

RESOLUTION NO. 2020-0162

Adopted by the Sacramento City Council

June 2, 2020

Adopting Findings of Fact and Approving the 4500 Pell Drive Project (Z18-101)

BACKGROUND

- A. On December 12, 2018, after conducting a public hearing, the Zoning Administrator took the project under advisement to consider public testimony and then on January 18, 2019 approved the 4500 Pell Drive project (Z18-101) with conditions based on the findings of fact.
- B. On January 28, 2019, the neighbor to the north of the subject site appealed the Zoning Administrator's decision to approve the project.
- C. On May 9, 2019, after a public hearing, the City Planning and Design Commission passed a motion to deny the project.
- D. On May 16, 2019, Councilmember Warren called up the item for City Council review, pursuant to Sacramento City Code section 17.228.900.J.
- E. On June 2, 2020 after giving notice as required by the Sacramento City Code section 17.812.010.2.b, the City Council conducted a public hearing on the Project, receiving and considering evidence concerning it.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based on the verbal and documentary evidence received at the hearing on the 4500 Pell Drive Project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.
- Section 2. The City Council approves the Project entitlements based on the following findings of fact:
 - A. **Environmental Determination:** The project is exempt per CEQA Guidelines Section 15301 (Existing Facilities) and 15061(b)(3) (No Significant Effect). This project qualifies for this exemption because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No substantial evidence that the project could have a significant effect on the environment has been received. The project is, therefore, also exempt from CEQA review based on the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA Guidelines section 15061(b)(3).

B. Conditional Use Permit to cultivate cannabis within an existing 59,962-square-foot building on a 3.03-acre parcel in the Light Industrial (M-1) zone is **approved based upon the following findings of fact:**

1. The proposed development is consistent with the City's Industrial and Business Park Design Guidelines, North Sacramento Community Plan, and the General Plan, which designates the site for Employment Center-Low Rise use. There is no applicable specific plan or transit village plan for this site.
2. The proposed use and its operating characteristics, as conditioned, are consistent with the applicable standards, requirements, and regulations of the Heavy Industrial zoning district in which it is located, and of all other provisions of this title and this code in that: a) The use the warehousing and tending of plants inside a building, which are appropriate uses in the heavy industrial zone; b) Adequate onsite parking is provided; and c) A final security plan shall be reviewed by the Police Department and implemented prior to opening of the business.
3. The proposed use, as conditioned, is situated on a parcel that is physically suitable for the production of cannabis in terms of location, size, topography, and access, and is adequately served by public services and utilities.
4. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance, in that: a) The property owner for this site has agreed to pay a fee in the amount of one percent (1%) of the gross receipts of every cannabis production business on the property to pay for measures to mitigate the adverse impacts the business may cause; b) The applicant is required to submit a final, detailed, odor-control plan describing methods that will be implemented to prevent cannabis-related odors generated by the project from being

detected outside the building on the site to the City Revenue Division prior to issuance of a Business Operating Permit; c) All uses take place within the building and are not visible from the public right-of-way; and d) Adequate onsite parking is provided per the existing development;

5. The proposed cannabis cultivation will not result in an undue concentration of cannabis cultivation establishments.

C. **Site Plan and Design Review** for minor exterior changes to an existing 59,962-square-foot industrial warehouse building in the Light Industrial (M-1) Zone and Citywide Design Review District is **approved** based on the following findings:

1. The proposed development is consistent with the City's Industrial and Business Park Design Guidelines, North Sacramento Community Plan, and the General Plan, which designates the site for Industrial use. There is no applicable specific plan or transit village plan for this site.
2. The proposed development is consistent with all applicable design guidelines and all development standards of the Heavy Industrial zoning district, in that: a) The proposed exterior modification involves minor changes to the exterior of the building and site improvements; and b) There are no other exterior modifications proposed.
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed development and comply with all applicable design guidelines and development standards, in that: a) The project has adequate street access, utility infrastructure; and b) Adequate onsite parking is available for the existing commercial-industrial building.
4. The design, layout, and physical characteristics of the proposed development are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance, in that: a) All new proposed mechanical equipment will not be visible from street view; and b) There are only minor proposed changes to the existing site.
5. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system what will result in flood protection equal to or greater than the urban level of flood protection.

Section 3. The City Council approves the Project entitlements based on the following conditions of approval.

