

RESOLUTION 019P-003

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT APPLICATION NO. 18-05 FOR AN ADULT-USE AND MEDICAL-USE COMMERCIAL CANNABIS NURSERY (WITH RESEARCH AND DEVELOPMENT) AND NON-VOLATILE MANUFACTURING FACILITY TO BE LOCATED ON 0.47 ACRES AT 1275 W. ELM AVE

WHEREAS, the City of Coalinga Community Development Department received an application for Conditional Use Permit and Environmental Review for the renovation and addition to an existing industrial building on 0.47 acres at 1275 W. Elm Ave (APN: 083-160-075) to accommodate a commercial cannabis nursery with research and development and non-volatile manufacturing; and,

WHEREAS, the subject project requires approval of a conditional use permit with environmental review in accordance with Title 9, Chapter 2 of the Coalinga Municipal Code; and

WHEREAS, appropriate applications were filed and deemed complete by the Coalinga Community Development Department on February 11, 2019; and

WHEREAS, the City Council has determined that this project is exempt from further environmental review under CEQA Guidelines §15301 as a Class 1 exemption (existing facilities), and;

WHEREAS, the subject application was reviewed for compliance with all applicable sections of the Coalinga Municipal Code; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on February 26, 2019 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law, and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following conditional use permit findings based on the development proposal:

General Plan Consistency. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood Compatibility. The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

Asset for the Neighborhood. The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does approve the Development Application (CUP 18-05) subject to the conditions attached hereto which are also incorporated by this reference as Exhibit "A".

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at their regularly scheduled meeting held on the 26th Day of February 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chaitman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit “A”
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT APPLICATION NO. 18-05

Administrative

- COA-1. *Actions voiding approval.* If the construction of a building or structure, or the use(s) established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void. The approved site plan shall become void in the event that less than fifty (50) percent of the site, or an approved phased development, has not occurred within twelve (12) months after the approval of the site plan.

This Conditional Use Permit shall only remain valid so long as the applicant maintains, in good standing, an approved regulatory permit issued by the Coalinga Police Department and certified by the City Council, and valid State of California Commercial Cannabis License. Without a valid regulatory permit and State issued license, as prescribed by law, this Conditional Use Permit (local approval) is null and void.

- COA-2. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.
- COA-3. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

- COA-4. *Extensions.* Approval of the site plan may be extended for an additional period or periods of one (1) year upon a written application to the Commission before the expiration of the first approval.
- COA-5. *Fees.* All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit. The Developer is responsible for paying all applicable development impact fees as well all regional fees related to the project.
- COA-6. *Alterations.* Any minor alternations to the approvals shall be reviewed and approved by the Community Development Director, unless under his/her discretion warrants review and approval by the Commission. This includes but is not limited to site design, floor plans and security related plans. Any change is use shall require review and approval by the Planning Commission.
- COA-7. *Phasing Plan.* This project is a phased development plan with Phase one (1) including the renovation and occupancy of the first 1,681 square feet of the existing building for manufacturing and common space in addition to constructing all the required on/off-site improvements. This must be completed within one (1) year of the date of this approval. Phase two (2) consists of the renovation of the remaining 1,881 square feet of the existing building for the nursery with research and development. This shall be substantially completed no later than two (2) years from the date of this approval.
- COA-8. *Acknowledgement.* Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
- COA-9. *Revocation of approvals.* Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any law or City Ordinance is violated in connection. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to [Section 9-6.111](#),

Public Works/Engineering

- COA-10. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer.

