

RESOLUTION NO. PC 2018-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE APPROVING
CANNABIS BUSINESS USE PERMIT UP 13-18 AND
COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 07 FOR
CANNABIS CULTIVATION AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F
CLEARLAKE CA,
IN THE C-4 HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT
AP#39-550-45**

WHEREAS, Justin Jones, Developer/Operator, applied for approval of Cannabis Business Use Permit UP 13-18 and Commercial Cannabis Regulatory Permit CBRP 07 for a cannabis cultivator at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, AP# 39-550-45; and

WHEREAS, Cannabis Business Use Permit Application UP 13-18 has been made in accordance with Section 18-12.20 of the Municipal Code, Zoning Regulations, which refers to cultivation activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis is a use subject to a conditional use permit; and

WHEREAS, Commercial Cannabis Regulatory Permit Application CBRP 07 has been made in accordance with Section 5-24.04. (h) of the Municipal Code, Police Regulations, which requires that a regulatory permit for commercial cannabis be granted by the Planning Commission; and

WHEREAS, a companion application (UP 14-18) has been filed for commercial cannabis operations by Justin Jones at the same location at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45 as follows:

- Distribution License, in accordance with Section 18-12.090 of the Municipal Code
- Development Agreement DA 2018-05 for a Development Agreement for commercial cannabis operations in accordance with Section 5-030 (b) of the Municipal Code; and

WHEREAS, the General Plan designates the project site as commercial. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, the project is found to comply with the Zoning Code as conditioned by this use permit; and

WHEREAS, In accordance with Section 18.14.445 (b) of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

and;

WHEREAS, the project is exempt from environmental review in accordance with Section 153012 of the State CEQA Guidelines under "Existing Facilities"; and

WHEREAS, adequate public noticing was made for the project in accordance with the Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to the following conditions being satisfied:

Conditions of Approval:

1. This application for Commercial Cannabis Use Permit UP 13-18 was submitted, in accordance with Section 18-12.20 of the Municipal Code and for Cannabis Regulatory Permit Application CBRP 07 in accordance with Section 5-24.04. (h) of the Municipal Code, by Justin Jones, Developer/Operator, for cannabis cultivation at 14915 Olympic Drive, Units C/D and E/F, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45.

2. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation

to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

3. This Use Permit UP 13-18 may be transferred to new owners after the applicant has fully established complete operations of the use subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.

4. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the Development Agreement for the project.

5. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and this Use Permit and related Development Agreement, including but not limited to a verification of the amount of taxes required to be paid during any period.

6. This Cannabis Business Use Permit UP 13-18 or Commercial Cannabis Regulatory Permit CBRP 07 shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid.

7. Use Permit UP 13-18 shall expire and be of no further force and effect if the developer/operator does not obtain a valid cannabis business regulatory permit for this location within 12 months from issuance of this use.

8. Secure any required permits and or clearances from the City Building Department, Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department, Lake County Special Districts, Lake County Fire Protection District and/or Lake County Air Quality Management District (as applicable) prior to building occupancy or operation including any required approvals under Condition No. 9 of Use Permit UP 13-18.

9. In accordance with Section 18-12.060 and/or other sections of the Municipal Code and in accordance with requirements made by Lake County Water Resources Department, Lake County Air Quality Management District, Lake County Health Department, Lake County Special Districts, Lake County Fire Protection District and C & S Waste Solutions, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:

- a. Odor Control Plan
- b. Security Plan
- c. Exterior Lighting Plan
- d. Waste/Recycling and Enclosure Plan
- e. Fencing Plan for security of all cannabis businesses in the business center.

- f. Hazardous Materials Mitigation Plan
- g. Air Quality Management and Odor Control Plan
- h. Liquid Waste Management Plan (including pre-treatment of discharge and system maintenance program)
- i. Property frontage improvements, including new commercial driveway and sidewalk along Olympic Drive.
- j. Landscape and Irrigation for open area in front of Olympic Plaza fronting Olympic Drive.
- k. Parking area restriping plan in compliance with the City's Off-Street Parking Regulations.