Planning:

1. The project shall conform to the approved plans as shown on the attached exhibits. The interior of the ±59,962 square foot main building is approved for cannabis production as follows: 59,962 square feet of cannabis cultivation in five suites. Changes to the interior are permitted to conduct the use.
2. Any expansion of cannabis production uses into additions or new buildings is subject to modification of the Conditional Use Permit.
3. The applicant shall submit any revised floor plans to the Planning Department for review. The revised floor plans shall be subject to review by the Police and Fire Department.
4. Retain the existing onsite parking lots and repair any deteriorated parking lot paving.
5. The production permit holder(s) and/or property owner shall provide regular landscape maintenance for the site. Landscaping shall be maintained per Crime Prevention Through Environmental Design (CPTED) principles and in compliance with City Code requirements for the M-1 zone. Existing front setback planter areas shall be repaired as needed and provided with landscaping and with automatic irrigation.
6. Only one non-illuminated sign is permitted for the use. If a new sign is proposed in the future the maximum size permitted of the sign is six square feet in area. The sign may be attached or detached. A sign permit from the Building Division is required.
7. Install additional lighting on the building, as necessary, to meet CPTED standards or better as outlined and approved by the Sacramento Police Department.
8. Secure or block unused roll-up doors and windows.
9. No tent or canopy structures outside for cannabis production.
10. The site shall be inspected and maintained daily to be clear of litter. A daily
11. maintenance plan to be implemented to control litter and debris.

12. All material transfer will be done inside the facility.
13. Refuse containers for cannabis products shall be stored within the buildings.
14. All cannabis related activities shall be performed indoors. No outdoor storage is allowed.
15. Any modification to the project proposed in the future shall be subject to review and approval by Planning staff and may require additional entitlement(s).
16. The exterior building modifications shall be constructed per the approved plans.
17. All cannabis project facilities shall be connected to SMUD or PG&E facilities for the supply of all electrical power. Generators shall be used only for emergency electrical service for the duration of any power outage.
18. Any new roof-mounted HVAC equipment shall be completely screened from view from adjacent streets and public areas and concealed behind parapets or architecturally integrated screens. Any new ground mounted HVAC equipment shall be screened by fences, walls, or landscaping.

Building:

19. A building permit is required to verify occupancy for a cannabis facility, even if no improvements to the property are proposed. The building permit application must meet the City's general building permit submittal requirements.

Police:

20. A final security plan for EACH **cultivation** business, shall be submitted for review and approval by the Sacramento Police Department CPTED Sergeant (or designee) prior to issuance of any Business Operations Permit (BOP) for the site. The following Police Department conditions shall be part of the security plan. The final security plan may be modified with the review and approval of the Sacramento Police Department CPTED Sergeant (or designee).
21. Site plans and floor plans for EACH **cultivation** business shall be completed to the satisfaction of the Sacramento Police Department CPTED Sergeant prior to the issuance of a building permit, including:
 - Secure Lobby
 - Secure area for transferring cannabis or cash to or from VEHICLES
 - Secure storage (safe[s])

22. The security plan MUST be prepared by a qualified professional (Qualified Manager of a licensed PPO or Certified Professional Designation from ASIS International).
23. The business shall be equipped with and maintain a security system with:
 - An alarm system with a valid UL Certificate in accordance with ANSI/UL Standard 681-2014 (Standard for Installation and Classification of Burglar and Holdup Alarm), **Extent Number 2** with line security.
 - a Video Assessment and Surveillance System (VASS)
24. Holdup/Distress alarm system shall be employed near the:
 - Transportation area,
 - Manager's office,
 - Lobby,
 - Safe(s).
25. Burglar alarms shall cause the dispatch of a properly licensed private patrol.
26. Holdup alarms shall cause the dispatch of the Sacramento Police Department.
27. Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.
28. Security system shall be equipped with cellular back-up in case of phone line disruption.
29. Facility shall be staffed at all times that the security system is not fully functional.
30. A log shall be maintained that shows when the alarm system was armed and disarmed, and by whom.
31. Tree canopies shall not interfere with or block lighting. This creates shadows and areas of concealment. The landscaping plan shall allow for proper illumination and visibility regarding lighting and surveillance cameras through the maturity of trees and shrubs. Trees shall also be trimmed to avoid interference with security cameras.
32. Each driveway entrance and exit and each building entrance and exit shall be covered by a camera set at 100 pixels per foot or higher to capture license plates and faces.

