AGENDA

RIO DELL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 24, 2019 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

1) 2019/0924.01 - Approve Minutes of the August 27, 2019 Regular Meeting **(ACTION)**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

1) 2019/0924.02 - Adopt Resolution No. PC 141-2019 Approving Proper Wellness Center Cannabis Retail Sales Conditional Use Permit (CUP) at 116 Wildwood Ave. – File No. 053-161-021 – Case No. CCLUO 19-01 **(ACTION)**

2) 2019/0924.03 - Approve Resolution No. PC 142-2019 Approving Element 7 Conditional Use Permit (CUP) for Cannabis Retail Sales at 307 Wildwood Ave.- File No. 053-141-050 – Case No. CCLUO No. 19-02 **(ACTION)**

H. STAFF COMMUNICATIONS

I. ADJOURNMENT

In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

The next Regular Planning Commission meeting is scheduled for Tuesday, October 22, 2019 at 6:30 p.m.

RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 27, 2019

CALL TO ORDER

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:09 p.m.

Present were Commissioners Angeloff, Kemp, Marks, Millington, Wilson and Planning Commission Alternate Arsenault.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public had any questions or corrections to the minutes as presented. There were no comments.

Approve Minutes of the June 25, 2019 Regular Meeting
Motion was made by Millington/Kemp to approve the minutes of the June 25, 2019 regular meeting as submitted. Motion carried 4-0; 1 abstention (Councilmember Marks).

PUBLIC PRESENTATIONS

Frank Wilson, 56 N. Pacific Ave., referred to a recent article in the Times Standard where one of Arcata's city councilmembers is advocating to stop reciting the Pledge of Allegiance at meetings and said that he is glad that Rio Dell is not promoting that and thanked the Planning Commission for not entertaining the idea.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

2019-2027 Housing Element Workshop – Discuss policies and solicit comments and recommendations regarding draft policies in the 2019-2027 Housing Element
Community Development Director Caldwell provided a staff report and explained that the idea of the workshop is to have informal dialog on the draft policies related to the update of the 2019-2027 Housing Element. He commented that at the March 26, 2019 planning commission meeting, staff distributed information and overview of the Housing Element requirements, including the allocated Regional Housing

Needs Allocation (RHNA), Accessory Dwelling Units, and the City's existing Goals and Policies. Commissioners were asked to look over the information and suggest any changes they felt would help facilitate housing development within the City. He noted that Commissioner Wilson did bring him policies from Los Gatos and one other community regarding secondary units. He said that they are a little ahead of the curve with the State's recent changes as they mirrored their regulations with the State's new regulations which is what the City will be obligated to do.

He asked Commissioners if they had any suggested changes to the draft policies to improve housing opportunities in the City.

Community Development Director Caldwell noted that Commission had at a previous meeting, talked about the Regional Housing Needs Allocation (RHNA) numbers allocated for Rio Dell. The Humboldt county Association of Governments (HCAOG) as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions in the County. Because the City did not do a Housing Element update with the Fifth Cycle, it is obligated to combine the Fifth Cycle RHNA numbers with the Sixth Cycle RHNA numbers.

For the Fifth and Sixth Housing Element cycles, Rio Dell has been allocated RHNA numbers based on the following four income levels:

	Fifth Cycle	Sixth Cycle	Total
• Very Low Income:	8	12	20
• Low Income:	4	8	12
• Moderate Income:	4	9	13
• Above Moderate Income:	15	22	37
Total	31	51	82

Community Development Director Caldwell pointed out that the numbers show the City has a deficit in Moderate or Above Moderate Income housing. The 25-unit Danco Supportive Housing Project will satisfy the Very Low Income requirement so there will not be the need to facilitate any additional very low-income units during this Housing Element cycle.

Discussion continued regarding Inclusionary Zoning.

Community Development Director Caldwell explained that Inclusionary Zoning

programs provide for a certain number of affordable units included in new housing developments. He said that there may be incentives for the developer such as tax credits and noted that the low-income homeowner would be required to maintain the property.

He noted that James Cortazar is interested in developing a section of the Dinsmore Plateau and is supportive of Inclusionary Zoning.

Commissioner Marks asked who would be responsible for regulating the condition of the property and noted that CDBG recipients are required to maintain their property but there is nobody to monitor those properties.

Community Development Director Caldwell commented that there is a Tax Allocation Committee and another State agency that oversees these properties.

Commissioner Marks asked if the City could impose CC&R's (Conditions, Covenants and Restrictions) on the subdivision.

Community Development Caldwell explained that CC&R's are an agreement between the property owners and the homeowners association and that the City does not enforce them.

Commissioner Marks said her concern with Inclusionary Zoning is the possible decline in property values should the properties are not maintained properly.

Commissioner Angeloff commented that Inclusionary Zoning provides for an affordable home to be interspersed in a more upscale housing development perhaps every fifth lot or so and that the developer would probably only be receptive to the idea if there were tax credits involved or some other incentive.

Community Development Director Caldwell indicated that the affordable housing unit could also be a townhouse or apartment. He explained that a density bonus could also apply to the development as another incentive for the developer to include Inclusionary Zoning.

Commissioner Angeloff asked if there would be a regulatory agency to monitor the upkeep of the low-income unit.

Community Development Director Caldwell said that it would depend on whether there was tax credits applied to the development. He noted that he was not aware of any Inclusionary Zoning within Humboldt County and that the Humboldt County Board of Realtors has opposed it.

Commissioner Angeloff commented that "requirement" versus "encouragement" is very different and that he personally prefers the term "interspersed housing" in developments every fifth or sixth lot. He felt that there would be more peer pressure to keep those properties maintained properly.

Commissioner Marks mentioned a previous discussion related to clustered development.

Community Development Director Caldwell noted that clustered development would be ideal for the Dinsmore Plateau.

Commissioner Marks questioned the requirement for a secondary access with development of the Dinsmore Plateau.

Community Development Director Caldwell indicated that he believed that a secondary access would only be required if there are more than 80 homes. He said that a secondary emergency access would not only benefit the Dinsmore Plateau but the Rio Vista neighborhood as well.

Commissioner Alternate Arsenault asked if there is a deficit for housing in any of the four income levels.

Community Development Caldwell explained that the biggest deficit is in the moderate to high-income group, which are homes over $250,000. He clarified that the City must provide the land but not necessarily construct the units.

Discussion continued regarding the trend toward smaller houses sometimes referred to as "second units", "tiny houses" or "efficiency units."

Community Development Director Caldwell noted that in the 2016 Health and Safety Code it says that cities and counties may permit tiny houses (efficiency units) by no more than two persons, which have a minimum floor area of 150 square feet

and which may have a partial kitchen or bathroom facilities as specified in the city ordinance.

He pointed out that the city cannot limit the number of tiny homes (efficiency units) in an area zoned for residential use and located within on-half mile of public transit, or where there is a car share vehicle located within one block of the efficiency unit. He said that this provision is in line with the aggressive actions by the State to solve affordable housing needs. Currently it is not legal to live in a travel trailer but the State will also be modifying the code to allow tiny homes on wheels.

Commissioner Angeloff called for public comment.

Sharon Wolfe referred to the vacant parcel on the corner of Wildwood and Painter St. and said, as she understands the code, since the parcel is near a bus stop there would be no limit on the number of tiny houses they could put on the residential portion of the lot.

Community Development Director Caldwell clarified that she was correct. In addition, the City would not be allowed to require additional parking spaces.

He pointed out that if there is an area in the City that has a problem such as the area at the end of Painter St. with the Sanitary Sewer Overflow (SSO) issue, the City could adopt an ordinance to preclude construction in those areas.

Commissioner Marks suggested the City adopt an ordinance restricting development of problem areas.

Sharon Wolfe encouraged the Commission to be as pro-active as possible in that regard.

Community Development Director Caldwell commented that he would be attending a housing workshop the following day and that he would ask if the City could require minimum storage areas for tiny houses.

Frank Wilson commented on cargo containers converted to tiny homes and expressed concern about the lack of outside storage.

Commissioner Angeloff asked if the City could impose design review guidelines on tiny home construction.

Community Development Director Caldwell explained that design review guidelines apply to subdivisions but not to single-family construction on individual lots.

Discussion continued regarding "detached bedrooms" and whether or not to allow them in the City.

Community Development Director Caldwell explained that detached bedrooms is allowed in the County and that they cannot have a kitchen but they could have toilet facilities.

Commissioner Angeloff pointed out that Chapter 4 of the Health and Safety code (Housing) states that "a city, county, or city and county "may" by ordinance permit efficiency units for occupancy so it seem that it is not a requirement. The other concern is that if the city allows them, there is no limit as to the number of units.

Community Development Director Caldwell commented that according to his discussions with the County, there would be no limit but that he would clarify that with Housing and Community Development (HCD).

Commissioner Marks addressed the issue of land designation for emergency shelters and whether the Town Center (TC) zone would be appropriate. She expressed concern about temporary emergency housing becoming permanent housing.

Tracy O'Connell commented that in other places she has lived, the Red Cross had emergency locations designated such as the local school and when an emergency occurred, they would call the school and activate the emergency plan.

Community Development Director Caldwell explained that this kind of information is included in the Draft Local Hazard Mitigation Plan (LHMP), which is probably 900 +/- pages. He said before final approval of the plan, perhaps the local Office of Emergency Services (OES) could come and make a presentation to the City.

Frank Wilson noted that at the last Redwood Coast Energy Authority (RCEA) meeting he attended, PG&E representatives were present to talk about the power

shutoffs and it was mentioned that the average person would go out, buy a $500 generator at Costco, and will not know how to hook it up and cause a fire. When this happens, there will be a thousand people looking for places to charge their cell phones. He pointed out that if the power were out for more than a day, there would be problems. In addition, solar panels will not work without power because it takes electricity to start the inverter unless it is a battery backup system. As such, there needs to be an emergency shelter designated as a central point for people to go.

Commissioner Angeloff asked what role the Planning Commission has with the LHMP as far as zoning. If the local OES provides a presentation to the City Council, he encouraged the Commissioners to attend.

Community Development Director Caldwell directed the Commissioners attention to page 41 of the packet under Table 2-1 Housing Action and Program Matrix and provided a brief review. He noted that many of the items on the list have already been completed and that he would be getting a copy of Arcata's document and provide it to the Commission to see if they wanted to incorporate any of their language into the city's Housing Element.

