

RESOLUTION NO. 2018-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
APPROVING A CANNABIS USE PERMIT/ DEVELOPMENT AGREEMENT FOR
MONTEREY BAY ALTERNATIVE MEDICINE INC (MBAM) TO OPERATE A
MEDICAL CANNABIS DISPENSARY AT 773 SAN FELIPE ROAD
(APN 051-100-032-000)**

WHEREAS, on December 19, 2016 City Council of the City of Hollister (the “City Council) adopted Ordinance No. 1131, amending and restating Chapter 5.42 “ Medical Cannabis Facilities Regulatory Permit” to Title 5 “ Business Licenses and Regulations” of the Hollister Municipal Code (the “Ordinance”); and,

WHEREAS, the ordinance authorizes the City Council to issue permit to cannabis facilities in the City, subject to all the restrictions and operational requirements in the Ordinance; and

WHEREAS, the City of Hollister City Council wants to insure the facility meets zoning designation for cannabis use; and

WHEREAS, the application was reviewed and evaluated thoroughly for completeness and content by staff; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hollister resolve, as follows:

That the proposed Cannabis Use Permit application #2018-6 is hereby approved with the following findings and conditions and authorizes staff to proceed with any other associated permits and agreements pertaining to the medical cannabis dispensary. In addition, the application submitted to the City of Hollister dated April 17th 2017 by MBAM INC and all of its contents terms and conditions being proposed as part of their business practices and/ or operating procedures are here by accepted. Any modification would require staff approval or may be subject to City Council approval.

CEQA Findings:

1. **Finding:** Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be served adequately by all required utilities and public services.

Evidence: *The project is exempt from CEQA, Section 15301, and existing facilities. The existing building is consistent with the general plan designation of North Gateway as well as the zoning designation of North Gateway Commercial.*

The development of the site would occur within the city limits and is substantially surrounded by other industrial uses. The project site has no value as habitat for endangered rare or threatened species. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services.

Cannabis Use Permit / Development Agreement Findings (CUP/DA)

1. **Finding:** The proposed use is properly located in relation to the General Plan and to the community as a whole, and to other land uses, and to transportation and service facilities in the vicinity;

***Evidence:** The subject site is located in the North Gateway Zoning District and it is designated in the General Plan as North Gateway. The proposed use is allowed pursuant to ordinance no.1131. The site can be adequately served by all required utilities and public services.*

2. **Finding:** The proposed project complies with all conditions upon which approval is made contingent, and will not adversely affect other property in the vicinity, or cause any damage, hazard or nuisance to persons or property;

***Evidence:** The applicant is requesting approval of a cannabis use permit to operate medical cannabis dispensary. Conditions of approval to ensure compliance with fire and health safety and zoning standards have been placed on the project.*

3. **Finding:** The design and construction of the project will not result in any significant environmental impacts.

***Evidence:** The project is exempt from CEQA, Section 15301 existing facilities. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services.*

CONDITIONS OF APPROVAL

Under no circumstance the applicant shall commence any operations without a regulatory permit approved by the City of Hollister.

PLANNING & BUILDING

1. This approval is for a Cannabis Use Permit 2018-6 to operate a medical cannabis dispensary at 773 San Felipe Road as stated in cannabis application received April 17, 2017. This approval expires if it's not activated by May of 2019.

2. Applicant shall defend, indemnify and hold harmless the City of Hollister, any agent, officer or employee of the City, and any advisory board of the City, against any claim, suit, action, judgment, costs and attorney's fees arising out of this approval or any assertions that this approval, including the environmental determinations made herein, is invalid, illegal, unconstitutional or otherwise contrary to law. The City shall promptly notify the applicant of any claim against the City and shall cooperate fully in the defense.
3. Prior to building permit issuance, the client is to provide the Building Department with verification that all Fire Department and San Benito County Environmental Health Department that all necessary permits and approvals have been obtained.
4. All signs shall conform and comply with the Hollister Zoning Ordinance policies and procedures. Prior to the installation of any signage, the applicant shall secure any necessary approvals from the Development Services Department and building permits from the City of Hollister Building Division.
5. The applicant shall meet all building requirements for the installation of restroom facilities. If the Building Department deems necessary, the applicant shall install water closets for men and women and all ADA restroom accessibility requirements.
6. Prior to any site improvements or construction, the applicant shall submit a building permit application and receive a building permit from the City Building Division. All improvements shall strictly adhere to the approved site plan, unless prior approval is granted by the City for changes.
7. All building plans submitted shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
8. All requirements of the State Architect for ADA accessibility shall be met, including but not necessarily limited to parking, access ramps and building accessibility facilities.
9. Prior to issuance of a building permit, the applicant shall not be in violation of the City of Hollister Municipal Code involving the project site. More specifically, Chapter 1.16 Section 1.16.100 Refusal to issue permits, licenses or other entitlements states "No department, commission or public employee of the city which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation involving the property upon which there is a pending application for such permit, license or other entitlement."
10. Construction, Landscape Maintenance, Grounds Maintenance. Construction activities on and contiguous to residential properties shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday and construction equipment and activities shall use noise suppression devices and techniques.