33. The following are specifications for Video Assessment and Surveillance System (VASS):
- VASS must provide comprehensive coverage of:
 - safe(s)
 - areas of ingress and egress,
 - parking lot, loading areas,
 - coverage of all four (4) exterior sides of the property,
 - adjacent public rights of way.
 - VASS storage must be:
 - kept off-site or in a secured area accessible only to management
 - capable of storing no less than 30 days' worth of activity (CA State currently requires 90 days of retention),
 - capable of exporting footage to common media in a standard viewing format
 - shall not require proprietary software for third party viewing.
 - The manager with access to the VASS storage shall be able to respond to any activation within one hour.
 - Cameras shall be day/night capable with a resolution of no less than two (2) megapixels and a minimum frame rate of 15 frames per second.
34. Monitors displaying the employee parking area and property perimeter shall be mounted in a visible location near the door from which employees will arrive and depart so that employees may monitor the outside environment prior to departing the facility.
35. The applicant shall post the property No Trespassing and No Loitering. The applicant shall designate a properly permitted and approved private patrol company as agent for trespass. No trespassing signs shall cite 602K PC and 9.16.140 SCC.
36. The applicant is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.
37. All dumpsters shall be kept locked or in locked enclosures.
38. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over with matching paint within 72 hours of being applied.
39. The operator shall be responsible for the daily removal of all litter from the site.
40. If applicable, applicant shall install a "Knox Box" for police access to the exterior areas of the property for after-hours access by law enforcement. If exterior gates can be accessed via keypad, the code shall be supplied and updated to the

Sacramento Police Department's Communication Center by contacting (916) 264-5471.

41. ALL crimes occurring **on the premises** shall be reported to the Sacramento Police Department within 24 hours. ALL crimes involving employees, agents, or representatives of the business, that occur while the employee, agent, or representative is acting on behalf of the business, within the City of Sacramento, shall be reported to the Sacramento Police Department within 24 hours. In the event the reporting party is advised by the Sacramento Police Department that officers will not be responding for a report, the incident/crime shall be reported on-line at www.cityofsacramento.org/Police, listing the name and address of the business as an involved entity.
42. ALL crimes involving employees, agents, or representatives of the business, that occur outside of Sacramento city limits, while the employee, agent, or representative is acting on behalf of the business, shall be reported to the City of Sacramento's Office of Cannabis Policy and Enforcement within 72 hours. The report shall reference the premises of 4500 Pell Drive, Unit Number if applicable, business name, the type of crime, a summary of the incident, the jurisdiction in which it occurred, the investigating law enforcement agency, and that agency's report number. The report shall be sent to the Office of Cannabis Policy and Enforcement at **915 "I" Street, Sacramento, CA 95814** and/or e-mailed to: cannabis@cityofsacramento.org.
43. All fencing shall be decorative, tubular no climb type and a minimum of 6'.
44. Storage containers and non-operational vehicles shall not be allowed in the parking area of the property.
45. Bollards or other devices rated at K4 or higher shall be installed in front of any glass storefront areas to prevent vehicle intrusion.

Fire Department:

46. Any modifications to the facility must be done under permit by way of plan review for compliance to the Fire and Building Codes.
47. Any access or egress-controlled doors must be identified on the floor plan that is provided as a part of the security plan. This will aid in a more complete plan review when provided for review to obtain a construction permit.
48. Obtain a Fire Clearance by requesting a fire and life safety inspection from the Sacramento City Fire Prevention Division.

49. Obtain any required operational permits from the Sacramento City Fire Prevention Division.
50. Identify if any extraction or growing enrichment processes are to be done and provide details for the means in which it is to be accomplished.
51. Provide a hazardous materials management plan and an inventory statement for any hazardous materials to be stored on-site in accordance with section 5001.5 of the CFC.
52. Provide documentation to verify that any fire and life safety systems such as fire suppression and fire alarm systems have been serviced, maintained and certified in accordance with the required maintenance schedules as may be applicable (quarterly, annual and 5-year service).

Sacramento Municipal Utility District (SMUD):

53. To ensure a timely service connection, the Applicant must submit an anticipated energy load calculation for SMUD's review before requesting service connection. Depending on the anticipated electrical load, additional electrical equipment and/or upgrades may be needed. Due to a large demand for service in this area, additional SMUD offsite system improvements will be necessary. Request for new/upgraded service connections will exceed the typical 4-6-month timeline. SMUD welcomes the opportunity to discuss your specific service needs. The Applicant may also direct specific questions regarding their service connection to: IndoorCultivation@smud.org.
54. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal.
55. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.
56. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.).