These plans shall be implemented in accordance with the approved plans prior to building occupancy or operation. All on-going operation plans shall be maintained in accordance with the approved plans for the life of the operation.

10. Use Permit UP 13-18 shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.

11. All conditions of Use Permit UP 13-18 are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None

ABSTAIN: None

ABSENT: None



Chairman, Planning Commission

ATTEST: 

Deputy City Clerk, Planning Commission

RESOLUTION PC 2018-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE APPROVING
CANNABIS BUSINESS USE PERMIT UP 14-18 AND
COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 08 FOR
CANNABIS DISTRIBUTOR AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F
CLEARLAKE CA,
IN THE C-4 HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT
AP#39-550-45**

WHEREAS, Justin Jones, Developer/Operator, applied for approval of Cannabis Business Use Permit UP14-18 and Commercial Cannabis Regulatory Permit CBRP 08 for a cannabis distributor at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, AP# 39-550-45; and

WHEREAS, Cannabis Business Use Permit Application UP 14-18 has been made in accordance with Section 18-12.20 of the Municipal Code, Zoning Regulations, which refers to distribution involving purchasing cannabis from a cultivator, or manufacturer, for sale to dispensaries is a use subject to a conditional use permit; and

WHEREAS, Commercial Cannabis Regulatory Permit Application CBRP 08 has been made in accordance with Section 5-24.04. (h) of the Municipal Code, Police Regulations, which requires that a regulatory permit for commercial cannabis be granted by the Planning Commission; and

WHEREAS, a companion application has been filed for commercial cannabis operation by Justin Jones at the same location at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45 as follows:

- Cultivation License, in accordance with Section 18-12.090 of the Municipal Code
- Development Agreement DA 2018-05 for a Development Agreement for commercial cannabis operations in accordance with Section 5-030 (b) of the Municipal Code; and

WHEREAS, the General Plan designates the project site as commercial. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, the project is found to comply with the Zoning Code as conditioned by this use permit; and

WHEREAS, In accordance with Section 18.14.445 (b) of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

and;

WHEREAS, the project is exempt from environmental review in accordance with Section 153012 of the State CEQA Guidelines under "Existing Facilities"; and

WHEREAS, adequate public noticing was made for the project in accordance with the Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to the following conditions being satisfied:

Conditions of Approval:

1. This application for Commercial Cannabis Use Permit UP14-18 was submitted, in accordance with Section 18-12.20 of the Municipal Code and for Cannabis Regulatory Permit Application CBRP 08 in accordance with Section 5-24.04. (h) of the Municipal Code, by Justin Jones, Developer/Operator, for a cannabis distributor at 14915 Olympic Drive, Units C/D and E/F, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45.
2. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation

to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

3. This Use Permit UP 14-18 may be transferred to new owners, after the applicant has fully established complete operations of the use subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.

4. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the Development Agreement for the project.

5. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and this Use Permit and related Development Agreement, including but not limited to a verification of the amount of taxes required to be paid during any period.

6. This Cannabis Business Use Permit UP 14-18 or Commercial Cannabis Regulatory Permit CBRP 08 shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid.

7. Use Permit UP 14-18 shall expire and be of no further force and effect if the developer/operator does not obtain a valid cannabis business regulatory permit for this location within 12 months from issuance of this use.

8. Secure any required permits from the City Building Department, Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or Lake County Air Quality Management District (as applicable) prior to building occupancy or operation including any required approvals under Condition No. 9 of Use Permit UP 14-18.

9. In accordance with Section 18-12.060 and/or other sections of the Municipal Code and in accordance with requirements made by Lake County Water Resources Department, Lake County Air Quality Management District, Lake County Health Department, Lake County Special Districts, Lake County Fire Protection District and C & S Waste Solutions, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:

- a. Odor Control Plan
- b. Security Plan
- c. Exterior Lighting Plan
- d. Waste/Recycling and Enclosure Plan
- e. Fencing Plan for security of all cannabis businesses in the business center.