ENGINEERING & COMMUNITY SERVICES

11. When the City of Hollister deems necessary, the applicant shall be required to install an RPP (Reduced Pressure Principal) backflow prevention device at their sites. The RPP shall conform to all AWWA (American Water Works Association) standards and shall be appropriately sized for the specific application on the site. The RPP shall be inspected by a certified California-Nevada AWWA Backflow Prevention Assembly General Tester. The Utility Division shall provide a list of acceptable Assembly Testers within the area. The Utility Division shall receive a copy of the initial RPP inspection report. Any and all RPP defects shall be immediately repaired or replaced prior to the Utility Division reestablishing water service to the sites. The owners/operators shall have the RPP inspected/tested each year thereafter, with all reports forwarded to the Utility Division. Should the RPP fail to pass any inspection or test, the device shall be immediately repaired or replaced, with all repair and/or replacement reports forwarded to the Utility Division.
12. The RPP shall be installed according to AWWA standards, in regards to concrete padding and surrounding landscape/RPP height requirements. The RPP shall be installed inside a wire-mesh cage enclosure, preferably green in color, with a hinge on one end and a locking hasp device on the other to prevent vandalism and unauthorized entries. The RPP shall be installed at a site between the City's water meter and the building inside the property line where the RPP can be readily observed and be easily accessible for future inspections.
13. The Engineering Department shall inspect all building laterals, the project's main sanitation collection system, the connection to the City's main sanitary collection system, and the interceptor installation prior to burial. The owner/developer shall contact our office at 636-4340 at least 24 hours prior to all necessary inspections.
14. The Engineering Department shall process applications for new water meters and meter boxes for irrigation and potable water systems. The owner/developer may contact the Engineering Department (831) 636-4340 for information.
15. Any new construction, the property owner shall install new Radio Read Meters prior to occupancy. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
16. All urinals and commodes in all buildings shall be low-flush models using a maximum 1.6 gpf/6Lpf (1.6 gallons per flush/6 Liters per flush).
17. Floor drains shall be filtered.
18. All sanitary sewer and water service lines shall meet City standards.
19. Every two years or longer if deemed appropriate by the City Code Enforcement Officer, the applicant shall maintain and re-stripe the parking stalls so that they

will always be clean and visible to employees and customers.

20. An encroachment permit shall be issued in addition to the grading permit for the work within the City of Hollister right-of-way or public easements within the property. This includes improvements such as: driveway approaches, water line connections for domestic water or fire services, sewer lateral installations and any other improvements on right-of-way. A combination encroachment permit and grading permit may be issued with the approval of the City Engineer. The Encroachment Permit and Grading Permits are issued at the Engineering Department at 420 Hill Street, Building C. An improvement plan may be required depending on the nature of the improvements. Contact the Engineering Department at (831) 636-4340 for further information.

If the applicant alters any exterior flat work that changes stormwater conditions or runoff, conditions 21-26 shall apply. For details contact the City Engineer at 831-636-4340.

21. Stormwater Management: Development projects with stormwater discharge to the Waters of the U.S. through the City's MS4 drainage system are subject to the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032, entitled "Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region," dated July 12, 2013 (PCRs), as applicable. The City Engineer may review and approve an alternative to the PCRs to address stormwater management for those development projects that the City deems to be eligible.
22. Construction Stormwater BMP Control Plan (CSCP): Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a CSCP for construction stormwater runoff BMP control measures. The applicant shall coordinate and meet with the City Engineering Department to receive written instructions related to the preparation and requirements of the CSCP that the applicant shall provide and submit as part of the plan, for City review and approval.
23. Post-Construction Stormwater Control Plans (SWCP): Prior to any site development or grading, the applicant shall submit a SWCP for review and approval by the Engineering Department. The SWCP shall address all required post-construction stormwater runoff BMP control measures, as applicable. The applicant shall coordinate and meet with the City Engineering Department to receive written instructions related to the preparation and requirements of the SWCP that the applicant shall provide and submit as part of the plan, for City review and approval.
24. Drainage Report: A drainage report shall be submitted for review and approval by the City Engineer. The drainage report shall include, but is not limited to, depiction all areas tributary to the site, and provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction storm water management (LID, runoff control and reduction, water quality treatment, etc.), and flood control measures as required for the