57. In the event the City requires an Irrevocable Offer of Dedication (IOD) for future roadway improvements, the Applicant shall dedicate a 12.5-foot public utility easement (PUE) for overhead and/or underground facilities and appurtenances adjacent to the City's IOD.
58. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). Information regarding SMUD siting requirements can be found at: <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
59. If the sum of the panel sizes for a parcel exceeds 4,000 amps, the New Business service requirements will be service from SMUD's 69kV electric system. This will require the Applicant to provide a substation with a transformer.
60. Space on the premises for pad-mounted transformer(s) and pad-mounted switchgear is likely needed, the precise size and quantity of which will be dependent on the load/service size.
61. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.

Sacramento Regional County Sanitation District (SRCSD):

62. Developing this property will require the payment of Regional San sewer impact fees (connection fees). Regional San sewer impact fees shall be paid prior to the issuance of building permits. For questions pertaining to Regional San sewer impact fees, please contact the Sewer Fee Quote Desk at (916) 876-6100.

Advisory Notes:

- ADV1. *PLANNING*: The applicant and property owner shall comply with all provisions of the required Business Operating Permit including submitting and adhering to a final security plan and odor control plan.
- ADV2. *FIRE*: Provide an egress plan that identifies all required exit pathways and the location of access or egress-controlled doors to verify that access to exits will not be impeded.

- ADV3. *FIRE*: Exterior doors that have been rendered non-functional shall be labeled on the exterior with a sign stating, "THIS DOOR BLOCKED" with 6" letters by $\frac{3}{4}$ " stroke of an approved color that is contrasting to their background in an approved location. CFC 504.2
- ADV4. *FIRE*: Provide appropriate Knox access for site. CFC Section 506
- ADV5. *FIRE*: Identify any fencing and gates on the plans to verify that fire department access is not hindered. Provide details as needed to show configuration of any additional security measures such as barbed or concertina wire.
- ADV6. *FIRE*: Any vehicle access gates that are located on drive lanes required for Fire Department access must have a gate width that provides a minimum of 20 feet clear access width.
- ADV7. *FIRE*: If any automatic gates are to be installed, they shall have AC power and be provided with Key override switch (Knox) and Radio operated controller (Click2Enter). For gates that do not fail safe in the open position upon loss of AC power or are provided with battery back-up power, an approved pedestrian gate shall be installed within 10 feet of all vehicle gates. An approved key box (Knox) shall be installed at least 48 inches above grade on the outside of the gate. It shall be provided with a key to open the pedestrian gate.
- ADV8. *Sacramento Area Sewer District (SASD)*: The subject property is outside the boundaries of SASD but within the Urban Service Boundary and Sacramento Regional County Sanitation District (Regional San) boundaries. Regional San will provide ultimate conveyance and treatment of the sewer generated from this site, but the Sacramento City Utilities Department's approval will be required for local sewage service.
- ADV9. *SRCS*: The City of Sacramento (City) is responsible for providing local sewer service to the proposed project site via their local sanitary sewer collection system. Regional San is responsible for the conveyance of wastewater from the City collection system to the Sacramento Regional Wastewater Treatment Plant (SRWTP).
- ADV 10. *SMAQMD*: The following MAY require a permit or registration with the Sacramento Metropolitan Air Quality Management District: power generation engines, odor control systems, solvent usage in manufacturing, operations and cleaning, equipment for mechanical processes such as sifting, squeezing, screening or grinding, natural gas-fired equipment, and other

diesel equipment. Contact the Sacramento Metropolitan Air Quality Management District at 916-874-4800 regarding the need for a permit or registration.

ADV 11. *SMAQMD*: All projects are subject to SMAQMD rules at the time of construction. A complete list of current rules is available at www.airquality.org or by calling 916-874-4800.

ADV 12. The applicant has agreed to provide hiring preference for CORE applicants and District 2 residents for their operation at 4500 Pell Avenue.

Section 4. This resolution and Project approval is final and effective June 17, 2020.