- f. Hazardous Materials Mitigation Plan
- g. Air Quality Management and Odor Control Plan
- h. Liquid Waste Management Plan (including pre-treatment of discharge and system maintenance program)
- i. Property frontage improvements, including new commercial driveway and sidewalk along Olympic Drive
- j. Landscape and Irrigation for open area in front of Olympic Plaza fronting Olympic Drive
- k. Parking area restriping plan in compliance with the City's Off-Street Parking Regulations.

These plans shall be implemented in accordance with the approved plans prior to building occupancy or operation. All on-going operation plans shall be maintained in accordance with the approved plans for the life of the operation.

10. Use Permit UP 14-18 shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.

11. All conditions of Use Permit UP 14-18 are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None

ABSTAIN: None

ABSENT: None



Chairman, Planning Commission

ATTEST: 

Deputy City Clerk, Planning Commission

RESOLUTION NO. P.C. 2018-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT DA 2018-05 FOR THE PROPERTY LOCATED AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F, CLEARLAKE, CA, IN THE C-4, HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT; APN: 39-550-45.

WHEREAS, DEVELOPER Justin Jones., developer/operator, who intends to operate a commercial cannabis businesses at subject property, specifically Units C/D and E/F, and who has a lease agreement with Howard Levin who owns the subject real property located at 14915 Olympic Drive also identified as Assessor's Parcel Number 39-550-45 ("Property") that is the subject of this agreement; and

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, *et seq.* of the Government Code; and

WHEREAS, the Property is located within the City's C-4, Heavy Service Commercial/Light Industrial zoning district and subject to the land use controls identified and reference in, *inter alia*, the pertinent sections of the City's Municipal Code; and

WHEREAS, DEVELOPER intends to operate commercial cannabis operations on the Property including Cultivation and Distribution, and has received approval of related cannabis business use permit and commercial cannabis regulatory permit from the Planning Commission for these operations; for occupancy of two units on the site, being Units C/D and E/F, which contain 4,000 square feet and 4,800 square feet of the existing 40,130 square foot buildings and surrounding grounds for cannabis cultivation and distribution for this ("Potential Activity"); and

WHEREAS a development agreement for the commercial cannabis operations is required pursuant to Section 5-030 (b) of the Municipal Code ; and

WHEREAS, DEVELOPER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Section 5-030 (b) of the Municipal Code and Section 68564, *et seq.* of the Government Code and the rules and regulations of CITY; and

WHEREAS, the Planning Commission has considered this Development Agreement (DA 2018-05) at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ("PLANNING COMMISSION") HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The property located at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA legally described by Assessor's Parcel Number 39-550-45 ("Project Site" and/or "Property").

SECTION 2. Justin Jones, intends operating a commercial cannabis business being Cultivation and Distribution at 14915 Olympic Drive also identified as Assessor's Parcel Number 39-550-45.

SECTION 3. On or about November 20, 2018 the Planning Commission of the City of Clearlake held a duly noticed public hearing at which interested persons had the opportunity to testify and at which the Planning Commission considered the Development Agreement.

SECTION 4. The development agreement proposed herein is consistent with the General Plan of the City of Clearlake in that the Potential Activity consists of commercial cannabis which is authorized in the zone subject to obtaining conditional use permits from the Planning Commission.

SECTION 5. Cannabis Business Use Permits, associated Regulatory Permits, and any Local License are not operational until Development Agreement 2018-05 has been approved City Council and executed by the City and the Developer.

SECTION 6. The Planning Commission therefore recommends to the City Council to adopt Development Agreement DA 2018-05 attached hereto as Exhibit 1.

SECTION 7. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The Secretary shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None

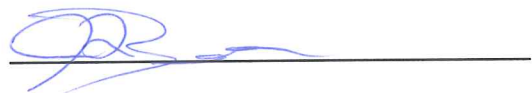
ABSENT: None

ABSTAIN: None



Chairperson, Planning Commission

ATTEST:



Deputy City Clerk, Planning Commission

Exhibits: Development Agreement DA 2018-05