Under Table 3-1 Population Change 2011-2019 there was a noted decrease in the City's population from 2018 to 2019 by 25 people.

Commissioner Marks commented that as Code Enforcement efforts increase and grow houses are converted back to residential use that number could change.

Commissioner Millington said that she recalled discussion related to mandatory merging of substandard lots and asked if that provision applies.

Community Development Director Caldwell explained that there was language that encouraged the merging of tiny lots but since the zoning allows for development of 25-foot wide lots, there is no logical reason for merging them, as they are needed to provide affordable housing. He indicated that the language was removed.

Under Table 3-3 Age Distribution by Population, there was a noted increase in the older population between the 200 Census and the 2010 Census with the median age increasing from 35.8 to 38.3 years.

Under Table 3-7 Employment by Industry, it was noted that the only industry where there was notable growth was related to the cannabis industry. It was reported that the ratio between jobs and housing is 1.9% for Rio Dell, which is good.

In summary, staff pointed out the need for an additional 37 above moderate homes and 13 moderate homes by the year 2027.

Community Development Director Caldwell added that St. Joseph Hospital actually purchases higher prices homes to entice doctors to come to Humboldt County.

Commissioner Angeloff suggested the focus be on moderate homes first to try to attract first-time homebuyers and for older people who want to downsize to a smaller home.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported on the forecast for the next meeting and said that CUP and/or Design Review applications for Element 7 and Proper Wellness would be on the agenda.

ADJOURNMENT

The meeting adjourned at 8:02 p.m. to the September 24, 2019 regular meeting.

_____
Nick Angeloff, Chair

Attest:

_____
Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For Meeting of: September 24, 2019

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: September 17, 2019

Subject: Proper Wellness Center; Cannabis Retail Conditional Use Permit
File No. 053-161-021; Case No. CCLUO-CUP 19-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;

2. Open the public hearing, receive public input, close the public hearing and deliberate;

3. Assuming that public testimony is substantially in support of the proposal, find that:

   (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

   (b) The proposed use is consistent with the general plan and any applicable specific plan;

   (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f)The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 141-2019 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

In March of 2019 the City's cannabis regulations were amended to allow cannabis retail sales in the Town Center zone with a Conditional Use Permit.

The Council directed staff to issue a Request For Proposals (RFP) to identify up to three potential retail operators in the Town Center zone. The RFP was released on April 11, 2019. The City received six proposals.

The Council established an Ad Hoc Committee consisting of Mayor Garnes, Council member Woodall, the Community Development Director and the City Manager.

The proposals were evaluated based primarily on the following elements:

- Experience
- Financial Capital
- Interior and Exterior Design
- Business Model/Plan of Operation

The Ad Hoc Committee recommended that Rio Dell Remedies, Element 7 and the Proper Wellness Center be allowed to make application for the required Conditional Use Permit. Element 7 and the Proper Wellness Center have made application.

The Proper Wellness Center is planning on locating in the old Lola's Mexican at 116 Wildwood Avenue.

Attachment 1 includes the Plan of Operations for the proposed uses. The Plan of Operations addresses, employees, traffic, security, waste management, etc. Attachment 2 includes the Site plan and Floor Plans of the building.

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use:

The proposed location is designated Town Center. The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

Pursuant to *Commercial Cannabis Land Use Regulations*, Section 17.30.195(13) of the Rio Dell Municipal Code, retail cannabis sales may be allowed in the Town Center zone with a Conditional Use Permit.

Development Standards

The building is existing and complies with the setback, building height and lot coverage requirements. New buildings and uses are subject to the parking regulations found in Section 17.30.220 of the RDMC. However, pursuant to Section 17.30.220(16)(a)(i) exempts existing structures located on Wildwood Avenue south of Davis Street from requiring additional parking spaces. Where land is available for on-site parking, staff recommends that parking be required.

The applicant is obligated and is proposing one ADA compliant parking space with an improved path of travel from the space to the entry to the building. In addition, the applicant is proposing four additional parking spaces. The project has been conditioned accordingly. **See Exhibit A.**

Pursuant to Section 17.30.190(17) the spaces must be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works. In addition, the parking spaces must be clearly delineated with white, four-inch wide lines painted on the parking surface or with alternative materials as approved by

the Director of Public Works. The striping must be continuously maintained in a clear and visible manner in compliance with the approved plans. Concrete wheel stops or comparable wheel stops approved by the Public Works Director must be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space. The project has been conditioned accordingly. **See Exhibit A.**

The driveway is existing. However, the driveway approach bisects two parcels, actually four Assessor Parcel Numbers (APN's). Please refer to the Site Plan. Staff is recommending that the owner of the parcels grant an access easement as part of the lease agreement to the Proper Wellness Center to allow them and their customers to access to the parking spaces. The project has been conditioned accordingly. **See Exhibit A.**

Any proposed signing shall comply with the City's sign regulations. The project has been conditioned accordingly. **See Exhibit A.**

Based on the information submitted and recommended conditions of approval staff recommends that the proposed uses be found to be consistent with the development standards of the Town Center zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 of the Rio Dell Municipal Code.

Cannabis Retail Performance Standards

Cannabis Retail Sales, Section 17.30.190(13) RDMC

Again, retail cannabis sales are allowed in the Town Center zone with a Conditional Use Permit. Of course the operators are also required to comply with all State regulations as well.

Section 17.30.190(7)(b) of the RDMC requires that all cannabis activities must be at least 600 feet from any school. The proposed location complies with the provision.

Section 17.30.190(7)(p) of the RDMC and State regulations require a video surveillance system. The applicant is proposing a surveillance system consistent with our local and State regulations. The project has been conditioned that the system be maintained and upgraded as required by changes in State law. The project has been conditioned accordingly. **See Exhibit A.**

Below is a copy of the Security Performance Standards that apply to retail cannabis sales. Most if not all the standards are based on the State's requirements.

A Video Surveillance System as required by Section 5044 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.

(ii) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.

(iii) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (iv) of this section.

(iv) Areas that shall be recorded on the video surveillance system include the following:

(1) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
(2) Limited-access areas;
(3) Security rooms;
(4) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
(5) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(v) Licensed retailers authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(vi) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(vii) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(viii) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(ix) Surveillance recordings are subject to inspection by the City, and shall be kept in a manner that allows the City to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the City upon request within the time specified by the City.

(x) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(xi) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(xii) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.
(2) Each applicant or licensee shall include in their security operating procedures, submitted with the application an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.
(3) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection (i) of this section.
(4) All licensees shall be held responsible and subject to discipline for any violations of the video surveillance requirements.

Limited-Access areas as defined herein shall comply with the following standards:

(i) Licensees shall ensure that only employees of the licensee and other authorized individuals access the limited-access areas of the licensed premises.

(ii) For the purpose of this section, authorized individuals include outside vendors, contractors, or other individuals conducting business that requires access to the limited-access areas.

(iii) An individual who enters the limited-access area and is not employed by the licensee shall be escorted by an employee of the licensee at all times while within the limited-access area.

(iv) A licensee shall maintain a record of all authorized individuals who are not employees of the licensee who enter the limited-access areas. The record shall include the name of the individual, the company the individual works for, the reason the individual entered the limited-access area, the date, and the times the individual entered and exited the limited-access area. These records shall be made available to the Bureau immediately upon request.

(v) A licensee shall not receive consideration or compensation for permitting an individual to enter the limited-access areas.

Entrances to all limited-access areas shall have a solid door and a lock meeting the requirements of section 5046 of the California Code of Regulations (CCR). The door shall remain

closed when not in use during regular business hours. A licensee shall ensure that the limited-access areas described in section 5042 of the California Code of Regulations (CCR) can be securely locked using commercial-grade, nonresidential door locks. A licensee shall also use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises.

An Alarm System as required by Section 5047 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

(ii) A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

(iii) Upon request, a licensee shall make available to the City all information related to the alarm system, monitoring, and alarm activity.

(iv) If multiple licensed premises are contained within the same building, a single alarm system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each licensee shall include in their security operating procedures, submitted with the application an explanation of how the alarm system will be shared, including who is responsible for contracting with the alarm company.
(2) All licensees shall have access to and be able to provide the information under subsection (iii) of this section.
(3) All licensees shall be held responsible and subject to discipline for any violations of the alarm system requirements.

Employee Badge Requirement: All agents, officers, or other persons acting for or employed by a licensee shall display a laminated or plastic-coated identification badge issued by the licensee at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.

Customer access to the licensed premises of a retailer with only an A-designation shall be limited to individuals who are at least 21 years of age.

Customer access to the licensed premises of a retailer with only an M-designation shall be limited to individuals who are at least 18 years of age and have a valid physician's

recommendation for medicinal cannabis, and individuals who are at least 21 years of age. Customer access to the licensed premises of a retailer with both an A- designation and an M-designation may include persons identified in subsections (b) and (c) of this section.

Individuals shall be granted access to the retail area to purchase cannabis goods only after the retailer or an employee of the retailer has confirmed the individual's age and identity.

The licensed retailer or at least one employee shall be physically present in the retail area at all times when individuals who are not employees of the licensed retailer are in the retail area.

All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery.

A licensed retailer shall only sell adult-use cannabis goods to individuals who are at least 21 years of age after confirming the customer's age and identity by inspecting a valid form of identification provided by the customer as required by subsection (j) of this section.

A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18 years of age and possesses a valid physician's recommendation after confirming the customer's age, identity, and physician's recommendation as required by subsection (j) of this section.

Acceptable forms of identification include the following:

> (i) A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, height, gender, and photo of the person;
>
> (ii) A valid identification card issued to a member of the Armed Forces that includes the person's name, date of birth, and photo; or
>
> (iii) A valid passport issued by the United States or by a foreign government.

A licensed retailer shall sell and deliver cannabis goods only between the hours of 9:00 a.m. Pacific Time and 8:00 p.m. Pacific Time.

Cannabis goods for inspection and sale shall only be displayed in the retail area.

Cannabis goods may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of retailer personnel. A container must be provided to the customer by the licensed retailer or its employees, who shall remain with the customer at all times that the container is being inspected by the customer.

Cannabis goods removed from their packaging for display shall not be sold, shall not be consumed, and shall be destroyed pursuant to section 5054 of the California Code of Regulations when the cannabis goods are no longer used for display.