Table of Contents:

Exhibit A - Project Plans

Adopted by the City of Sacramento City Council on June 2, 2020, by the following vote:

Ayes: Members Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: Member Ashby

Abstain: None

Absent: None

Attest: Mindy Cuppy Digitally signed by Mindy Cuppy
Date: 2020.06.25 16:18:09 -07'00'
Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

PROJECT DATA

ASSESSOR'S PARCEL NO. 237002090000
 JURISDICTION: CITY OF SACRAMENTO
 ZONING: M-1 LIGHT INDUSTRIAL
 SITE AREA: 3.23 ACRES (131,987 SF)

TENANT IMPROVEMENT AREA

BUILDING: 59,962 SF

PARKING

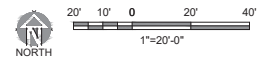
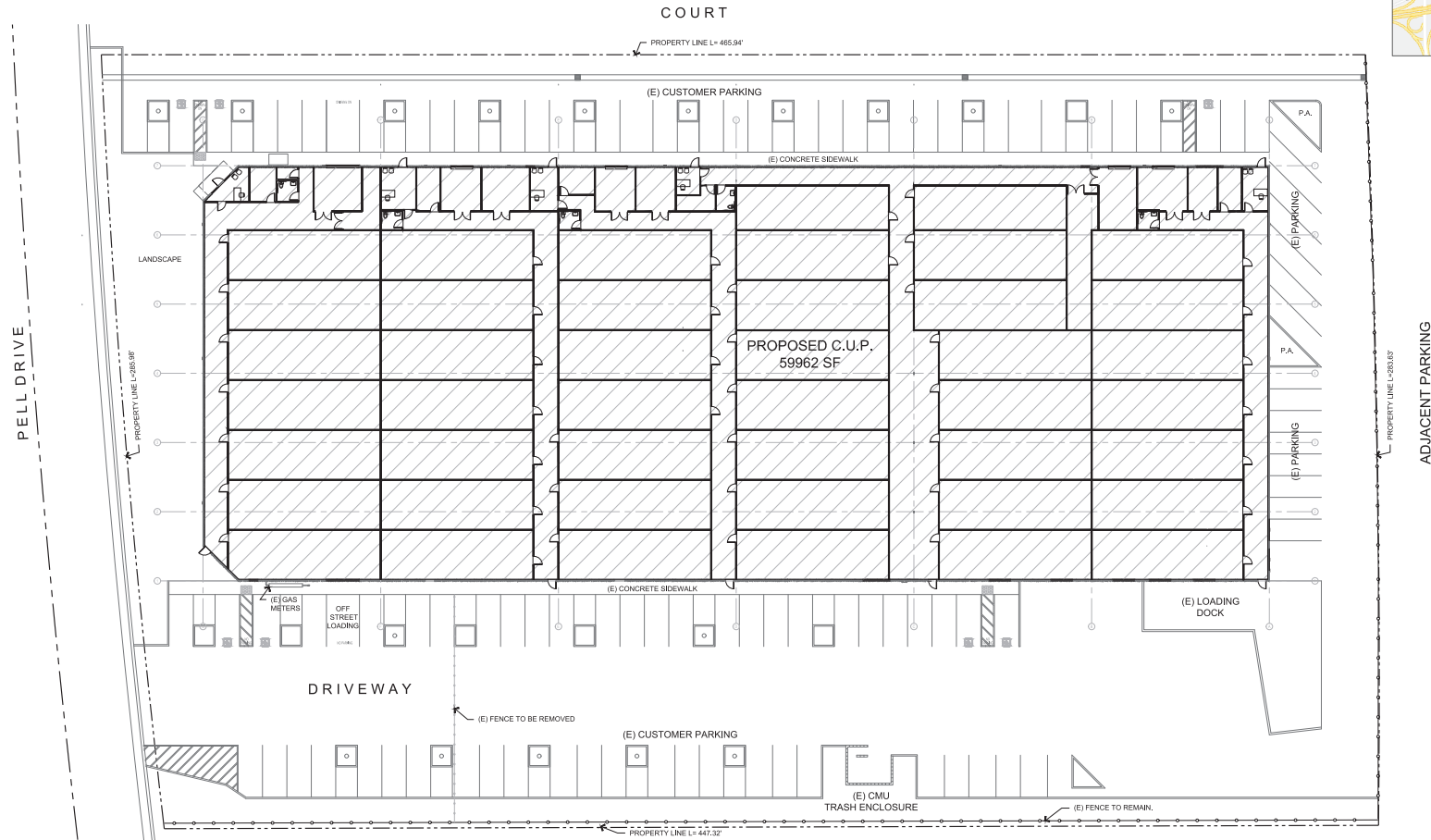
PARKING RATIO: WAREHOUSE = 1 STALL / 2000 SQ. FT. OF BLDG.
 PARKING REQUIRED: WAREHOUSE 59,962 SF / 2000 = 30 STALLS REQUIRED
 PARKING PROVIDED: 83 EXISTING PARKING STALLS

