

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A MAJOR CONDITIONAL USE PERMIT AND PARKING REDUCTION FOR SANTA ROSA FARM GROUP CANNABIS FACILITY, CONSISTING OF NEW CONSTRUCTION OF A ± 116,700 SQUARE FOOT (SF) INDUSTRIAL BUILDING AND COMMERCIAL CANNABIS CULTIVATION (86,050 SF), MANUFACTURING LEVEL 1 (NON-VOLATILE) AND LEVEL 2 (VOLATILE) (21,505 SF), AND DISTRIBUTION (TYPE 11) (8,070 SF), WITH TESTING LABORATORY (1,085) LAND USES - LOCATED AT 800 YOLANDA AVENUE, APN: 044-091-063 - FILE NUMBER PRJ17-068 (CUP17-123)

WHEREAS, on November 1, 2017, Conditional Use Permit and Design Review applications for the Santa Rosa Farm Group Cannabis Cultivation Facility, a project consisting of demolition of existing structures and construction of a new ± 116,700 square-foot (sf) industrial building and Cannabis Cultivation (86,050 sf), Manufacturing Level 1 (non-volatile) and Level 2 (volatile) (21,505 sf), and Distribution (Type 11) (8,070 sf), with Testing laboratory (1,085 sf) land uses on an approximately 5.5-acre project site, located at 800 Yolanda Ave., also identified as Sonoma County Assessor's Parcel Number 044-091-063, were submitted to Planning and Economic Development; and

WHEREAS, a pre-application Neighborhood Meeting was held on May 3, 2017, at City Hall to provide the opportunity for early input by affected neighbors, and comments were received from attendees; and

WHEREAS, pre-application Concept Design Review was conducted by the Design Review Board on May 4, 2017, and comments were provided to the applicant; and

WHEREAS, an Initial Study and Mitigated Negative Declaration were published for review on June 30, 2020, and onsite noticing and mailed notice to property owners in an area of greater than 600 feet from the project site were completed; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the application on April 8, 2021, 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, the Planning Commission has considered the approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for this use and project; 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 proposed cannabis facility would be located within new industrial development in the Light Industrial zoning district, which is permitted 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 its commercial cannabis land use regulations, the City specifically identified the Light Industrial (IL) and General Industrial (IG) zoning districts where the proposed uses would be appropriate. The proposed uses will provide viable commercial services to the community, create permanent full-time and part-time jobs, help in maintaining the economic viability of this area, while being conducted with odor control and noise reduction measures, as well as a security plan, consistent with the applicable underlying General Plan goals and policies and the associated General Industry General Plan land use designation;
- 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 uses will be located within a newly constructed light industrial campus specifically designed for the proposed uses on a site that is surrounded on nearly all sides by IL-zoned properties that include a mix of light manufacturing, warehousing, distribution and office related uses. As such, the area is well-suited for the proposed operation. There is a single-family residential neighborhood located at the south/southwest corner of the project site, however, the proposed facility is separated from the residences by \pm 70 feet with an 8-foot tall security wall, landscaping and parking areas located between the parcel boundary and building. In addition, the subject site does not share an access road with the residential neighborhood, which will further minimize potential impacts to the residences;
- 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 facility, accessory structures, and parking and circulation areas would cover approximately 50% of site, which is appropriate for industrial development. Proposed uses would be located entirely within an industrial building, including all growing, harvesting, manufacturing, testing, packaging, and shipping functions. Access to the site is provided via Yolanda Avenue, and 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. All necessary utilities are available at the project site, including water, wastewater, storm drainage and Pacific Gas and Electric (PG&E) services;