A licensed retailer shall not make any cannabis goods available for sale or delivery to a customer unless:

(i) The cannabis goods were received by the retail licensee from a licensed distributor or licensed microbusiness authorized to engage in distribution;

(ii) The licensed retailer has verified that the cannabis goods have not exceeded their best-by, sell-by, or expiration date if one is provided;

(iii) In the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13;

(iv) The cannabis goods have undergone laboratory testing as required by the Act;

(v) The batch number is labeled on the package of cannabis goods and matches the batch number on the corresponding certificate of analysis for regulatory compliance testing;

(vi) The packaging and labeling of the cannabis goods complies with Business and Professions Code Section 26120 and all applicable regulations within the California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13.

In addition to cannabis goods, a licensed retailer may sell only cannabis accessories as defined by Section 11018.2 of the California Health and Safety Code and licensee's branded merchandise. Licensed retailers may provide customers with promotional materials.

A licensed retailer shall only sell live, immature cannabis plants and cannabis seeds if all of the following requirements are met:

(i) The plant is not flowering;

(ii) The plant or seed originated from a nursery that holds a valid license from the Department of Food and Agriculture or a licensed microbusiness authorized to engage in cultivation;

(iii) A label is affixed to the plant or package containing any seeds which states "This product has not been tested pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act."

A licensed retailer may not sell any other live plants;

A licensed retailer shall not apply nor use any pesticide, nor cause any pesticide to be applied nor used, on live plants.

A licensed retailer shall not sell more than the amounts to a single adult use customer or a single medicinal cannabis patient or to a patient's primary caregiver purchasing medicinal cannabis on behalf of the patient in a single day than the amounts identified in Section 5409 of the California Code of Regulations.

A licensed retailer shall only accept customer returns as allowed by Section 5410 of the California Code of Regulations.

Except as provided by Section 5411(b) *et. seq.* of the California Code of Regulations a licensed retailer shall not provide free cannabis goods to any person and shall not allow individuals who are not employed by the licensed retailer to provide free cannabis goods to any person on the premises.

A licensed retailer shall not accept, posses or sell cannabis goods that are not packaged as they will be sold at final sale, nor shall a licensed retailer package or label cannabis goods, except as provided by Section 5412(c) of the California Code of Regulations.

All cannabis goods sold by a licensed retailer shall be in compliance with the packaging and exit packaging requirements found in Section 5413 of the California Code of Regulations.

All deliveries of cannabis goods shall be in compliance with Sections 5415, 5415.1, 5416, 5417, 5418, 5419, 5420 and 5421 of the California Code of Regulations.

A licensed retailer shall comply with Section 5422, Receiving Shipments of Inventory, Section 5423, Inventory Documentation, Section 5424, Inventory Reconciliation, Section 5426, Records and Section 5427, Retailer Premises to Retailer Premises Transfer of the California Code of Regulations.

Again, all of the above requirements must be met before the State will approve and issue the State license. Staff has conditioned the project on compliance with all the above requirements and with current and future State regulations as amended. **See Exhibit A.**

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Town Center. The use would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Town Center designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

Based on information on file, and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the nature of the project, including the proposed operating protocols and recommended

conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a ***significant*** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the projects will have a ***significant*** effect on the environment.

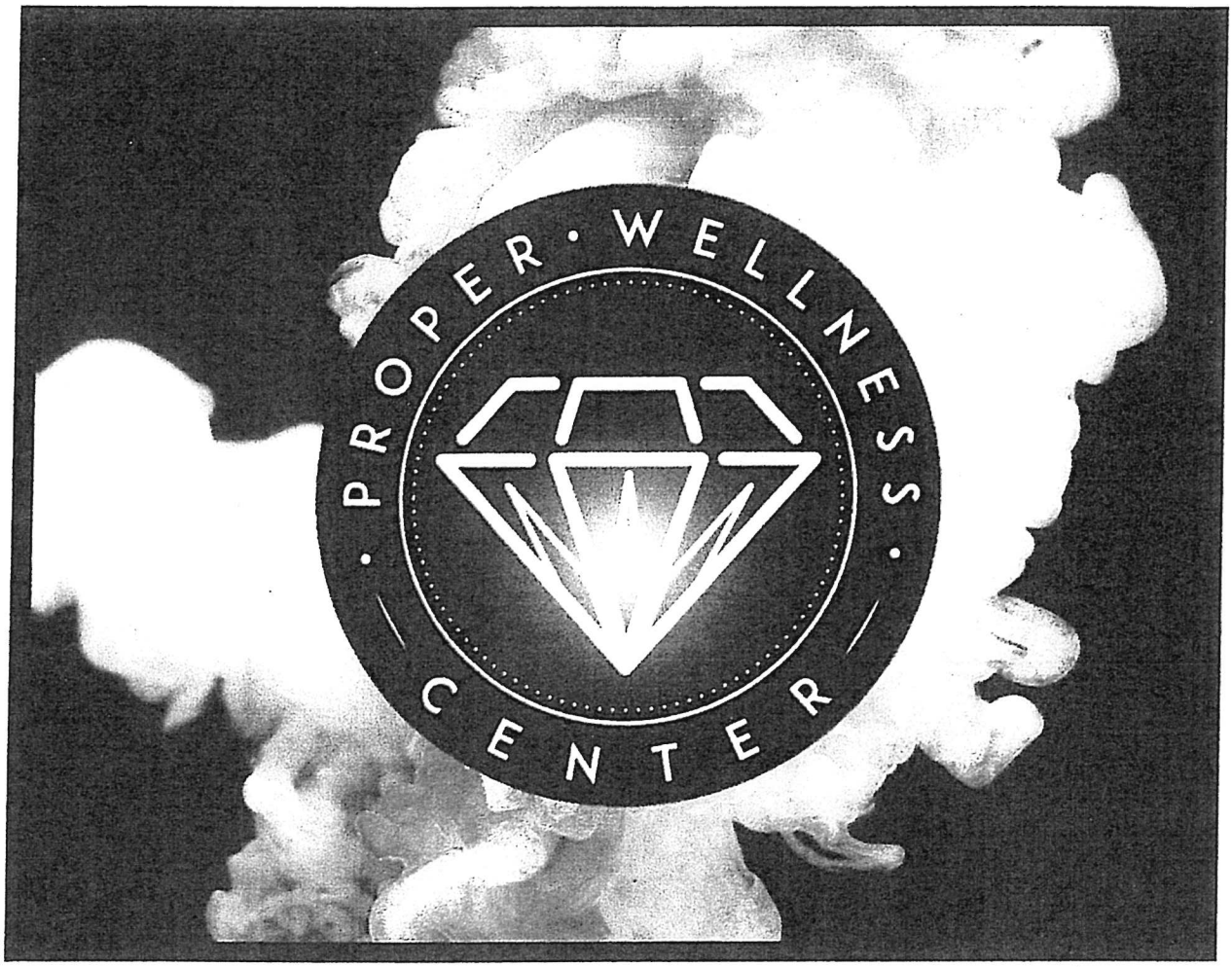
Attachments:

Attachment 1: Plan of Operations.

Attachment 2: Site Plan and Floor Plan.

Attachment 3: Exhibit A, Conditions of Approval.

Attachment 4: Resolution No. PC 141-2019.



Rio Dell Cannabis Retail Application

Proper Wellness Center

Proper Wellness Inc.
707-630-1142
properwellnesscenter@gmail.com

ATTACHMENT 1

Table of Contents

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Section 3: Security Plan	**page 7**
Section 4: Waste Management/Disposal Plan	**page 7**

THIS IS A CONFIDENTIAL DOCUMENT, IT IS NOT TO BE SHARED NOR DISCUSSED WITHOUT WRITTEN CONSENT FROM PROPER WELLNESS CENTER OWNERS.

APPLICATION FORM

City of Rio Dell Community Development Department
675 Wildwood Avenue • Rio Dell, CA. 95562 • (707) 764-3532 • Fax (707) 764-5480

INSTRUCTIONS;

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule a Pre-Application meeting with the Community Development Department. A minimal fee is required for the meeting. This is not a mandatory meeting, however, Pre-Application meeting will identify potential issues associated with the project and could help avoid processing delays.
3. Applicant/Agent must submit all marked items on the **reverse side** of this form.

SECTION I

APPLICANT (Project will be processed under the Business name, if applicable.)

Business Name: Proper Wellness Center
Contact Person: Tara Gurley
Mailing Address: 517 5th St
City, St, Zip: Eureka CA 95501
Phone: 707-630-1142 Fax:
Email: Properwellnesscenter@gmail.com

AGENT (Communications from the City will be directed to agent.)

Business Name:
Contact Person:
Mailing Address:
City, St, Zip:
Phone: Fax:
Email:

OWNER(S) OF RECORD (If different from applicant.)

Owner's Name: Tara Gurley
Mailing Address: Pobox 1384
City, St, Zip: Blue Lake 95525
Phone: 707-630-1142 Fax:
Email: Properwellnesscenter@gmail.com

Owner's Name: Simone Major
Mailing Address: 517 5th St
City, St, Zip: Eureka Ca 95501
Phone: 707-498-1945 Fax:
Email: Simoneproperwellness@gmail.com

PROJECT LOCATION

Address: 116 Wildwood Ave Rio Dell Ca
Parcel Size (acres or sq. ft.)
Assessor Parcel Number(s)

SECTION II

PROJECT DESCRIPTION Describe the proposed project (attach additional sheets if necessary)

Proper Wellness Center hopes to open its second location in Rio Dell. We hope to offer a tasteful and high end store offering locals access to best cannabis from Humboldt and beyond.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the City of Rio Dell to process this application for a development permit and further authorize the City of Rio Dell and employees of the California Department of Fish and Game to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed, and may result in denial or revocation of approvals. I further acknowledge that the applicant is responsible to pay 100% of all actual costs based on the City current hourly burdened rates. If processing costs exceed 80% of the deposit, an additional deposit will be required to continue processing the application. The City will not commence with the processing of any application or consultation unless accounts owed the City are paid in full.