CONTACTS

OWNER/TENANT: WFPS PROPERTIES, INC.
 P.O. BOX 3009
 ROSEVILLE, CA 95662
 P.O. C. MATTHEW BOYER
 916-207-1457

ARCHITECT: BORGES ARCHITECTURAL GROUP, INC.
 1478 STONE POINT DRIVE, SUITE 350
 ROSEVILLE, CA 95661
 P.O.C.: Mari Montoya
 email: mari@borgesarch.com
 TELE: (916) 782-7200
 FAX: (916) 773-3037

VICINITY MAP



Pell Drive Cultivation Facility OVERALL SITE & PROJECT DATA

4500 PELL DRIVE, SACRAMENTO, CA 95838

18006 04-13-2018
 June 2, 2020

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Pell Drive Cultivation Facility PARCEL PLAN

4500 PELL DRIVE, SACRAMENTO, CA 95838

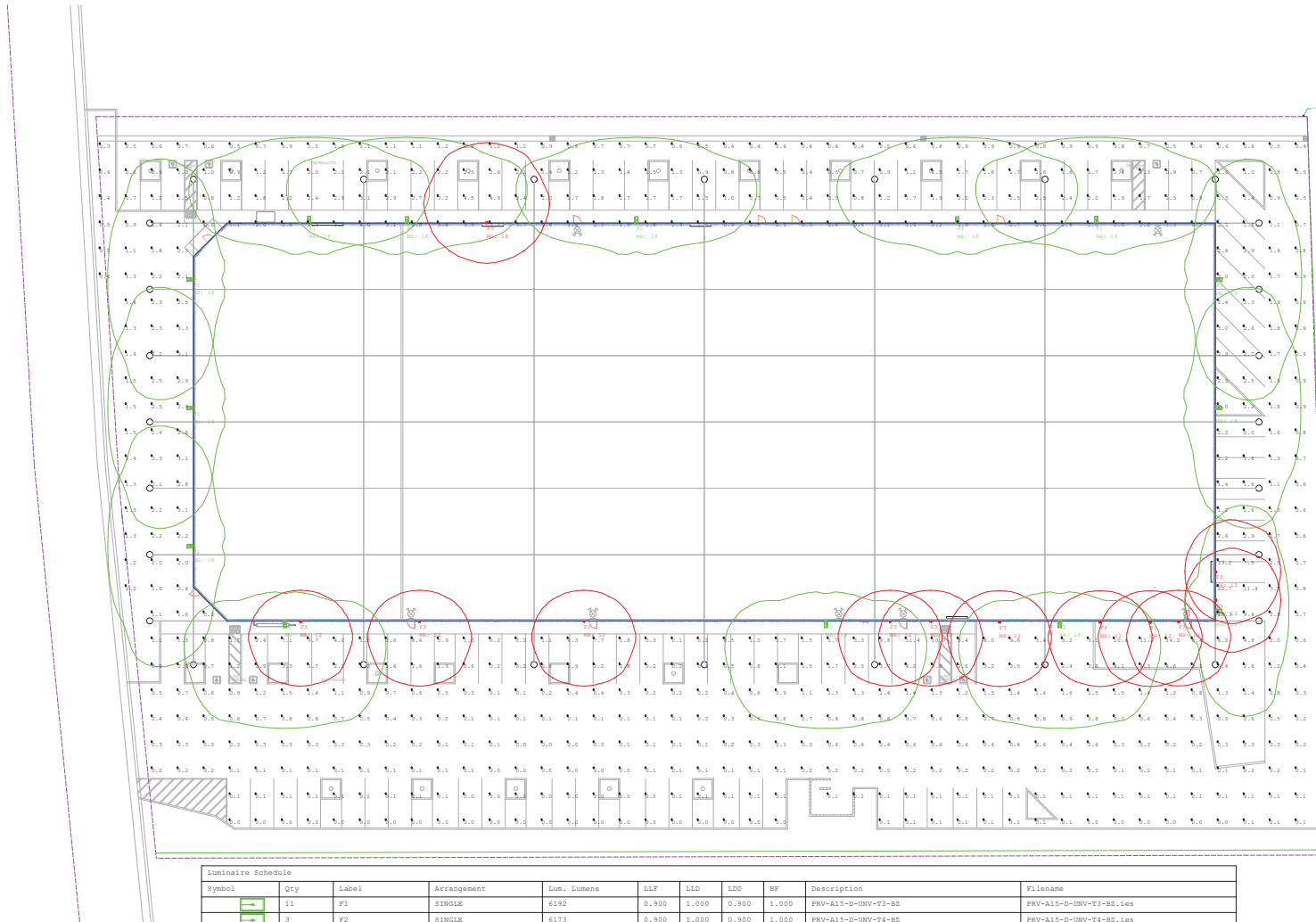
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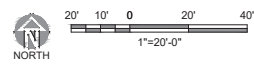
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Luminaire Schedule										
Symbol	Qty	Label	Arrangement	Lum. Lumens	LLF	LDD	LPD	RF	Description	Filename
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	3	F2	SINGLE	6173	0.900	1.000	0.900	1.000	FRV-A15-D-UNV-T4-BE	FRV-A15-D-UNV-T4-BE.ies
	12	F3	SINGLE	4269	0.900	1.000	0.900	1.000	XTOR4S	XTOR4S.ies

