

RESOLUTION 021P-001

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER CUP 21-01 FOR A COMMERCIAL CANNABIS RETAIL FACILITY WITH DELIVERY SERVICES AND ONSITE CONSUMPTION, AS PERSCRIBED BY CALIFORNIA STATE LAW, TO BE LOCATED AT 144 E. DURIAN AVE.

WHEREAS, the City of Coalinga Community Development Department has received an application from the applicant, Casey Dalton, Coalinga Retail Partners, LLC (“Applicant”), for a Conditional Use Permit to operate a Retail Cannabis Facility with Delivery Services and Onsite Consumption (Consumption lounge) to be located at 144 E. Durian Ave; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on February 9, 2021 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 and posted as required by Local and State law, and;

WHEREAS, the Planning Commission 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 the applicants application to operate a Commercial Retail Cannabis Facility with Delivery and Onsite Consumption at the above location with conditions (Exhibit A).

**PASSED AND ADOPTED**, by the City of Coalinga Planning Commission at their special meeting held on the 9<sup>th</sup> day of February 2021.

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 21-01 (144 E. Durian Ave)

#### Administrative

1. 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 valid State of California Commercial Cannabis License as prescribed by law. Without a valid regulatory permit and State of California Issued Cannabis license, as prescribed by law, this Conditional Use Permit is null and void.
2. The applicant shall at all times comply with all applicable State, Federal and Local ordinances, statutes and regulations related to Retail Commercial Cannabis Operations.
3. *Transferability.* This conditional use permit shall run with the land and require a newly issued regulatory permit by the Coalinga Police Department in order to transfer said permit.
4. *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 State law, statute and regulation, or City Ordinance is violated. 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 9-6.114.
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. Within fifteen (10) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer 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.

### **Planning Conditions**

7. 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.
8. This approval shall become null and void if all conditions have not been completed and the occupancy or use of 144 E. Durian Ave has not taken place within one (1) year of the effective date of conditional approval.
9. Any patron lines created by increased traffic shall be organized and shall not impede on path of travel.
10. 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.
11. 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 applicable construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
12. 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 number of issues has 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.
13. The project site shall be in substantial compliance with the exhibits contained in the regulatory permit project file for the applicant and CUP Application documents, as shown in all exhibits attached hereto and incorporated herein by this reference.
14. All signage related to the facility shall be installed per the plan provided and approved in this application. Any deviation from the approved plan will require subsequent approval of a sign permit application by the Community Development Department.

### **Fire Department Conditions**

15. The applicant shall adhere to all the requirements of the Fire Department.
16. Prior to Occupancy the applicant shall submit a report to the Fire Department on all hazardous or toxic substances being used on site and said report shall be reviewed and approved by the Fire Chief. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in most current version of the California

Building Code. An up-to-date list of all hazardous materials being stored and/or used in the facility shall be available for inspection at all times at the subject location.

17. The applicant shall file an evacuation plan in the event of an emergency with the Fire Department that would detail how the building would be secured and how first responders would gain access.
18. The Applicant/Developer shall submit one (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**

19. The Applicant/Developer shall comply with all the requirements of the Police Department and the approved regulatory permit issued including Resolution 3784 related to retail cannabis security requirements or as amended.
20. There shall be no loitering within the perimeter of the retail facility and the applicant shall be responsible to ensuring compliance with this condition.
21. The applicant shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the premises, outside the building housing of the cannabis operations, or anywhere on adjacent property or public rights-of-way.
22. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement where applicable. These measures shall be approved by the Police Chief.
23. Prior to the issuance of a Certificate of Occupancy site lighting shall be inspected and approved by the Police Department and Community Development Department. The Planning and / or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
24. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
  - a. LED and / or Metal Halide lights are recommended.
  - b. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that nuisance spillover at the property line is eliminated.
  - c. Prior to issuance of building permits, the building plans shall indicate that motions sensors are installed on the building rooftops, subject to review and approval by the City of Coalinga Police Department. Specifications for the motions sensors shall be included in the building plan set.
25. Delivery operations shall adhere to all the regulations identified in Section 9-5.129(l) of the Coalinga Municipal Code or as amended.

26. All employees, regardless of status, shall be subject to Live Scan and issued an employee permit through the City of Coalinga Police Department. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.
27. 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.
28. 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.
29. The camera system shall have recording and back up capabilities for 60 days and will be made accessible to the Police Department on demand. Should this requirement change within State law, the most restrictive shall be followed.
30. 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. Any security plan changes shall be provided to the police department for review and approval to ensure compliance with all State and Local regulations.