- 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 uses will be located within a newly constructed light industrial campus specifically designed for these uses on a site that is surrounded on nearly all sides by both Light Industrial zoned properties that include a mix of light manufacturing, warehousing, distribution and office related uses. Project conditions of approval would further regulate the use to ensure it will not result in a public nuisance or health and safety hazard. This includes implementation of an odor mitigation plan and a detailed project security plan addressing use of a security service, use of surveillance cameras, secure entry gates to the project site, and similar measures. The project is required to comply with current City-wide Noise and Outdoor Lighting Ordinances.
- F. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in § 20-36.040 - Table 3-4; and the number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use in that a parking analysis prepared by Fehr & Peers dated March 22, 2021, analyzed the proposed uses and determined that (1) employee staffing of cannabis cultivation facilities typically falls well below industry standards for other light industrial uses and this project is consistent with this trend; (2) the project site is located in close proximity to residential neighborhoods, which reduces demand for commuting by single-occupancy vehicle; and (3) the project site is serviced by City and County public transit services, and bicycle transportation is supported by on-street bicycle facilities. These special circumstances associated with the operation of the use at this location would generate parking demand different from parking ratio requirements, and 85 parking spaces as proposed would be sufficient for its safe, convenient, and efficient operation of the use.
- G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Initial Study was prepared, which resulted in the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

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 required Conditional Use Permit approvals for the Santa Rosa Farm Group Cannabis Facility to be located at 800 Yolanda Avenue, are 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 March 27, 2021.
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:

5. This Conditional Use Permit shall be valid for a two-year period. If the permit has not been exercised within 24 months following the date on which the permit was granted, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
6. If exercised within the initial or extended 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 the structures to be removed. Final Design Review approval is required prior to issuance of demolition permit.
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 required building permits for the proposed project. Final Design Review is required prior to issuance of any required building permits.

ENGINEERING DEVELOPMENT SERVICES (INCLUDING FIRE AND TRAFFIC):

10. Comply with all conditions of approval contained in the Engineering Development Services Exhibit "A" dated March 24, 2021, attached hereto and incorporated herein.

PLANNING DIVISION:

11. Compliance with the adopted *Santa Rosa Farm Group Cannabis Cultivation, Manufacture, and Distribution Facility Mitigated Negative Declaration* Mitigation Monitoring and Reporting Program is required.
12. All hollow pipes or posts, if used, shall be capped to prevent wildlife entrapment.
13. 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 in accordance with Section 20-54.060 Changes to an approved project.
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 Planning Division 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.
15. TREE PRESERVATION AND TREE REMOVAL MITIGATION:
 - A. Pursuant to the Tree Preservation and Mitigation Report prepared by Horticultural Associates, dated December 1, 2017, the total trunk diameter of trees to be removed is 675 inches. Per the requirements of City Code Chapter 17-24, Trees, a total of 225 15-gallon trees must be replanted as mitigation for the approved tree removal. Coast Redwood native trees

represent 414 inches of the total trunk diameter of trees to be removed. At least 138 of the 15-gallon trees must be Coast Redwoods or a suitable alternative approved by the Director. 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.
- D. Street trees will be required and shall be planted by the developer. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees." Copies of the Street Tree List and the Planting Standards are available at the Parks Division office.

17. LIGHTING:

- A. Compliance with the City's Outdoor Lighting Ordinance, Zoning Code Section 20-30.080, is required.

- B. 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.

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 contained in Section 20-36.090. A minimum of eight bicycle parking spaces is required, of which at least 25 percent of the bicycle parking spaces shall be provided in long-term bicycle parking facilities and at least 50 percent shall be provided in short-term bicycle parking facilities. Outdoor bicycle lockers may be installed as required long-term bicycle parking facilities. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit. Compliance with shower, locker, and dressing room requirements is required. The shower requirement may be satisfied by providing at least one (1) gender neutral shower with private changing area.

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 natural resources 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 proven.
- 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. This project does not require natural resource permits for construction or operation.

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 8th day of April, 2021 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
EXECUTIVE SECRETARY

ATTACHMENT: Department of Planning & Economic Development Engineering Development Services Exhibit "A" dated March 24, 2021