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL POINTS SHOWN	Illuminance	Fc	1.42	22.7	0.0	N.A.	N.A.



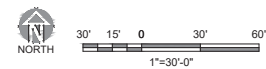
Pell Drive Cultivation Facility PHOTOMETRIC SITE PLAN

4500 PELL DRIVE, SACRAMENTO, CA 95838

18006 04-13-2018

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Pell Drive Cultivation Facility CONTEXT & LANDSCAPE PHOTOS

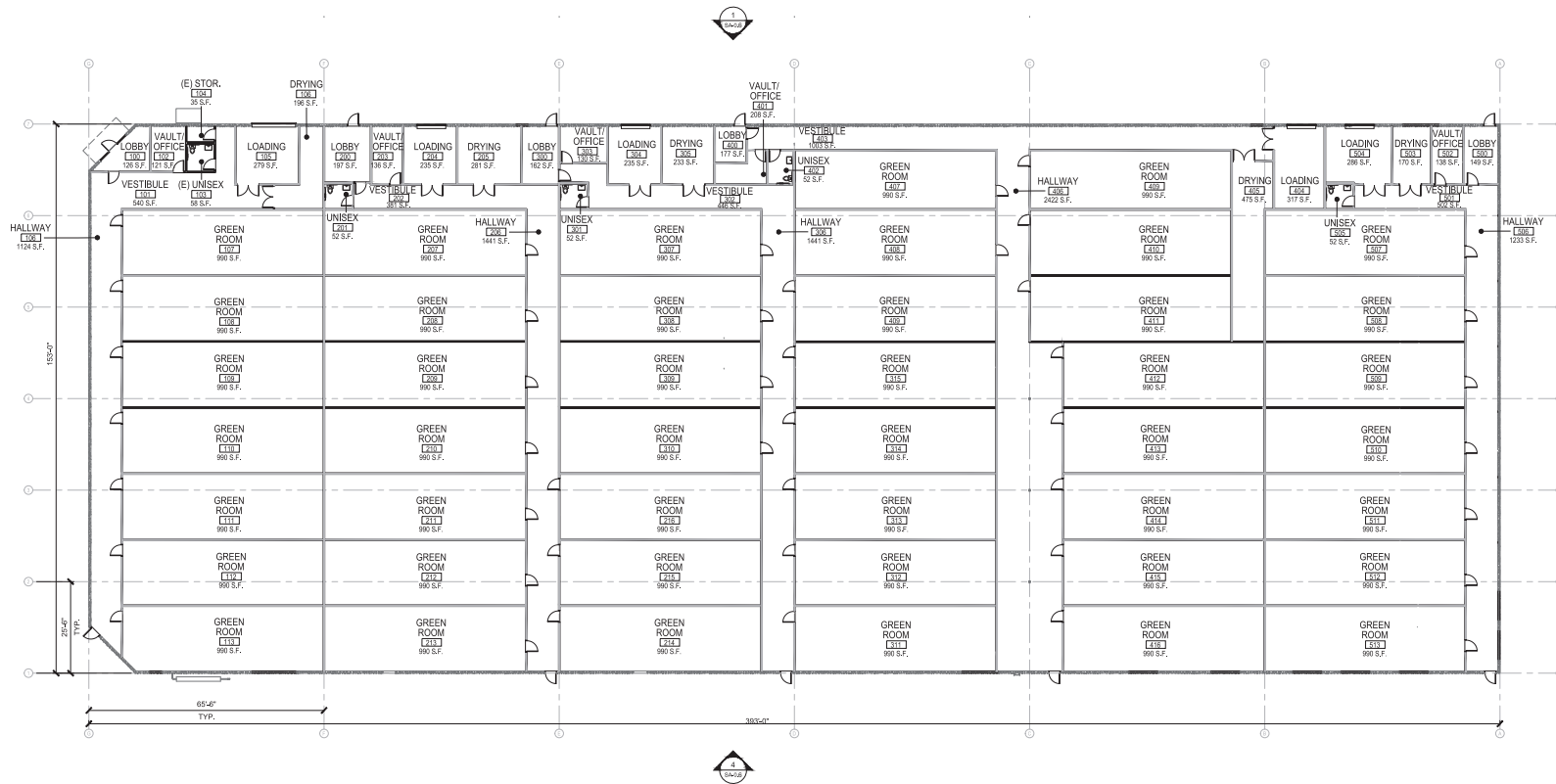
