

CITY OF FAIRFIELD

RESOLUTION NO. 2021-139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD APPROVING ISSUANCE OF A COMMERCIAL CANNABIS RETAIL BUSINESS PERMIT TO J.J.V.I. ENTERPRISES INC. SUBJECT TO CONDITIONS AND IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES OF FAIRFIELD MUNICIPAL CODE CHAPTER 10E

WHEREAS, on June 16, 2020, the City Council of the City of Fairfield adopted Ordinance 2020-07, adding Chapter 10E (Commercial Cannabis Businesses) to the Fairfield Municipal Code (FMC) to permit commercial cannabis businesses within the city and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, as required by FMC Sections 10E.8 and 10E.9, the council approved Resolution 2020-136 on July 7, 2020, establishing the procedures to govern the application process by which decisions would be made regarding the issuance of commercial cannabis business permits in a document known as “Application Procedures & Guidelines for a Commercial Cannabis Business Permit” (the “Application Procedures”); and

WHEREAS, during the application period conducted from September 8, 2020 to October 23, 2020, the City received fourteen applications for retail permits and one application for a manufacturing permit; and

WHEREAS, the council approved Resolution 2021-68 and Resolution 2021-80 to modify the application procedures in response to unanticipated circumstances; and

WHEREAS, all applicants for retail permits made presentations to the council on April 28, 2021 and April 29, 2021; and

WHEREAS, on May 4, 2021, the council held a public hearing to receive public testimony on the applications and to consider the merits of all fourteen applications for retail permits and awarded preliminary approval to operate a commercial cannabis retail business to J.J.V.I. Enterprises, Inc.; and

WHEREAS, the council directed staff to prepare a resolution authorizing the city manager to issue a commercial cannabis business permit to J.J.V.I. Enterprises, Inc. subject to conditions and in accordance with the requirements and procedures of FMC Chapter 10E.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. Pursuant to FMC Section 10E.9(g), the council adopts the following findings in

support of issuing a commercial cannabis business permit to J.J.V.I. Enterprises Inc.:

- (a) The location and site characteristics of the proposed cannabis business are consistent with all applicable state laws and City standards and guidelines. *The application submitted by J.J.V.I Enterprises, Inc. demonstrates that the proposed business meets or exceeds the requirements of FMC Chapter 10E Section 18, Location and Design of Cannabis Businesses. The business conforms with the City's general plan and is located in and meets all development requirements for the IL (Limited Industrial) zoning district. It is to be located within a single tenant building currently under construction. Once constructed, the site will meet parking requirements with 35 parking spaces reserved on site to serve the business. It is located over 600 feet away from sensitive uses. The business shall be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, consistent with surrounding properties. The location is adequate in size and shape to accommodate the walls, fences, parking and loading facilities, landscaping, and all items required for the development of the business. The business can be adequately served by existing highways and road network. As conditioned, the location and site characteristics of the business will be consistent with all applicable state laws and City standards and guidelines.*
- (b) All provisions have been made to ensure that the operation of the commercial cannabis business will not create excessive demands for police service or other public services, and that the business will benefit the City. *The business meets the safety and security requirements as specified in FMC Chapter 10E, as conditioned. A safety plan and security plan has been prepared by licensed professionals and will be subject to the review and approval the Fairfield Fire Department and Police Department. The business will have 24-hour on-site security which will deter criminal activity on site. This, in addition to compliance with the requirements of FMC Chapter 10E.22, Security Measures, will ensure the business does not create an excessive demand for police service. The business will be located in a building that will be served with adequate electricity, sewerage, disposal, water, fire protection, and storm drainage facilities for a cannabis business. The business will be required to enter into a community relations agreement with the City for the benefit of the City, committing to the provision of benefits and programs such as a youth educational program, a compassionate care program, and the provision of a minimum of ten percent (10%) of net annual income for the implementation of the community relations program, in perpetuity. As conditioned, the operation of the commercial cannabis business will not create excessive demands for police service or other public services, and the business will benefit the City.*

Section 2. Based on the above findings, the council hereby approves the application by J.J.V.I. Enterprises, Inc. to operate a commercial cannabis - retail business at 1990 Walters Court.

Section 3. The council hereby authorizes the city manager to formally issue a commercial cannabis business permit to J.J.V.I. Enterprises Inc. to operate a retail cannabis business at 1990 Walters Court after the director of community development confirms that all of the required land

use approvals have been obtained, subject to the Conditions of Approval attached hereto as "Exhibit A" and incorporated herein by this reference, and in accordance with the requirements and procedures of FMC Chapter 10E.

Section 4. The council finds that approving the application for a commercial cannabis business permit by J.J.V.I. Enterprises Inc. is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines. The proposal involves establishing a storefront retail commercial cannabis business within a 7,000 square-foot single-tenant building. As conditioned, the use would be consistent with the industrial general plan and zoning designations for the site, as well as other applicable general plan and zoning policies and regulations. The proposed site, which is bordered by Air Base Parkway, Walters Road, and Walters Court, is less than five acres in size and is substantially surrounded by existing urban industrial uses. It has no habitat value for endangered, rare, or threatened species. Approval will not result in any significant effects relating to traffic, noise, air quality, or water quality. The amount of traffic generated by commercial cannabis uses is typical of other commercial retail uses and is not expected to surpass the City's threshold of 100 trips per AM and PM peak hour trips. Although not required, J.J.V.I. Enterprises Inc. provided a traffic memo prepared by a licensed transportation engineer. The memo was based on a slightly smaller retail footprint and estimated that a retail cannabis business in this location would generate an average of 37 AM peak hour trips and 51 PM peak hour trips, well below the City's threshold. With the current larger building footprint, the business anticipates an average of 15 customers per hour. While there will be an increase in traffic above what is expected for industrial areas, estimated traffic counts are still not anticipated to surpass the applicable threshold. The business's location adjacent to Air Base Parkway will keep traffic contained to the industrial area and is not anticipated to increase local traffic in surrounding residential areas.

PASSED AND ADOPTED this 15th day of June, 2021, by the following vote:

AYES: COUNCILMEMBERS: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

MAYOR

ATTEST:

CITY CLERK