Applicant's Signature — Date: July 30th 2015

If the applicant is not the owner of record: I hereby authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

Owner of Record Signature — Date

Owner of Record Signature — Date

THIS SIDE TO BE COMPLETED BY STAFF
THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE APPLICATION
ADDITIONAL INFORMATION MAY BE REQUIRED BASED ON REFERRAL AGENCY COMMENTS

- ☑ Deposit/Filing Fee **$ 2,500.00**
- ☐ Fee Schedule
- ☑ Plot Plan ☐ 6 copies ☑ 10 copies
- ☐ Tentative Map ☐ 10 copies ☐ 15 copies
- ☑ Tentative Map/Plot Plan Checklist
- ☐ Preliminary Title Report (two copies prepared within six months of the time of application)
- ☐ Lot Book Guarantee (two copies prepared within six months of the time of application)
- ☑ Current Grant Deed
- ☐ Creation Deed
- ☐ Chain of Title
- ☐ Check made payable to the County of Humboldt for $ _____ for Soils/Septic Review.

- ☐ Archaeological/Cultural Resources Survey
- ☐ Biological Assessment
- ☑ Building Elevations
- ☐ Construction Plans
- ☑ Drainage/Hydraulics Study (3 "wet" signed copies)
- ☐ General Plan Consistency Justification
- ☑ Landscaping Plan
- ☑ Lighting/Photometric Plan
- ☑ Parking Plan
- ☑ Plan of Operation
- ☐ Public Interest Justification
- ☐ Soils/Geologic Report (3 "wet" signed copies)
- ☑ Soils/Septic Information (3 "wet" signed copies)
- ☐ Traffic Study (3 "wet" signed copies)
- ☐ Variance Justification
- ☐ Other _____

PROJECT TYPE (TO BE COMPLETED BY STAFF)

- ☐ Appeal ☐ City Council ☐ Planning Commission
- ☐ Certificate of Compliance
- ☑ Conditional Use Permit ☐ Extension
- ☐ Design Review ☐ Extension
- ☐ Final Map Subdivision ☐ Extension
- ☐ Parcel Map Subdivision ☐ Extension
- ☐ Preliminary Review
- ☐ Information Request
- ☐ Substantial Conformance Review

- ☐ General Plan Amendment ☐ Extension
- ☐ Zone Reclassification ☐ Extension
- ☐ Text Amendment ☐ Extension
- ☐ Preliminary Review
- ☐ Lot Line Adjustment ☐ Extension
- ☐ Parcel Merger
- ☐ Variance ☐ Extension
- ☐ Project Modification
- ☐ Other _____

Application Received By: _____ Date: _____ Receipt #: _____

General Plan Designation: _____ Zoning Designation: _____

Preliminary CEQA Status

- ☐ Environmental Review Required
- ☐ Categorically Exempt Class: _____ Section: _____
- ☐ Statutorially Exempt Class: _____ Section: _____
- ☐ Not a Project

Proper Wellness Center Retail Store Front Facility Rio Dell

1. Plan of Operations

a. Name of Business

Proper Wellness Center

b. Ownership Structure

The corporation Proper Wellness Inc. was established in 2018 to operate the original Proper Wellness Center at 517 5th St. in Eureka, CA. Founders Tara Gurley, Simone Mellor, and Matthew Bengtson are the owner operators.

c. Marketing Strategy

Proper Wellness Center's Marketing Strategy

i. PWC will advertise through Social Media, Radio, Television, Billboards, word of mouth and at local community events where cannabis can be promoted.

ii. PWC is focused on promoting a healthy lifestyle. PWC will promote CBD products like soaps and lotions and connecting the community of healers by promoting local healers and instructors, (yoga, massage, aromatherapy) who want to partner their practice with cannabis medicine.

iii. PWC's target audience will be a consumer looking for the best cannabis products available in Humboldt. We will cater to the needs of the individual as well as promoting a united community striving for healthy lifestyles and alternative healing along with conscious farming practices. iv. Hypothetical customers

1. Late 20's - 40's Woman seeking CBD for mental stress or skin related ailments. We would carry a large selection of CBD products like soaps, salves, edible body butters and CBD vaporizers.

2. A 50-80+ Elderly male or female suffering from joint pain or physical strain. PWC would carry a variety of edibles, topicals and vaporizers as well as dry herb that would cater to the needs of these customers.

3. Young male 20-40's Recreational user, looking for high grade, pesticide free dry cannabis and concentrates.

4. 21+, this customer would be someone who has never considered cannabis as a medicine or recreational product. The atmosphere at Proper Wellness Center will be inviting and welcoming to all.

d. Business Management Strategy

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i. Staff Recruitment

Proper Wellness Center will have an extensive screening process that includes no less than 5 personal and 5 business references for each employee. Sales Staff will be hired by qualification and experience. Security staff, store managers and transportation drivers will have a live scan done at Eureka Police Department. All transportation drivers will have to provide a driving record from the DMV that will be reviewed personally by store manager and owner.

j. California Labor Laws

Proper Wellness Center is using a staffing agency like Dark Staffing Solutions to ensure we adhere to all state laws. Employees will be on a rotating schedule that will ensure proper breaks and prevent too many consecutive work days for any employee.

k. Financial Accounting

Proper Wellness Center will hire professionals to assist in the set up of payroll and inventory operations. An agency like Dark Staffing Solutions will manage employee wages. Proper Wellness Center will have daily and weekly sales reports, bi-weekly payroll as well as monthly payouts for suppliers.

l. Inventory Control

Proper Wellness Center offers shelf space to local farms and manufacturing facilities to display their product. The stockroom will be managed by the store manager and the choosing of products will be handled by product specialist. All products will be displayed and promoted with the oldest being sold first and restocked with the fresh product after all the older stock has been sold. A Point of Sale system will be used in the store by all sales associates and managers. Sales reports will be reviewed to acknowledge any patterns or trends and future orders to suppliers will reflect those findings. All inventory will be carefully accounted for and any sales or movement of product from stock to shelf will be documented daily.

m. Legal Compliance and Experience

Proper Wellness Center will meet all state and local requirements for the retail license. With memberships and relationships with businesses like Humboldt County Growers Alliance, Proper Wellness Center will be sure to stay informed on all changing regulations and comply. All packaging of product will meet legal requirements.

Proper Wellness Center has already established a transportation company, Proper Cannabis Association, and a retail facility in Eureka which has also been granted a state permit. We also have completed the Eureka Cannabis Retail RFP from 2018 and held our ribbon cutting March 2

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2. Physical Description

a. Exterior Description

Proper Wellness Center is located in the Town Center of Rio Dell, CA. Proper Wellness Center is located near many prime restaurants, coffee shops and clothing boutiques. The outside of the Proper Wellness Center is clean and inviting, large windows open to reception area. Security cameras are present outside all entries to ensure the safety of the consumer and the product.

b. Interior Description

Proper Wellness Center is an open and inviting space with natural light and wood accents. We hope to provide an elevated and educated experience to each customer and clean design will allow for the products and brands to be presented in an appealing way. Our location in Eureka has a reception area and security door onto the sales floor allowing for safe and private shopping. Each customer can browse the selection in the case or speak directly with a consultant to discover the menu. Our current location offers wall space and shelving for brands and even has a featured brand wall with 10 Humboldt County Boutique Cultivators all where clients can view them in a lovely large elegant display with local redwood and iron fixtures. The floors are hardwood and cases are glass with lighting to showcase the products.

c. Experience of Customers

The customer experience is priority number one at Proper Wellness Center. When customers enter Proper Wellness Center they are greeted by our door staff who check their ID and instruct them to the reception counter where a brief customer form is filled out. There is bottled water and other complementary items available upon entry as well as seating for waiting customers. Also in the reception area, there is tasteful promotional materials from surrounding businesses and our local suppliers. There is information on farm tours, hotels, restaurants, local events and other Humboldt County businesses.

Customers are granted access in a timely manner after they have been seen by reception desk and a cannabis consultant is free to greet them at the sales counter. When the customer is buzzed through the secure door, they see the sales counter with products displayed throughout the space on shelves on the wall as well as under the counter. They will meet the cannabis consultant at the counter and they will be asked if they are medical or recreational and what products they are interested in that day. The cannabis consultant will also make educated suggestions of products we have available and can also refer customer to local massage therapist and other services within the community that are specific to their needs and desires. Once the customer has decided on a purchase the cannabis consultant will ring the sale up on a Point of Sale system. Product is tastefully bagged and customer given receipt of sale.

Some of the additional services we intend to offer are personalized herbal product creation,

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Proper Wellness Center will have labeled, secure, restricted access areas. A secure retail area for guest would be created as well with the addition of counters and shelving units. The area behind the counter where product is displayed and kept will be restricted to employees only. Another secure door will be added to separate employee area from sales floor. A secure stock room would be created in the rear portion of the building. All restricted access areas will have a log to document incoming and outgoing traffic. Authorized individuals will be required to sign in and where a visitors badge.

To secure the location, commercial-grade nonresidential door locks and commercial security doors will be installed. Security cameras and a security system would be installed inside and outside of building.

b. Video Surveillance

The Bureau of Cannabis Control requires 24/7 video surveillance recording, and storage for a minimum of 90 days. Proper Wellness Center will install a video surveillance system that records at a minimum resolution of 1280 x 720 pixels and a minimum of 15 frames per second. Proper Wellness Center will adhere to all state and local requirements in installation and maintenance of the video surveillance system.

c. Security Personnel

Proper Wellness Center will have a licensed guard on site during all hours of operation.

d. Alarm System

Proper Wellness Center will have a licensed alarm company install, monitor, maintain and respond to the location's alarm. A minimum of 3 panic buttons will be installed at the location.

e. Robbery Emergency Response

Please see included Robbery Emergency Response Packet.

4. Waste Management/Disposal Plan

a. Location Description

Proper Wellness Center will be a storefront retail facility. We will use non-toxic cleaning supplies, stored in the supply closet outside of customer access. We will dispose of our recycling and landfill waste appropriately, while recycling as much as allowed. Proper Wellness Center will partner with Cann-a-Cycle so customers can drop off product packaging on site for Cann-a-Cycle to collect and utilize appropriately.

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EXHIBIT A

Conditions of Approval
Proper Wellness Center Conditional Use Permit
File No. 053-161-021; Case No. CCLUO-CUP 19-01

Conditions of Approval

1. Security Plan: A Video Surveillance System as required by Section 5044 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.

(ii) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.

(iii) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (iv) of this section.

(iv) Areas that shall be recorded on the video surveillance system include the following:

(6) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
(7) Limited-access areas;
(8) Security rooms;
(9) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
(10) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(v) Licensed retailers authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(vi) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(vii) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(viii) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(ix) Surveillance recordings are subject to inspection by the City, and shall be kept in a manner that allows the City to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the City upon request within the time specified by the City.

