

RESOLUTION 020P-009

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING A COMBINED DEVELOPMENT APPLICATION NO. 18-02 FOR THE DEVELOPMENT OF A NEW INDUSTRIAL BUILDING TO ACCOMMODATE A COMMERCIAL CANNABIS CULTIVATION LOCATED ON 1.7 ACRES AT 9840 CODY STREET

WHEREAS, the City of Coalinga Community Development Department received a Combined Development Application for a Conditional Use Permit, Site Plan Review and Environmental Review for the development of a new industrial building on 1.7 acres at 9840 Cody Street (APN: 070-120-11S) to accommodate commercial cannabis indoor cultivation activities; and,

WHEREAS, the subject project requires approval of a site plan review, conditional use permit and 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 June 18, 2020; and

WHEREAS, the Planning Commission has determined that this project is exempt from further environmental review under CEQA Guidelines §15332 as a Class 32 exemption (infill development), and;

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

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report at its meeting on September 8, 2020; 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.

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

- All provisions of the Planning and Zoning Code are complied with;
- The following project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property including but not limited to:
 - Facilities and improvements;
 - Vehicular ingress, egress and internal circulation;
 - Setbacks;
 - Height of buildings;
 - Location of services;
 - Fences and/or walls;
 - Landscaping.
- Proposed lighting is so arranged as to direct the light away from adjoining properties;
- Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility;
- Proposed development has adequate fire and police protection;
- Proposed development can be adequately served by city sewer and water;
- Drainage from the property can be properly handled;
- The proposed development is generally consistent with the Zoning Ordinance, the General Plan, and any other applicable plans.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does approve the Combined Development Application (No. 18-02) 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 8th Day of September 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit “A”
CONDITIONS OF APPROVAL
COMBINED DEVELOPMENT, APPLICATION NO. 18-02

Administrative

- COA-1. 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.
- COA-2. 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-3. All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit.
- COA-4. Any minor alternations to the site plan shall be reviewed and approved by the Community Development Director, unless under his/her discretion warrants review and approval by the Commission.
- COA-5. The Developer is responsible for paying all applicable development impact fees as well all regional fees related to the project.
- COA-6. A final site plan shall be submitted to the Community Development Department to ensure that all conditions of approval have been incorporated.
- COA-7. *Actions voiding approval.* If the construction of a building or structure, or the use 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.
- COA-8. *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-9. 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-10. *State and Local Cannabis Laws and Regulations:* The applicant shall, at all times, remain in compliance with all State and Local laws and regulations, as amended from time to time. Failure to comply with any and all laws and regulations related to Cannabis operations shall be subject to possible revocation of their local permit and notice to the State of California of non-compliance with local authorization.

Public Works/Engineering

- COA-11. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer.
- COA-12. The applicant shall provide smooth AC pavement transitions from new concrete driveway to existing Cody Street asphalt pavement.
- COA-13. The applicant shall furnish and install off-site Curb & Gutter, Sidewalk, Driveway Approach and Street Lighting on Cody Street frontage as approved by the City Engineer. The curb & gutter shall be designed to allow existing storm water flows from the existing northerly dirt swales to continue through the new curb & gutter and exit onto the existing dirt swale to the south.
- COA-14. The applicant shall comply with all 2016 California Building Code (CBC) Chapter 11B ADA accessibility guidelines.
- COA-15. The applicant shall comply with all of the requirements of the Building Official.
- COA-16. The applicant shall obtain approval from the Public Works Department for the 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 approved by the City Engineer.
- COA-17. The applicant shall construct a 6-foot-high Wrought Iron fence along the existing public utility easement line running along the rear property line of the project development.

