

CITY OF FAIRFIELD

RESOLUTION NO. 2021-143

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD APPROVING ISSUANCE OF A COMMERCIAL CANNABIS RETAIL BUSINESS PERMIT TO AUTHENTIC FAIRFIELD LLC 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, on July 7, 2020, the council approved Resolution 2020-136, 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

WHEREAS, following the close of the public hearing, the council considered the evaluation criteria set forth in Resolution 2021-80 and narrowed their review to five top applicants and gave preliminary approval to two of these applicants; and

WHEREAS, since new information was received on one of the remaining three top applicants after the close of the public hearing, the council moved to continue the discussion on these three top applicants so that this information could be entered into the public record at a subsequent limited hearing; and

WHEREAS, on June 1, 2021, the council held a limited public hearing to discuss the new information that was received by the council and awarded preliminary approval to operate a commercial cannabis retail business to Authentic Fairfield LLC; and

WHEREAS, the council directed staff to prepare a resolution authorizing the city manager to issue a commercial cannabis business permit to Authentic Fairfield LLC subject to conditions and in accordance with the requirements and procedures of FMC Code 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 Authentic Fairfield LLC:

- (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 Authentic Fairfield LLC 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 CR (Regional Commercial) district. It is to be located within an existing single-tenant building and commercial center and meets parking requirements with 101 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, the establishment of a drug prevention community fund, and the provision of a minimum of one-and-one-half percent of gross annual profit to the community fund, 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 Authentic Fairfield LLC to operate a commercial cannabis – retail business at 2470 Martin Road.

Section 3. The council hereby authorizes the city manager to formally issue a commercial cannabis business permit to Authentic Fairfield LLC to operate a retail cannabis business at 2470 Martin Road 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 Code Chapter 10E.

Section 4. The council finds that approving the application for a commercial cannabis business permit by Authentic Fairfield LLC is categorically exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities). Permit approval would allow for operation of the commercial cannabis business in an existing single-tenant building in an urban area. An expansion of use beyond the former commercial use is not contemplated, and minor interior or exterior alterations as proposed are consistent with the Section 15301 exemption. No environmentally sensitive areas or historic resources are on the site, and there are not unusual circumstances or cumulative effects that could result in a significant effect on the environment.

PASSED AND ADOPTED this 22nd 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