(x) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(xi) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(xii) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(5) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.
(6) Each applicant or licensee shall include in their security operating procedures, submitted with the application an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.
(7) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection (i) of this section.
(8) All licensees shall be held responsible and subject to discipline for any violations of the video surveillance requirements.

2. Records and Reporting

Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

(a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.

(b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.

(c) All records related to commercial cannabis activity are subject to inspection by the City.

(d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.

(e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:

(1) City and State issued permits and license(s);

(2) Plan of Operations;

(3) All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;

(4) Any supporting documentation for data or information input into the track-and-trace system;

(5) Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;

(6) Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;

(7) Training records, including but not limited to the content of the training provided and the names of the employees that received the training;

(8) Contracts with other state licensed medical cannabis businesses;

(9) Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;

(10) Security records; and

(11) Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

(1) Records shall be legible; and

(2) Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

3. Operating Conditions: Employee Badge Requirement: All agents, officers, or other persons acting for or employed by a licensee shall display a laminated or plastic-coated identification badge issued by the licensee at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.

Customer access to the licensed premises of a retailer with only an A-designation shall be limited to individuals who are at least 21 years of age.

Customer access to the licensed premises of a retailer with only an M-designation shall be limited to individuals who are at least 18 years of age and have a valid physician's recommendation for medicinal cannabis, and individuals who are at least 21 years of age. Customer access to the licensed premises of a retailer with both an A- designation and an M-designation may include persons identified in subsections (b) and (c) of this section.

Individuals shall be granted access to the retail area to purchase cannabis goods only after the retailer or an employee of the retailer has confirmed the individual's age and identity.

The licensed retailer or at least one employee shall be physically present in the retail area at all times when individuals who are not employees of the licensed retailer are in the retail area.

All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery.

A licensed retailer shall only sell adult-use cannabis goods to individuals who are at least 21 years of age after confirming the customer's age and identity by inspecting a valid form of identification provided by the customer as required by subsection (j) of this section.

A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18 years of age and possesses a valid physician's recommendation after confirming the customer's age, identity, and physician's recommendation as required by subsection (j) of

this section.

Acceptable forms of identification include the following:

(i) A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, height, gender, and photo of the person;

(ii) A valid identification card issued to a member of the Armed Forces that includes the person's name, date of birth, and photo; or

(iii) A valid passport issued by the United States or by a foreign government.

A licensed retailer shall sell and deliver cannabis goods only between the hours of 9:00 a.m. Pacific Time and 8:00 p.m. Pacific Time.

Cannabis goods for inspection and sale shall only be displayed in the retail area.

Cannabis goods may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of retailer personnel. A container must be provided to the customer by the licensed retailer or its employees, who shall remain with the customer at all times that the container is being inspected by the customer.

Cannabis goods removed from their packaging for display shall not be sold, shall not be consumed, and shall be destroyed pursuant to section 5054 of the California Code of Regulations when the cannabis goods are no longer used for display.

A licensed retailer shall not make any cannabis goods available for sale or delivery to a customer unless:

(i) The cannabis goods were received by the retail licensee from a licensed distributor or licensed microbusiness authorized to engage in distribution;

(ii) The licensed retailer has verified that the cannabis goods have not exceeded their best-by, sell-by, or expiration date if one is provided;

(iii) In the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13;

(iv) The cannabis goods have undergone laboratory testing as required by the Act;

(v) The batch number is labeled on the package of cannabis goods and matches the batch number on the corresponding certificate of analysis for regulatory compliance testing;

(vi) The packaging and labeling of the cannabis goods complies with Business and Professions Code Section 26120 and all applicable regulations within the California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13.

In addition to cannabis goods, a licensed retailer may sell only cannabis accessories as defined by Section 11018.2 of the California Health and Safety Code and licensee's branded merchandise. Licensed retailers may provide customers with promotional materials.

A licensed retailer shall only sell live, immature cannabis plants and cannabis seeds if all of the following requirements are met:

(i) The plant is not flowering;

(ii) The plant or seed originated from a nursery that holds a valid license from the Department of Food and Agriculture or a licensed microbusiness authorized to engage in cultivation;

(iii) A label is affixed to the plant or package containing any seeds which states "This product has not been tested pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act."

A licensed retailer may not sell any other live plants;

A licensed retailer shall not apply nor use any pesticide, nor cause any pesticide to be applied nor used, on live plants.

A licensed retailer shall not sell more than the amounts to a single adult use customer or a single medicinal cannabis patient or to a patient's primary caregiver purchasing medicinal cannabis on behalf of the patient in a single day than the amounts identified in Section 5409 of the California Code of Regulations.

A licensed retailer shall only accept customer returns as allowed by Section 5410 of the California Code of Regulations.

Except as provided by Section 5411(b) *et. seq.* of the California Code of Regulations a licensed retailer shall not provide free cannabis goods to any person and shall not allow individuals who are not employed by the licensed retailer to provide free cannabis goods to any person on the premises.

A licensed retailer shall not accept, posses or sell cannabis goods that are not packaged as they will be sold at final sale, nor shall a licensed retailer package or label cannabis goods, except as provided by Section 5412(c) of the California Code of Regulations.

All cannabis goods sold by a licensed retailer shall be in compliance with the packaging and exit packaging requirements found in Section 5413 of the California Code of Regulations.

All deliveries of cannabis goods shall be in compliance with Sections 5415, 5415.1, 5416, 5417, 5418, 5419, 5420 and 5421 of the California Code of Regulations.

A licensed retailer shall comply with Section 5422, Receiving Shipments of Inventory, Section 5423, Inventory Documentation, Section 5424, Inventory Reconciliation, Section 5426, Records and Section 5427, Retailer Premises to Retailer Premises Transfer of the California Code of Regulations.

4. All signage shall comply with the City's Sign regulations, Section 17.30.300 of the Rio Dell Municipal Code.

5. The applicant shall provide one ADA compliant parking space and path of travel from the parking space to the entrance of the building.

6. All parking spaces and maneuvering areas shall be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works.

7. The parking spaces must be clearly delineated with white, four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works. The striping must be continuously maintained in a clear and visible manner in compliance with the approved plans.

8. Concrete wheel stops or comparable wheel stops approved by the Public Works Director must be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space. .

9. The owner of the parcels shall grant an access easement as part of the lease agreement to the Proper Wellness Center to allow them and their customers to access to the parking spaces.

10. Community Relations: Each medical cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer

members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

11. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

12. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

13. The operations shall comply with all local and State regulations at all times.

RESOLUTION NO. PC 141-2019

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE PROPER WELLNESS CENTER CANNABIS RETAIL SALES CONDITIONAL USE PERMIT.

WHEREAS in March of 2019 the City's cannabis regulations were amended to allow cannabis retail sales in the Town Center zone with a Conditional Use Permit.
; and

WHEREAS the Proper Wellness Center has made application for a Conditional Use Permit to allow cannabis retail sales at 116 Wildwood Avenue; and

WHEREAS based on the information submitted, staff recommends that the Planning Commission approve the applicant's request; and

WHEREAS the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the project modification is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a ***significant*** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the project modification will have a ***significant*** effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell, finds

(a) The proposed use and modification is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

(b) The proposed use and modification is consistent with the general plan and any applicable specific plan;

(c) The design, location, size, and operating characteristics of the proposed activitiies are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of uses being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the modification would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit modification has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell, approves the applicant's Conditional Use Permit application for cannabis retail sales as allowed by local regulations and State law.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on September 24, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 141-2019 adopted by the Planning Commission of the City of Rio Dell on September 24, 2019.

_____
Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For Meeting of: September 24, 2019

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: September 17, 2019

Subject: Element 7; Cannabis Retail Conditional Use Permit & Design Review
File No. 053-141-050; Case No. CCLUO-CUP 19-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;

2. Open the public hearing, receive public input, close the public hearing and deliberate;

3. Assuming that public testimony is substantially in support of the proposal, find that:

   (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

   (b) The proposed use is consistent with the general plan and any applicable specific plan;

   (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Design Review

- The proposed project is consistent with the applicable Zoning regulations and complies with the applicable "Guiding Principles and Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC); and

- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

- The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 142-2019 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

In March of 2019 the City's cannabis regulations were amended to allow cannabis retail sales in the Town Center zone with a Conditional Use Permit.

The Council directed staff to issue a Request For Proposals (RFP) to identify up to three potential retail operators in the Town Center zone. The RFP was released on April 11, 2019. The City received six proposals.

The Council established an Ad Hoc Committee consisting of Mayor Garnes, Council member Woodall, the Community Development Director and the City Manager.

The proposals were evaluated based primarily on the following elements:

- Experience
- Financial Capital
- Interior and Exterior Design
- Business Model/Plan of Operation

The Ad Hoc Committee recommended that Rio Dell Remedies, Element 7 and the Proper Wellness Center be allowed to make application for the required Conditional Use Permit. The City Council concurred. Element 7 and the Proper Wellness Center have made application.

Element 7 is planning on occupying 307 Wildwood Avenue. The applicant is proposing some exterior modifications, including removing the front porch, two roof line changes, new windows and siding treatments. See Design Review discussion.

Attachment 1 (binder) includes the Plan of Operations for the proposed uses. The Plan of Operations addresses, employees, traffic, security, waste management, etc.

Proposed modifications include removing the front porch, two roof line changes, new windows and siding treatment.