- COA-18. Public Sewer Facilities exist in Cody Street and are available to serve this development. The applicant shall extend a sewer lateral to the project site.
- COA-19. Public Water Facilities exist in Cody Street and are available to serve this development. The applicant shall extend a water service to the project site.
- COA-20. Public Natural Gas Facilities exist in Cody Street and are available to serve this development. The applicant shall extend natural gas service to the project site.
- COA-21. Mailboxes shall be located outside of secured areas for access by postal workers. Obtain final approval by Postmaster prior to installation.
- COA-22. All fire hydrant locations shall be reviewed and approved by the Fire Chief.
- COA-23. The applicant shall furnish and install new water service, irrigation controller and backflow prevention device for all irrigated landscape areas of the project frontage. Utilities and public infrastructure should be undergrounded, or screened with trees, landscaping, or public art.
- COA-24. Applicants shall obtain all necessary stormwater permits from the California Regional Water Quality Control Board, Central Valley Region.
- COA-25. A storm water basin shall be located on the unimproved land onsite and shall be shown on the final site plan, engineered and fenced.
- COA-26. The applicant shall provide a compacted all-weather surface (gravel, aggregate base rock) for the area south of the southerly parking lot. The compacted all weather surface shall provide for adequate turning movements for fire trucks and solid waste disposal trucks.
- COA-27. The property lies within zone "A" special flood hazard areas inundated by 100 year storm. The applicant shall comply with all federal, state and city regulations (Section 9-8.501) such as construction materials and methods, grading and excavation and other applications which control development in flood prone areas.

Planning

- COA-28. The applicant, within 30 days of the approved site plan, shall provide in writing a letter agreeing to comply with all of the conditions of approval stated in the project resolution.

- COA-29. Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. The building façade at ground floor street frontage level shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter.
- COA-30. 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-31. *Screening of parking areas.* Any parking area located between a building and right-of-way, or within fifty (50) feet of and visible from a right-of-way, must be screened by a wall or berm at least two and one-half (2.5) feet high with a (3.5) foot wrought iron fencing above the wall/berm. The fence shall be placed along the 10-foot Public Utility Easement line. A screening wall meeting this requirement shall be composed of brick, stone, stucco, or other quality durable material approved by the Community Development Director, and shall include a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Community Development Director.
- COA-32. *Setback and screening from highways.* Any site in a Manufacturing/Business district that is fully or partially located within 200 feet of a state highway shall provide a landscaped area at least fifteen (15) feet deep between the highway right-of-way and any building or parking area for the length of the site frontage facing toward the highway. At least two (2) fifteen (15) gallon trees shall be provided for every twenty-five (25) feet of site frontage toward the highway.
- COA-33. 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-34. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations. The applicant shall contract with the City of Coalinga's Franchised Solid Waste Hauler for all

cannabis disposal needs in accordance with State and Local Laws. If there are services that the City's Franchised Solid Waste Hauler cannot provide, it shall be the responsibility of the owner/applicant to secure said services as approved by the applicable State agency.

- COA-35. A landscaping plan shall be submitted to the Community Development Department for review and approval. *Water efficient landscaping.* The model Water Efficient Landscaping Ordinance, as published by the California Department of Water Resources, pursuant to California Water Conservation in Landscaping Act (Government Code § 65591, et seq.), was adopted in full, by reference, and effective in the City of Coalinga commencing on January 1, 2010. A copy of the Water Efficient Landscaping Ordinance is retained on file in the Office of the City Manager, the Community Development Department, and the Office of the Coalinga City Clerk at all times. Landscaping plans must be consistent with the adopted Water Efficient Landscaping Ordinance.
- COA-36. *Shade trees.* A minimum of one shade tree for every ten (10) parking spaces shall be provided, which shall achieve fifty (50) percent canopy coverage of paved area at maturity. The shade trees shall be located so as to provide visual relief to long rows of parked vehicles, and to provide shade to pedestrian connections. Canopy-type trees should be used to provide a relatively consistent tree cover that will shade vehicles and pavement. Shade trees shall also be provided at appropriate intervals between perimeter parking spaces. The shade tree species shall be selected from a master tree list maintained by the City.
- COA-37. All equipment located on roofs and on-site shall be screened from view as approved by the Community Development Director.
- COA-38. The 3-foot pedestrian gate shall be electronically accessed with the appropriate security access protocols. This shall not be accessible by the general public.
- COA-39. 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 Marijuana 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.

Environmental

- COA-40. 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-41. 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.
- COA-42. On-site lighting shall be provided so that the parking areas are illuminated at a level of 1.5 foot candles. A photometric plan (not a full study) shall be provided to ensure that 1.5 FC has been met. All of the regulations in section 9-4.206 of the Coalinga Planning and Zoning Code shall be met as it relates to lighting and illumination. The photometric plan shall be reviewed and approved by the Building Department prior to building permit issuance.
- COA-43. All fire hydrant locations shall be reviewed and approved by the Fire Chief.
- COA-44. 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-45. The applicant shall provide a Knox Box for emergency vehicle access on new chain link rolling gates.