4500 PELL DRIVE, SACRAMENTO, CA 95838

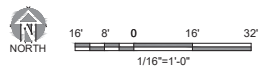
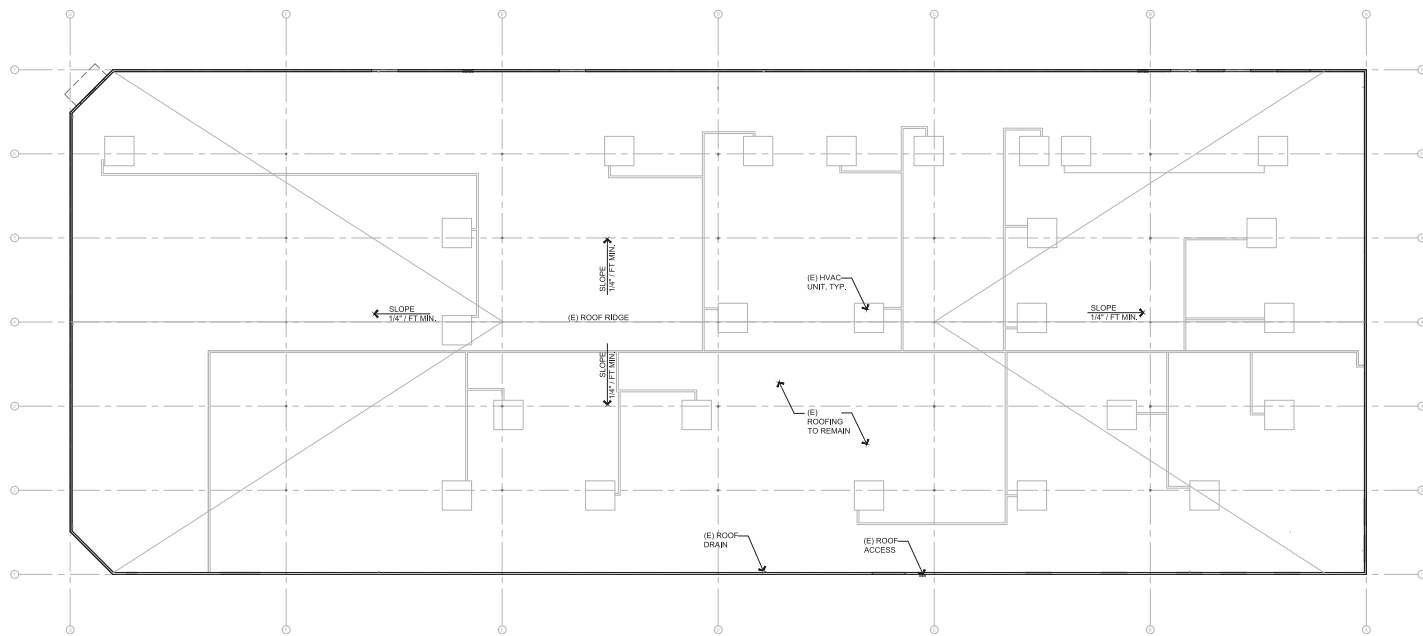
18006 04-13-2018

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Pell Drive Cultivation Facility ROOF PLAN

4500 PELL DRIVE, SACRAMENTO, CA 95838

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June 2, 2020

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