Retail Cannabis Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use:

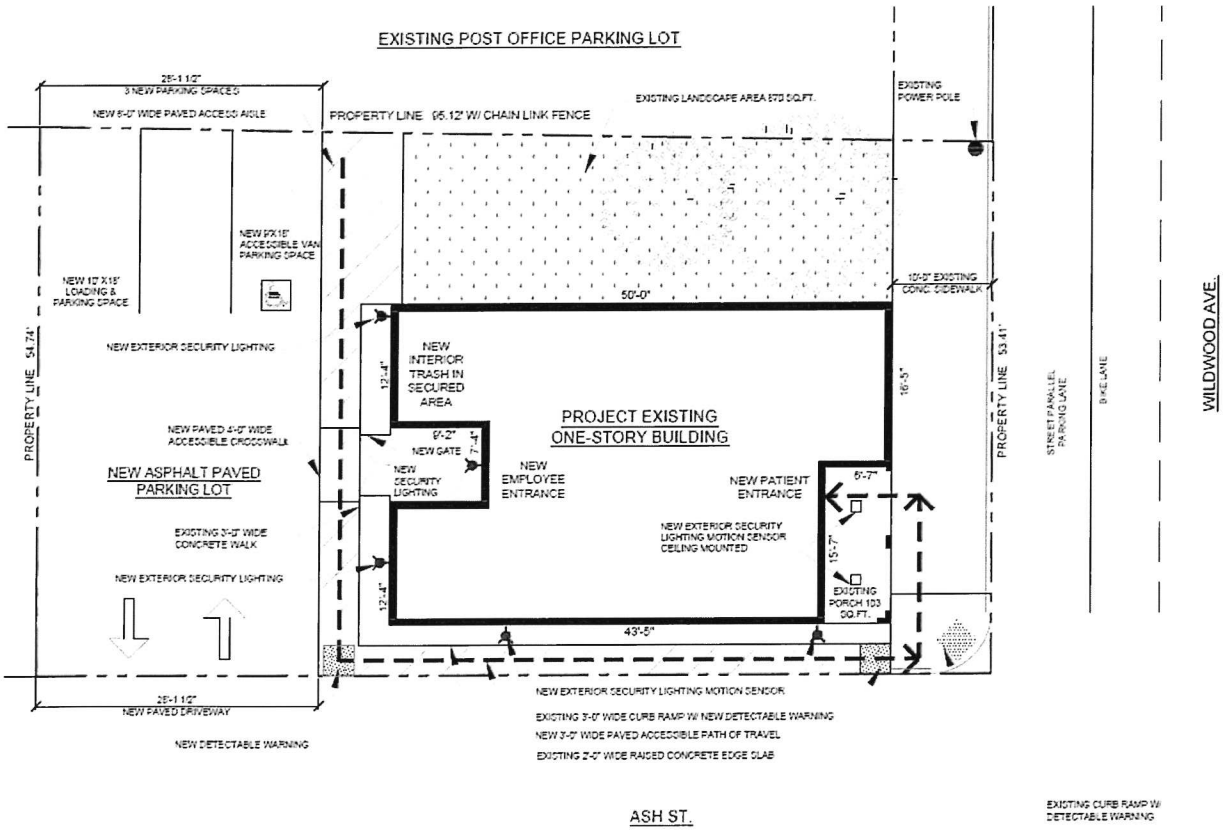
The proposed location is designated Town Center. The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

Pursuant to *Commercial Cannabis Land Use Regulations*, Section 17.30.195(13) of the Rio Dell Municipal Code, retail cannabis sales may be allowed in the Town Center zone with a Conditional Use Permit.

Development Standards

The building is existing and complies with the setback, building height and lot coverage requirements. New buildings and uses are subject to the parking regulations found in Section 17.30.220 of the RDMC. However, pursuant to Section 17.30.220(16)(a)(i) exempts existing structures located on Wildwood Avenue south of Davis Street from requiring additional parking spaces. Where land is available for on-site parking, staff recommends that parking be required.

The applicant is obligated and is proposing one ADA compliant parking space with an improved path of travel from the space to the entry to the building. In addition, the applicant is proposing two additional parking spaces. The proposed parking is to be located behind the building and accessed off of Ash Street. Staff is recommending that in addition to the new parking area that the portion of the parcel along Ash Street be improved with curb gutter and sidewalk. The project has been conditioned accordingly. **See Exhibit A.**



Pursuant to Section 17.30.190(17) the spaces must be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works. In addition, the parking spaces must be clearly delineated with white,

four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works. The striping must be continuously maintained in a clear and visible manner in compliance with the approved plans. Concrete wheel stops or comparable wheel stops approved by the Public Works Director must be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space. The project has been conditioned accordingly. **See Exhibit A.**

The applicant is also required to provide bicycle parking. Section 17.30.180(19) of the RDMC identifies the bicycle parking requirements. The number of required bicycle spaces required is based on the number of required parking spaces. As such, the applicant is required to provide 3 bicycle parking spaces or racks. Staff has conditioned the project to require 3 bicycle parking spaces or racks. **Please see Exhibit A.**

Section 17.30.180(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The submitted site does not identify the required curbing. The project has been conditioned accordingly. **Please refer to Exhibit A**.

Section 17.30.180 (11)(b)(i) requires that driveways for commercial projects be a minimum of 25 feet wide. The project has been conditioned accordingly. **Please refer to Exhibit A**

Sections 17.30.180(12), (13) and (14) of the RDMC identifies parking area landscape requirements. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. Staff is recommending that the landscaping plan be required as a condition of approval. The landscaping must be maintained in a healthy condition. The project has been conditioned accordingly. **Please refer to Exhibit A**

Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, it is a City policy that there is no net increase in stormwater runoff during a 25 year storm event as a result of a project. The incorporation of detention/retention facilities and bio swales is consistent with the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2. Staff is recommending that the project be conditioned to incorporate detention/retention basins design to accommodate a 25 year storm event. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoin properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The project has been conditioned accordingly. **Please refer to Exhibit A**

Any proposed signing shall comply with the City's sign regulations. The project has been conditioned accordingly. **See Exhibit A.**

Based on the information submitted and recommended conditions of approval staff recommends that the proposed uses be found to be consistent with the development standards of the Town Center zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 of the Rio Dell Municipal Code.

Cannabis Retail Performance Standards

Cannabis Retail Sales, Section 17.30.190(13) RDMC

Again, retail cannabis sales are allowed in the Town Center zone with a Conditional Use Permit. Of course the operators are also required to comply with all State regulations as well.

Section 17.30.190(7)(b) of the RDMC requires that all cannabis activities must be at least 600 feet from any school. The proposed location complies with the provision.

Section 17.30.190(7)(p) of the RDMC and State regulations require a video surveillance system. The applicant is proposing a surveillance system consistent with our local and State regulations. The project has been conditioned that the system be maintained and upgraded as required by changes in State law. The project has been conditioned accordingly. **See Exhibit A.**

Below is a copy of the Security Performance Standards that apply to retail cannabis sales. Most if not all the standards are based on the State's requirements.

A Video Surveillance System as required by Section 5044 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.

(ii) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.

(iii) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (iv) of this section.

(iv) Areas that shall be recorded on the video surveillance system include the following:

(1) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
(2) Limited-access areas;

(3) Security rooms;
(4) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
(5) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(v) Licensed retailers authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(vi) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(vii) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(viii) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(ix) Surveillance recordings are subject to inspection by the City, and shall be kept in a manner that allows the City to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the City upon request within the time specified by the City.

(x) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(xi) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(xii) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.
(2) Each applicant or licensee shall include in their security operating procedures, submitted with the application an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.
(3) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection (i) of this section.
(4) All licensees shall be held responsible and subject to discipline for any violations

of the video surveillance requirements.

Limited-Access areas as defined herein shall comply with the following standards:

(i) Licensees shall ensure that only employees of the licensee and other authorized individuals access the limited-access areas of the licensed premises.

(ii) For the purpose of this section, authorized individuals include outside vendors, contractors, or other individuals conducting business that requires access to the limited-access areas.

(iii) An individual who enters the limited-access area and is not employed by the licensee shall be escorted by an employee of the licensee at all times while within the limited-access area.

(iv) A licensee shall maintain a record of all authorized individuals who are not employees of the licensee who enter the limited-access areas. The record shall include the name of the individual, the company the individual works for, the reason the individual entered the limited-access area, the date, and the times the individual entered and exited the limited-access area. These records shall be made available to the Bureau immediately upon request.

(v) A licensee shall not receive consideration or compensation for permitting an individual to enter the limited-access areas.

Entrances to all limited-access areas shall have a solid door and a lock meeting the requirements of section 5046 of the California Code of Regulations (CCR). The door shall remain closed when not in use during regular business hours. A licensee shall ensure that the limited-access areas described in section 5042 of the California Code of Regulations (CCR) can be securely locked using commercial-grade, nonresidential door locks. A licensee shall also use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises.

An Alarm System as required by Section 5047 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

(ii) A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

(iii) Upon request, a licensee shall make available to the City all information

related to the alarm system, monitoring, and alarm activity.

(iv) If multiple licensed premises are contained within the same building, a single alarm system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each licensee shall include in their security operating procedures, submitted with the application an explanation of how the alarm system will be shared, including who is responsible for contracting with the alarm company.
(2) All licensees shall have access to and be able to provide the information under subsection (iii) of this section.
(3) All licensees shall be held responsible and subject to discipline for any violations of the alarm system requirements.

Employee Badge Requirement: All agents, officers, or other persons acting for or employed by a licensee shall display a laminated or plastic-coated identification badge issued by the licensee at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.

Customer access to the licensed premises of a retailer with only an A-designation shall be limited to individuals who are at least 21 years of age.

Customer access to the licensed premises of a retailer with only an M-designation shall be limited to individuals who are at least 18 years of age and have a valid physician's recommendation for medicinal cannabis, and individuals who are at least 21 years of age. Customer access to the licensed premises of a retailer with both an A- designation and an M-designation may include persons identified in subsections (b) and (c) of this section.

Individuals shall be granted access to the retail area to purchase cannabis goods only after the retailer or an employee of the retailer has confirmed the individual's age and identity.

The licensed retailer or at least one employee shall be physically present in the retail area at all times when individuals who are not employees of the licensed retailer are in the retail area.

All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery.

A licensed retailer shall only sell adult-use cannabis goods to individuals who are at least 21 years of age after confirming the customer's age and identity by inspecting a valid form of identification provided by the customer as required by subsection (j) of this section.

A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18

years of age and possesses a valid physician's recommendation after confirming the customer's age, identity, and physician's recommendation as required by subsection (j) of this section.

Acceptable forms of identification include the following:

(i) A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, height, gender, and photo of the person;

(ii) A valid identification card issued to a member of the Armed Forces that includes the person's name, date of birth, and photo; or

(iii) A valid passport issued by the United States or by a foreign government.

A licensed retailer shall sell and deliver cannabis goods only between the hours of 9:00 a.m. Pacific Time and 8:00 p.m. Pacific Time.

Cannabis goods for inspection and sale shall only be displayed in the retail area.

Cannabis goods may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of retailer personnel. A container must be provided to the customer by the licensed retailer or its employees, who shall remain with the customer at all times that the container is being inspected by the customer.

