

RESOLUTION 019P-004

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 19-01 FOR A NON-VOLATILE COMMERCIAL CANNABIS MANUFACTURER, AS PERSCRIBED BY CALIFORNIA STATE LAW, TO BE LOCATED AT 1717 W. ELM AVE, BUILDING B, UNIT 100.

WHEREAS, the City of Coalinga Community Development Department has received an application from the applicant, PEP Partners, LLC., for a Conditional Use Permit to operate a Non- Volatile Manufacturing Facility to be located at 1717 W. Elm Ave, Building B, Unit 100; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on May 14, 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 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 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 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.

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**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission approves PEP Partners, LLC., to operate a Non-Volatile Manufacturing Facility at the above location with conditions (Exhibit A).

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 14<sup>th</sup> Day of May 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Planning Commission Chairman/Vice Chairman

ATTEST:

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City Clerk/Deputy City Clerk

## Exhibit A

### General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 19-01 (1717 W. Elm Ave, Building B, Unit 100)

#### 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 conditional use permit shall become void in the event that the applicant does not obtain occupancy within twelve (12) months after approval by the Planning Commission.

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 conditional use permit 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 in use shall require review and approval by the Planning Commission.
- COA-7. *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-8. *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](#),

#### **Planning Conditions**

- COA-9. The applicant shall comply with all applicable current State and Local regulations related to cannabis operations and any subsequent amendments.
- COA-10. Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application if determined to be substantial by the Community Development Director and in conjunction with the Police Chief.
- COA-11. The tenant and/or property owner shall continually maintain the inside and outside of the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.
- COA-12. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
- COA-13. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering,

Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety. This shall be approved by the Community Development Director, Building Official, Fire Chief and Police Chief.

- COA-14. All improvements shall be in substantial compliance with the exhibits contained in the regulatory permit project file for PEP Partners, LLC., and CUP Application 19-01, as shown in all Exhibits attached hereto and incorporated herein by this reference.
- COA-15. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected by the Police Department and Community Development Department and requested changes for safety shall be implemented.

#### **Fire Department Conditions**

- COA-16. The applicant shall adhere to all the requirements of the Fire Department.
- COA-17. Prior to Occupancy the applicant shall submit a report to the Community Development on all hazardous or toxic substances being used on site. This shall be reviewed and approved by the Fire Department. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2016 California Building Code. The Building Official and Fire Chief shall review and approve all hazardous materials being stored and/or used in the facility.
- COA-18. The applicant shall file an evacuation plan in the event of an emergency with the Community Development Department that would detail how the building would be secured and how first responders would gain access.
- COA-19. The Applicant/Developer shall submit three (1) set of tenant improvement construction drawings to the Coalinga Fire Department located at 300 W. Elm Ave in Coalinga for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted Uniform Fire Code.

#### **Police Department Conditions**

- COA-20. The Applicant/Developer shall comply with all the requirements of the Police Department.
- COA-21. All employees, regardless of status, shall be subject to Live Scan and issued an employee permit through the City of Coalinga Police Department.
- COA-22. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.

- COA-23. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Coalinga Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department.
- COA-24. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas as determined in the regulatory permit.
- COA-25. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand.
- COA-26. Prior to issuance of occupancy permits, the applicant shall provide in the security plan that at all times at least one staff member has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.