- COA-11. A final site plan shall be submitted with the Building Permit Application to ensure that all conditions of approval have been incorporated.
- COA-12. The applicant shall comply with all 2016 California Building Code (CBC) Chapter 11B ADA accessibility guidelines.
- COA-13. The applicant shall comply with all of the requirements of the Building Official.
- COA-14. The applicant shall obtain approval from the City Solid Waste Carrier for the on-site location of the trash enclosure for solid waste disposal and pick up. The trash enclosure shall be designed and installed in conformance with City of Coalinga Standards A-4 and A-4A and shall be approved by the City Engineer.
- COA-15. The applicant shall furnish and install a backflow prevention device for the existing domestic water service to the building.
- COA-16. Existing storm drain facilities are in Elm Avenue are currently serving this development. Existing Storm water runoff from the project shall continue to be directed into the State right-of-way (SR 198) for collection by the existing storm drain facilities. No surface drainage shall be permitted to drain into adjacent properties.
- COA-17. All parking facilities shall be designed and striped to City standards.

Planning

- COA-18. An occupancy permit for the existing structure(s) shown on the approved site plan shall not be issued until all proposed buildings, structures and other stated improvements are completed, or the Community Development Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.
- COA-19. Mailboxes shall be located outside of secured areas for access by postal workers. Obtain final approval by Postmaster prior to installation.
- COA-20. Construction hours shall be limited to normal working hours. All construction equipment shall be properly maintained and muffled to avoid nuisances to the surrounding or neighboring property owners.
 - a. Weekdays from 7:00 a.m. to 6:00 p.m.;
 - b. Saturday from 8:00 a.m. to 5:00 p.m.;
 - c. Sunday and Holidays – no construction allowed unless authorization is granted by the City Manager

- COA-21. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations.
- COA-22. All equipment located on roofs and on-site shall be screened from view as approved by the Community Development Director.
- COA-23. The conversion of the building shall be of solid wall construction to ensure that there is no issue with sight and smell from the facility. In accordance with CMC Section 9-5.128(d)(17) of the Commercial Cannabis Ordinance. Compliance with CMC Section 9-5.128(d)(17) will be verified at the time building plans are submitted and will be reviewed and approved by the Building Department and Police Chief for License conformity and security compliance. The Police Chief shall have full authority to ensure compliance with the intent of security measures and building measures for all structures.
- COA-24. Shall submit separate plans for CO2 enriched environment. Shall have a 3rd party certification for the system. Shall provide tank separation from grow room and provide continuous mechanical ventilation for CO2 tanks. Shall provide a function test prior to final.
- COA-25. In addition to the cultivation lighting plan, the applicant shall provide equipment technical data sheets for the type of lamps to be used.
- COA-26. Prior to issuance of a building permit, a copy of a will serve notification from PG&E confirming their commitment to provided power shall be provided to the Building Department.
- COA-27. The applicant shall provide a copy of their State of CA Cannabis license application to the Community Development Department to ensure consistency with local approvals prior to start of operations.

Environmental

- COA-28. In the event that archaeological remains are encountered during grading, work shall be halted temporarily, and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Native American community shall also be notified and consulted in the event any archaeological remains are uncovered.

Public Safety

- COA-29. The applicant shall comply with all the requirements of the Police Department and Fire Department and obtain all required local (Police, Fire, Finance), County,

State, or Federal permits prior to the start of operations. The applicant shall comply with all the requirements in their cannabis regulatory permit in addition to the conditional use permit requirements. This includes but is not limited to the lighting plan, security plan and access control plan.

- COA-30. The Applicant/Developer shall comply with all applicable Federal, State and Local laws and Regulations.
- COA-31. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
- COA-32. All fire hydrant locations shall be reviewed and approved by the Fire Chief. Should the need for fire sprinklers arise, the Fire Chief shall identify an additional hydrant location if needed.
- COA-33. All electric gates must be tied to the fire alarm system, and automatically open upon activation. All electric gates serving a building with a NFPA 72 Fire Alarm system, shall be wired so gates automatically open when the fire alarm activates. For all electric gates, provide lock box for fire department access. Approved model is Doorking Model 1400-080. You can find dealers on their website <http://doorking.com/accessories/lock-boxes>
- COA-34. The applicant shall provide a Knox Box for emergency vehicle access on new chain link rolling gates.
- COA-35. Loading zones and any roll up doors must be bollard protected.