traffic to occur without one motorist having to pull over to the shoulder would minimize potential nuisances and conflicts with surrounding parcels;
- 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 cannabis uses would be located in existing and proposed industrial buildings, fully accessible pursuant to ADA standards, though no public access will be permitted for security purposes. All necessary utilities are available at the project site, including water, wastewater, storm drainage, and PG&E services. The project includes site improvements such as asphalt paving, bio-retention basins, landscaping, and a new rear entry for access to the proposed new warehouse building. The project requests the approval of a 32.5% parking reduction. This requires the review authority to find that the project, due to special circumstances, will generate parking demand different than the standards outlined in Zoning Code Section 20-36.040 and that the number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use. The proposed use would consist of up to 10 employees, and the site would not be open to the public. Therefore, the proposed parking capacity is anticipated to be sufficient for safe, convenient, and efficient operation of the use;
- 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 designated by the General Plan. The subject parcel and adjoining parcels are located within the General Industrial zoning district. As discussed above in Finding #4, proposed

mitigation measures and conditions of approval reduce potential conflicts with nearby residential uses including noise, odor, and traffic; and

- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Initial Study/Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA). The proposed project would result in potentially significant impacts to: Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Transportation. These impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures contained in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, which identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels, or through compliance with existing Municipal Code requirements or City standards;

BE IT FURTHER RESOLVED that a Conditional Use Permit for Good Onward, Inc. Cannabis Facility, to be located at 3192 Juniper Road, 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 January 7, 2020.
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.
4. The applicant shall comply with the Inclusionary Housing Ordinance requirements in Section 21.02 of the Santa Rosa Municipal Code ("Code") regarding commercial linkage fees in effect at the time the building permit is issued. The project land use classification is Industrial for the purpose of fee calculation.

EXPIRATION AND EXTENSION:

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5. 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.
6. 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:

7. Obtain a demolition permit for any structures to be removed.
8. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving, and foundation design recommendations.
9. Obtain building permits for the proposed project.

ENGINEERING DIVISION:

10. Compliance with all conditions outlined in the attached "Exhibit A" prepared by Engineering Development Services Division, dated September 17, 2020.

PLANNING DIVISION:

11. Comply with all mitigation measures listed in Mitigation Monitoring and Reporting Plan included as Appendix A in the Mitigated Negative Declaration adopted for the project.
12. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.
13. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),
14. **PROJECT DETAILS:**
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform 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 Design Review Board 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. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
- F. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.

15. TREE PRESERVATION AND TREE REMOVAL MITIGATION:

- A. Pursuant to the requirements of City Code Chapter 17-24, Trees, mitigation of approved tree removal(s) must be completed by replanting for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, on the project site. Replanting of larger trees may be equivalent to a number of 15-gallon trees as follows:
 - i. 24-inch box tree = 3 15-gallon trees
 - ii. 36-inch box tree = 4 15-gallon trees
 - iii. 48-inch box tree = 6 15-gallon trees

As an alternative, a fee of \$100 per 15-gallon replacement tree may be paid to the City of Santa Rosa Tree Replacement Fund in-lieu of planning replacement trees onsite.

Applicant shall submit a Tree Mitigation Plan to Planning for review and approval prior to issuance of construction building permit. Consultation with Planning staff during development of the required Tree Mitigation Plan is encouraged.

- B. Tree Preservation notes and protection during construction notes shall be shown on the improvement plans and building plans. The tree driplines shall also be shown on each drawing with the attendant protection instructions.

- C. Prior to issuance of a grading or building permit for any clearing, excavation, construction, or other work on the site, a protection zone shall be established to protect natural vegetation and trees from construction activities. The following conditions and restrictions shall apply:
- i. The zone shall encompass the "protected perimeter" which shall be either the root zone or other limit as established in this approval.
 - ii. The zone shall be delineated with a brightly colored construction fence. Such fences shall remain continuously in place for the duration of all work undertaken on the site.
 - iii. No storage or construction activities (including trenching, grading or filling) shall be permitted within the protected zone.
 - iv. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
 - v. All brush, earth, and other debris shall be removed in a manner which prevents injury to the protected trees and/or shrubs.
 - vi. No oil, gas, chemicals, or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter or any other location from which substances might enter the perimeter of a protected tree.
- D. The contractor(s) shall be notified in writing by the developer of the "Protection Zone." Copies of the letter shall be provided to the Planning and Building Divisions prior to issuance of a building or grading permit for any site work.
- E. The protection zone delineated with the brightly colored construction fence shall be posted with signs which state "Tree/Vegetation Protection Zone -- No Construction or Storage Permitted."
- F. Irrigation systems and plant varieties which require regular watering shall not be permitted within the dripline of an Oak tree which is to be preserved.
- G. No concrete or asphalt paving or compaction of soil shall be permitted within the root zones of protected trees.
- H. Any special work, including mitigation, within the "Protection Zone" must be done under the supervision of a City approved certified arborist.

16. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to occupancy per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. 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.

17. LIGHTING:

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

18. NOISE

- A. Compliance with the City's Noise Ordinance, City Code Chapter 17-16, is required.

19. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Department of Community Development in some other fashion.
- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.
- 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.

20. SIGNING:

- A. No exterior signs, banners, or the like are approved with this permit.
- B. A planning sign permit application is required for signs as required by Chapter 20-38 Signs.
- C. Sign permit approval shall be obtained prior to application for a building permit for sign installation.
- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.

21. CANNABIS GENERAL OPERATING REQUIREMENTS

- A. In accordance with Zoning Code Section 20-46.050 (H), Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside of the structure in which the Business operates.

22. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Community Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.

- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.

FIRE DEPARTMENT

23. Compliance with all conditions outlined in the attached “Exhibit A” prepared by Engineering Development Services Division, dated September 17, 2020.

RECREATION AND PARKS DEPARTMENT

24. Compliance with all conditions outlined in the attached “Exhibit A” prepared by Engineering Development Services Division, dated September 17, 2020.

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 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 January, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

Attachments: Exhibit A (Engineering Development Services ‘Exhibit A’ Dated 9/17/20)

Exhibit B (Mitigation Monitoring and Reporting Program dated 12/15/20)

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