site. Additionally, the report shall include or incorporate the grading plan, CSCP, SWCP, and landscape plan for the project.

25. Drainage plan: Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a drainage plan that complies with Chapter 15.14 Grading and Best Management Practice Control of the Hollister Municipal Code. Low Impact Development (LID) strategies shall be considered and incorporated as part of site planning and design as appropriately feasible. Development projects with stormwater discharge to the Waters of the U.S. through the City's MS4 drainage system are subject to the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032, entitled "Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region," dated July 12, 2013 (PCRs), as applicable.
26. Storm water and grading permit: Prior to any approval of any storm water permit, grading permit or improvement plans the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.
27. The applicant will need to provide a garbage dumpster and construct a trash enclosure for existing trash dumpsters and new dumpsters for the proposed project on site. This refuse area shall be designed to meet City of Hollister waste disposal provider standards. The trash enclosure must be constructed out of cinderblock concrete or stucco material and be easily accessible. For details, contact John Benavides at Recology at (831) 636-7500.

FIRE DEPARTMENT

28. Prior to occupancy, the applicant shall install a Knox key box on the outside of the building per the Fire Department regulations. Contact the City Fire Marshall at the Fire Department (831) 636-4325 for details.
29. If required, the fire hydrants shall be Clow 865 units only with either Clow CW50 or equivalent Longbeach breakaway spool/risers and shut off valves.
30. If required, the applicant shall place a three valve cluster connection with installation of each new fire hydrant and lateral. The City Engineer may waive this requirement in an existing shut-off valve exists within the proximity of the new hydrant.
31. The applicant shall install and maintain operational fire extinguishers to be located throughout the building at all times if the Fire Department deems

necessary per Title 19 CCR.

32. Prior to building permit issuance, the applicant shall submit a fire sprinkler system plan and obtain approval for this plan from the Fire Department. The fire system plan must be updated and retro-fitted for the new occupancy, its interior walls and all wall separations.
33. Prior to occupancy, an operating fire alarm system shall be installed. The fire alarm system shall be inspected and approved by the Fire Department.

POLICE DEPARTMENT

34. Prior to occupancy, the applicant shall provide an evening lighting plan for review and approval, which is unobtrusive for neighboring parcels, on the project site. All light sources should be fully shielded from off-site view. All lights to be downcast except where it can be proved to not adversely affect other parcels.
35. Prior to occupancy, the applicant shall provide three security contact persons to the City Police Department every year. Please provide this to the Community Services Officer at 636-4330.
36. The applicant shall maintain the facility clean and graffiti free. All graffiti must be removed or painted over within 48 hours of it appearing. According to the City of Hollister Municipal Code Chapter 8.32.060, Prohibited Activities and Unlawful Conditions, Section 15, Graffiti is considered a Public Nuisance and is a violation of the City codes.

SPECIAL CONDITIONS

37. Dispensary shall have a minimum of one (1) high temperature camera approved by the city fire and police departments.
38. Hazardous material shall have double containment in the event of a spill and shall not be connected to the sanitary sewer system
39. The project proponent shall install oil/grease separators to minimize the impact of pollutants from entering the sanitary sewer.
40. Security plan shall be approved by the City of Hollister Police Department.
41. No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site, in compliance with the requirements of the Monterey Bay Area Unified Air Pollution Control District.

42. Applicant must adhere to all rules and regulations that pertain to medical cannabis dispensary facility as required by Resolution No. 2017-36, and any state mandated requirements.
43. Upon approval of the CUP/DA, the applicant must apply for Site and Architectural Review prior to beginning operations.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hollister held this 4th day of June, 2018, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Ignacio Velazquez, Mayor

ATTEST:

Christine Black, MMC, City Clerk

APPROVED AS TO FORM:

JRG, Attorneys at Law

E. Soren Diaz, City Attorney

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified or added by the City Council. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting.