

RESOLUTION 019P-010

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS A MODIFICATION OF CONDITIONAL USE PERMIT NUMBER 18-05 APPLICATION NUMBER CUP-M 19-02 FOR THE ISSUANCE OF A PERMIT TO OPERATE A TEMPORARY GENERATOR TO SUPPLEMENT POWER AT THE CANNABIS MANUFACTURING FACILITY LOCATED AT 1275 W. ELM AVE

WHEREAS, the City of Coalinga Community Development Department has received an application for a Modification to Conditional Use Permit 18-05 (CUP-M 19-02) requesting a permit to install a temporary generator at their permitted Cannabis Manufacturing Facility at 1275 W. Elm Ave.; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on November 12, 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.

WHEREAS, the Planning Commission has determined that this project is exempt for further environmental review under CEQA in accordance with Government Code Section 15301 (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.

~~~~~

NOW THEREFORE BE IT RESOLVED, that the Planning Commission approves the request to permit the use of a temporary generator at the subject location and modify CUP 18-05 respectfully in accordance with the attached conditions.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 12<sup>th</sup> Day of November 2019

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Planning Commission Chairman/Vice Chairman

ATTEST:

---

City Clerk/Deputy City Clerk

## **Exhibit A**

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 18-05 (Next Green Wave – 1275 W. Elm Ave)**

REVISIONS: Any proposed changes or revisions to the approved use or activities on the site shall require submittal, review and approval of a revised conditional use permit application.

EXPIRATION: This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within one (1) year of the effective date of conditional approval.

INCORPORATION: These conditions shall be incorporated and made part of Conditional Use Permit Number 18-05. These conditions do not supersede the conditions of the approval originally issued in CUP 18-05.

LICENSES/PERMITS: The applicant shall obtain any and all required State, Local or Federal permits to operate said generator as specified in the application.

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain 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.

#### ADDITIONAL CONDITIONS:

1. The temporary generator shall be permitted for no longer than six (6) consecutive weeks from the date of first use. If the temporary generator will be required beyond the initial six (6) week period, the applicant shall, in writing, request additional time and provide reasons for the extension of use. The Community Development Director or his designee shall have the authority to extend the use of the generator no more than twelve (12) weeks. Any extension required beyond twelve (12) weeks will require Planning Commission review and approval at a regular meeting.
2. The temporary generator shall only be permitted during normal business hours as described in the application.
3. The applicant shall obtain a permit to operate from the San Joaquin Air Pollution Control District and a copy shall be provided to the Community Development Department prior to installation.

4. All building permits shall be secured by the Building Department prior to installation.
5. The applicant 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 have the option of coordinating 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.
6. This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:
  - a. Conditions of approval have not been fulfilled;
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
  - c. The use has resulted in a substantial adverse impact on public facilities or services.
7. 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.