Cannabis goods removed from their packaging for display shall not be sold, shall not be consumed, and shall be destroyed pursuant to section 5054 of the California Code of Regulations when the cannabis goods are no longer used for display.

A licensed retailer shall not make any cannabis goods available for sale or delivery to a customer unless:

(i) The cannabis goods were received by the retail licensee from a licensed distributor or licensed microbusiness authorized to engage in distribution;

(ii) The licensed retailer has verified that the cannabis goods have not exceeded their best-by, sell-by, or expiration date if one is provided;

(iii) In the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13;

(iv) The cannabis goods have undergone laboratory testing as required by the Act;

(v) The batch number is labeled on the package of cannabis goods and matches the batch

number on the corresponding certificate of analysis for regulatory compliance testing;

(vi) The packaging and labeling of the cannabis goods complies with Business and Professions Code Section 26120 and all applicable regulations within the California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13.

In addition to cannabis goods, a licensed retailer may sell only cannabis accessories as defined by Section 11018.2 of the California Health and Safety Code and licensee's branded merchandise. Licensed retailers may provide customers with promotional materials.

A licensed retailer shall only sell live, immature cannabis plants and cannabis seeds if all of the following requirements are met:

(i) The plant is not flowering;

(ii) The plant or seed originated from a nursery that holds a valid license from the Department of Food and Agriculture or a licensed microbusiness authorized to engage in cultivation;

(iii) A label is affixed to the plant or package containing any seeds which states "This product has not been tested pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act."

A licensed retailer may not sell any other live plants;

A licensed retailer shall not apply nor use any pesticide, nor cause any pesticide to be applied nor used, on live plants.

A licensed retailer shall not sell more than the amounts to a single adult use customer or a single medicinal cannabis patient or to a patient's primary caregiver purchasing medicinal cannabis on behalf of the patient in a single day than the amounts identified in Section 5409 of the California Code of Regulations.

A licensed retailer shall only accept customer returns as allowed by Section 5410 of the California Code of Regulations.

Except as provided by Section 5411(b) *et. seq.* of the California Code of Regulations a licensed retailer shall not provide free cannabis goods to any person and shall not allow individuals who are not employed by the licensed retailer to provide free cannabis goods to any person on the premises.

A licensed retailer shall not accept, posses or sell cannabis goods that are not packaged as they will be sold at final sale, nor shall a licensed retailer package or label cannabis goods, except as provided by Section 5412(c) of the California Code of Regulations.

All cannabis goods sold by a licensed retailer shall be in compliance with the packaging and exit packaging requirements found in Section 5413 of the California Code of Regulations.

All deliveries of cannabis goods shall be in compliance with Sections 5415, 5415.1, 5416, 5417, 5418, 5419, 5420 and 5421 of the California Code of Regulations.

A licensed retailer shall comply with Section 5422, Receiving Shipments of Inventory, Section 5423, Inventory Documentation, Section 5424, Inventory Reconciliation, Section 5426, Records and Section 5427, Retailer Premises to Retailer Premises Transfer of the California Code of Regulations.

Again, all of the above requirements must be met before the State will approve and issue the State license. Staff has conditioned the project on compliance with all the above requirements and with current and future State regulations as amended. **See Exhibit A.**

General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Town Center. The use would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Town Center designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

Based on information on file, and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Design Review Required Findings

It could be argued that the proposed alterations to the building may not trigger Design Review. Additions of less than 10% of the existing building are exempt from Design Review, provided the same materials are used. No increase in floor area is proposed. However, the proposed modifications to building will dramatically change the appearance of the building. As such, staff is performing the Design Review analysis.

Staff has reviewed the submitted plans and we believe the project as proposed is consistent with the City's adopted Design Review Guiding Principles and Concepts, which are:

- To encourage high quality land/site planning, architecture and landscape design; and
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.
- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

In addition to zoning consistency, the following findings are required:

- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

The building currently exhibits a Mediterranean stucco exterior. The proposed renovation certainly changes the appearance of the building. Rio Dell has a mix of very different architecturally styled buildings. The proposed renovation certainly establishes a clear, clean design concept, as did the Dollar General and the Green Bean, two of the newer buildings in town.

The surrounding buildings vary in architectural style as there is no one common design theme. Staff believes the proposed renovation can be found compatible with and consistent with the character of the surrounding buildings. Staff believes a diverse rather than homogenous style of buildings provides character.

As previously discussed, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoin properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Staff is also recommending that the project be conditioned upon requiring a secure, screened area for garbage and recycling bins. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Again, all signing shall comply with the City's sign regulations. The project has been conditioned accordingly. **See Exhibit A.**

- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

Vehicles parked in the parking lot will have back out for the driveway. Backing onto street from driveways is typical for residential development. There are a number of parcels along Wildwood Avenue where vehicles have to back out of spaces. Given the low number of spaces, staff believes this should not result in vehicular conflicts with bicycle and pedestrian.

California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based

on the nature of the project, including the proposed operating protocols and recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a ***significant*** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the projects will have a ***significant*** effect on the environment.

Attachments:

Attachment 1: Plan of Operations (Binder).

Attachment 3: Exhibit A, Conditions of Approval.

Attachment 4: Resolution No. PC 142-2019.

ELEMENT 7

Project Description

We are very interested in creating a commercial **cannabis retail dispensary** in the City of Rio Dell and believe that we have the credentials, team and experience to exceed your expectations and standards for how these businesses should compliantly operate. Below is a layout covering our operational hours, estimated number of employees, and the duration of our operation:

1. **Hours of Operation**
   Our hours of operations are pursuant to both the BCC and City of Rio Dell requirements, as such the proposed main hours of operation for the Facility will be between 9am and 8pm:
   - 8am – 9am Daily Cleaning (Dispensary)
   - 9am – 8pm: Dispensary Operations

2. **Number of Employees**
   We estimate having between 7-9 employees at any one time. The breakdown would be as follows:
   - Two (2) employees for Delivery
   - Four (3) employees for Retail
   - One (1) Security Guard
   - One (1) Manager

3. **Duration of the Operation**
   The commercial cannabis retail storefront will be a permanent project in the City of Rio Dell.

The number of daily and/or weekly incoming and outgoing deliveries

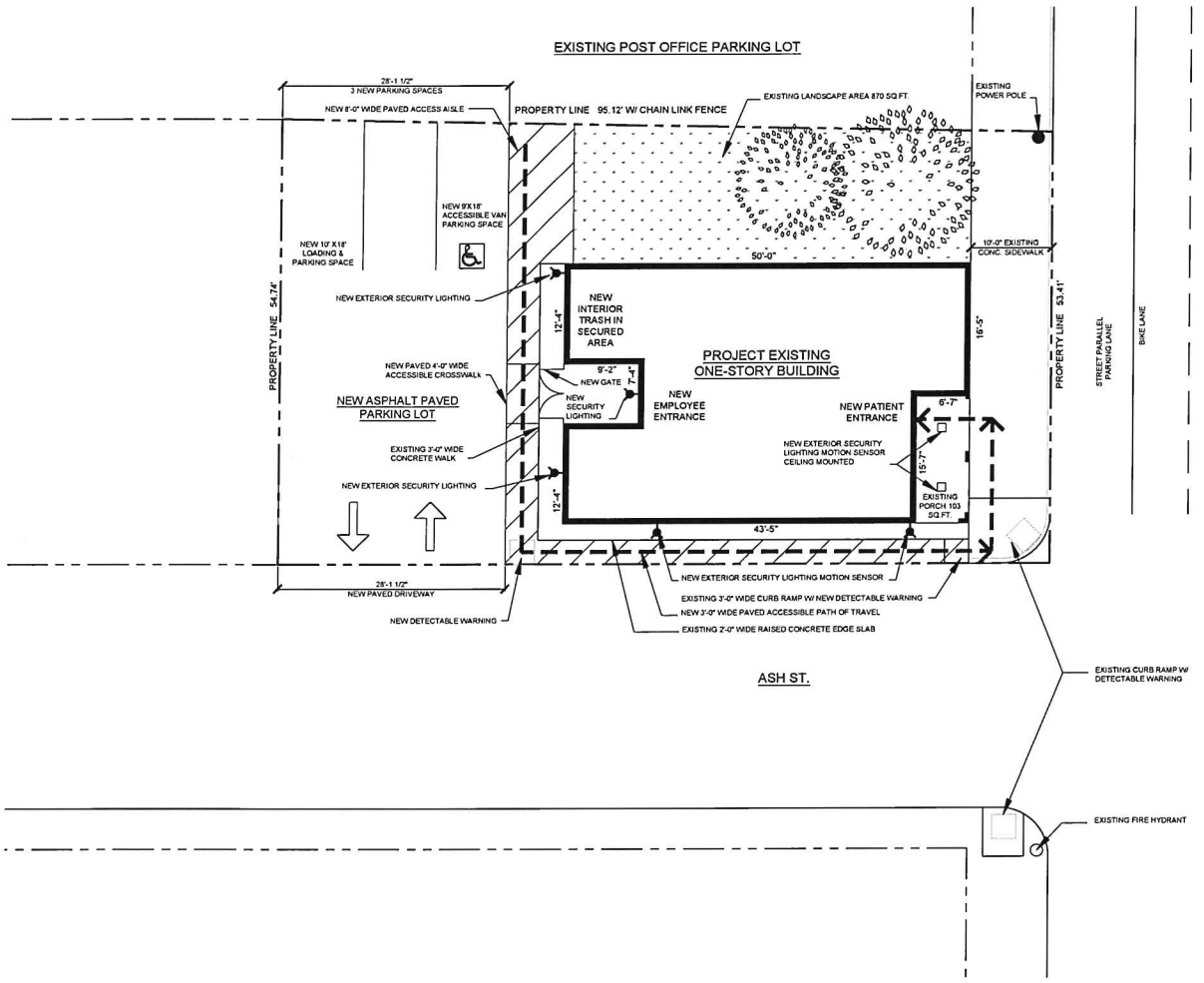
Deliveries from wholesale distributors per week would be 6 as we would consolidate orders and have them delivered in bulk. Deliveries to customers would be approx. 40-60 per day.

SIGNAGE POLICIES

SIGNAGE POLICIES

Pursuant to the California Code of Regulations §5040 (b); Business and Professions Code §5200 and the City of Rio Dell (17.30.300) the Element 7 facility will adhere to both local and state laws and regulations as it relates to signage in the City of Rio Dell. Element 7 will not install facility signage once approved by the City of Rio Dell in an effort to minimize the public's awareness that the facility is a commercial cannabis operator.

Similar to the rendering (pictured above), Element 7 will have no more than two (2) signs on the exterior of the facility not too exceed 125 square feet and will not exceed the City's roofline maximum height.



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ELEMENT 7

PROJECT
Proposed Property Development
COMMERCIAL CANNABIS RETAIL FACILITY
307 WILDWOOD AVE. RIO DELL, CA 95562

NO	DATE	REVISION/ISSUE	CLIP
	09/16/15		

PROJECT NO.
DATE 09/16/15
SCALE 3/8" = 1'-0"
SHEET TITLE
PROPOSED SITE PLAN
SHEET NO.
A01

EXHIBIT A

Conditions of Approval
Element 7 Conditional Use Permit & Design Review
File No. 053-141-050; Case No. CCLUO-CUP 19-02

Conditions of Approval

1. Security Plan: A Video Surveillance System as required by Section 5044 of the California Code of Regulations shall be installed in Manufacturing, Processing, Distribution, Testing and Retail facilities. The system shall comply with the following standards:

(i) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.

(ii) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.

(iii) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (iv) of this section.

(iv) Areas that shall be recorded on the video surveillance system include the following:

(6) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
(7) Limited-access areas;
(8) Security rooms;
(9) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
(10) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(v) Licensed retailers authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(vi) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(vii) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(viii) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(ix) Surveillance recordings are subject to inspection by the City, and shall be kept in a manner that allows the City to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the City upon request within the time specified by the City.

(x) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(xi) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(xii) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(5) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.
(6) Each applicant or licensee shall include in their security operating procedures, submitted with the application an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.
(7) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection (i) of this section.
(8) All licensees shall be held responsible and subject to discipline for any violations of the video surveillance requirements.

2. Records and Reporting

Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

(a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.

(b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.

(c) All records related to commercial cannabis activity are subject to inspection by the City.

(d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.

(e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:

(1) City and State issued permits and license(s);

(2) Plan of Operations;

(3) All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;

(4) Any supporting documentation for data or information input into the track-and-trace system;

(5) Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;

(6) Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;

(7) Training records, including but not limited to the content of the training provided and the names of the employees that received the training;

(8) Contracts with other state licensed medical cannabis businesses;

(9) Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;

(10) Security records; and

(11) Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

(1) Records shall be legible; and

(2) Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

3. Operating Conditions: Employee Badge Requirement: All agents, officers, or other persons acting for or employed by a licensee shall display a laminated or plastic-coated identification badge issued by the licensee at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.

Customer access to the licensed premises of a retailer with only an A-designation shall be limited to individuals who are at least 21 years of age.

Customer access to the licensed premises of a retailer with only an M-designation shall be limited to individuals who are at least 18 years of age and have a valid physician's recommendation for medicinal cannabis, and individuals who are at least 21 years of age. Customer access to the licensed premises of a retailer with both an A- designation and an M-designation may include persons identified in subsections (b) and (c) of this section.

Individuals shall be granted access to the retail area to purchase cannabis goods only after the retailer or an employee of the retailer has confirmed the individual's age and identity.

The licensed retailer or at least one employee shall be physically present in the retail area at all times when individuals who are not employees of the licensed retailer are in the retail area.

All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery.

A licensed retailer shall only sell adult-use cannabis goods to individuals who are at least 21 years of age after confirming the customer's age and identity by inspecting a valid form of identification provided by the customer as required by subsection (j) of this section.

A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18 years of age and possesses a valid physician's recommendation after confirming the customer's age, identity, and physician's recommendation as required by subsection (j) of

this section.

Acceptable forms of identification include the following:

(i) A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, height, gender, and photo of the person;

(ii) A valid identification card issued to a member of the Armed Forces that includes the person's name, date of birth, and photo; or

(iii) A valid passport issued by the United States or by a foreign government.

A licensed retailer shall sell and deliver cannabis goods only between the hours of 9:00 a.m. Pacific Time and 8:00 p.m. Pacific Time.

Cannabis goods for inspection and sale shall only be displayed in the retail area.

Cannabis goods may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of retailer personnel. A container must be provided to the customer by the licensed retailer or its employees, who shall remain with the customer at all times that the container is being inspected by the customer.

Cannabis goods removed from their packaging for display shall not be sold, shall not be consumed, and shall be destroyed pursuant to section 5054 of the California Code of Regulations when the cannabis goods are no longer used for display.

A licensed retailer shall not make any cannabis goods available for sale or delivery to a customer unless:

(i) The cannabis goods were received by the retail licensee from a licensed distributor or licensed microbusiness authorized to engage in distribution;

(ii) The licensed retailer has verified that the cannabis goods have not exceeded their best-by, sell-by, or expiration date if one is provided;

(iii) In the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13;

(iv) The cannabis goods have undergone laboratory testing as required by the Act;

(v) The batch number is labeled on the package of cannabis goods and matches the batch number on the corresponding certificate of analysis for regulatory compliance testing;

(vi) The packaging and labeling of the cannabis goods complies with Business and Professions Code Section 26120 and all applicable regulations within the California Code of Regulations, Title 3, Division 8 and Title 17, Division 1, Chapter 13.

In addition to cannabis goods, a licensed retailer may sell only cannabis accessories as defined by Section 11018.2 of the California Health and Safety Code and licensee's branded merchandise. Licensed retailers may provide customers with promotional materials.

A licensed retailer shall only sell live, immature cannabis plants and cannabis seeds if all of the following requirements are met:

(i) The plant is not flowering;

(ii) The plant or seed originated from a nursery that holds a valid license from the Department of Food and Agriculture or a licensed microbusiness authorized to engage in cultivation;

(iii) A label is affixed to the plant or package containing any seeds which states "This product has not been tested pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act."

A licensed retailer may not sell any other live plants;

A licensed retailer shall not apply nor use any pesticide, nor cause any pesticide to be applied nor used, on live plants.

A licensed retailer shall not sell more than the amounts to a single adult use customer or a single medicinal cannabis patient or to a patient's primary caregiver purchasing medicinal cannabis on behalf of the patient in a single day than the amounts identified in Section 5409 of the California Code of Regulations.

A licensed retailer shall only accept customer returns as allowed by Section 5410 of the California Code of Regulations.

Except as provided by Section 5411(b) *et. seq.* of the California Code of Regulations a licensed retailer shall not provide free cannabis goods to any person and shall not allow individuals who are not employed by the licensed retailer to provide free cannabis goods to any person on the premises.

A licensed retailer shall not accept, posses or sell cannabis goods that are not packaged as they will be sold at final sale, nor shall a licensed retailer package or label cannabis goods, except as provided by Section 5412(c) of the California Code of Regulations.

All cannabis goods sold by a licensed retailer shall be in compliance with the packaging and exit packaging requirements found in Section 5413 of the California Code of Regulations.

All deliveries of cannabis goods shall be in compliance with Sections 5415, 5415.1, 5416, 5417, 5418, 5419, 5420 and 5421 of the California Code of Regulations.

A licensed retailer shall comply with Section 5422, Receiving Shipments of Inventory, Section 5423, Inventory Documentation, Section 5424, Inventory Reconciliation, Section 5426, Records and Section 5427, Retailer Premises to Retailer Premises Transfer of the California Code of Regulations.

4. All signage shall comply with the City's Sign regulations, Section 17.30.300 of the Rio Dell Municipal Code.

5. The applicant shall provide one ADA compliant parking space and path of travel from the parking space to the entrance of the building.

6. All parking spaces and maneuvering areas shall be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works.

7. The parking spaces must be clearly delineated with white, four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works. The striping must be continuously maintained in a clear and visible manner in compliance with the approved plans.

8. Concrete wheel stops or comparable wheel stops approved by the Public Works Director must be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space. .

9. The proposed driveway shall be a minimum of 25 feet wide.

10. Curbs, gutters and a five (5) foot sidewalk shall be provided along the property on Ash Street. A PCC Caltrans Type A1-6 curb shall be provided. The applicant shall pave any area between the new gutter and the existing asphalt. When widening hot mix (asphalt roads) the

widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavement. The location of the sawcut shall be approved by the Department of Public Works. The structural section of all new asphalt include a minimum of 0.2 foot of Caltrans Type B hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer.

11. The applicant shall submit a hydraulics/drainage plan to accommodate a 25 year storm events so that there is no net increase of stormwater runoff from the site. The plan shall incorporate Low Impact Development (LID) stormwater techniques, including the use of detention/retention facilities and bio-swales if feasible

12. The applicant shall provide three bicycle spaces/racks at a location approved by the City.

13. Any outdoor garbage and recycling bins shall be screened and secured.

14. Outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoin properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties.

15. Community Relations: Each medical cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

16. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

17. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

18. The operations shall comply with all local and State regulations at all times.

RESOLUTION NO. PC 142-2019

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE ELEMENT 7 CANNABIS RETAIL SALES CONDITIONAL USE PERMIT AND DESIGN REVIEW.

WHEREAS in March of 2019 the City's cannabis regulations were amended to allow cannabis retail sales in the Town Center zone with a Conditional Use Permit; and

WHEREAS the Element 7 has made application for a Conditional Use Permit to allow cannabis retail sales at 307 Wildwood Avenue; and

WHEREAS due to the nature of the proposed exterior building renovations, staff has prepared a Design Review analysis; and

WHEREAS based on the information submitted, staff recommends that the Planning Commission approve the applicant's cannabis retail request and the proposed exterior building renovations; and

WHEREAS the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the project modification is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a ***significant*** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the project modification will have a ***significant*** effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell, finds

(a) The proposed use and modification is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

(b) The proposed use and modification is consistent with the general plan and any applicable specific plan;

(c) The design, location, size, and operating characteristics of the proposed activitiies are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of uses being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the modification would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The proposed project is consistent with the applicable Zoning regulations and complies with the applicable "Guiding Principles and Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC); and

(g) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

(h) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

(i) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

(j) The Conditional Use Permit modification has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell, approves the applicant's Conditional Use Permit application for cannabis retail sales as allowed by local regulations and State law and the Design Review of the proposed building modification.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on September 24, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 142-2019 adopted by the Planning Commission of the City of Rio Dell on September 24, 2019.

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Karen Dunham, City Clerk, City of Rio Dell