



COUNTY OF HUMBOLDT

For the meeting of: 6/27/2024

File #: 24-1040

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

DC Eden Dispensary and Distribution Facility, Conditional Use Permit and Zoning Clearance

Assessor Parcel Numbers: 077-331-032-000

Record Numbers: PLN-2024-18986

Redway area

DC Eden requests a Conditional Use Permit for a cannabis dispensary and a Zoning Clearance Certificate for a cannabis distribution facility within the existing 3,600 square foot commercial structure on the property. Hours of operation for the businesses would typically be from 7am - 7 pm Monday through Sunday however may seasonally operate from 7am to 10pm as necessary. It also involves packaging of cannabis material and cannabis extracts for sale. The only chemicals to be utilized are standard household cleaning supplies and the use of those products is limited. The application includes detailed Plans of Operations on file for each business addressing all the requirements of the County's Dispensary and Commercial Cannabis Ordinances. The project includes requests for exceptions from the parking and loading space requirements. There are anticipated to be up to 10 employees total at peak shift and one parking space for the on-site residence for a total of 15 required spaces per the zoning regulations. The applicant is showing four striped parking spaces however there is room for as many as eight on-site, seven fewer than what would normally be required. Justification for the parking exception request is that the property is near an urban built-up area (downtown Redway) and most if not all of the employees will be local residents. The loading space dimension per regulations is 10' x 60'; the applicant is proposing a 10'x20' loading space because the vehicles used for commercial delivery will all be less than 20 feet long.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the project exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines (Existing structures); and

- b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the DC Eden Dispensary Conditional Use Permit subject to the recommended conditions of approval (Attachment 1B); and
- d. Approves the DC Eden Cannabis Distribution Zoning Clearance Certificate.

DISCUSSION:

Project Location:

The project is in the Redway Area on the east side of Redwood Drive approximately 300 feet north of the intersection of Redwood Drive and Briceland-Thorne Road on the property known as 3525 Redwood Drive.

Present General Plan Land Use Designation:

Commercial Services (CS), Density: N/A, Garberville Redway Benbow Alderpoint Community Plan (GRBAP), 2017 General Plan, Slope Stability: Moderate Instability (2).

Present Zoning:

Community Commercial (C-2)

Environmental Review:

The project complies with the requirements of the California Environmental Quality Act. The project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns:

None

Executive Summary:

DC Eden is requesting approval of two permits that were previously active on the subject property and have since been revoked. On December 14, 2017 the Planning Commission approved permits for a cannabis dispensary and distribution facility, and a cannabis manufacturing facility. The dispensary and distribution permits were issued to Grass Roots, LLC and The Country Club, LLC however they have not operated in over a year, and the current property owner has rescinded authorization for these organizations to utilize the property. The current property owner and applicant was unable to obtain permit transfers and therefore the dispensary and distribution permits were revoked by the Board of Supervisors on June 11, 2024, thereby enabling the current applicant to obtain permits. The cannabis manufacturing permit remains valid and is not part of this application.

The current permit request is a Conditional Use Permit to authorize a cannabis dispensary and a Zoning Clearance Certificate to authorize a cannabis distribution facility, both nearly identical to what was previously approved and in operation on the property. The previous permits were approved under the Medical Marijuana Land Use Ordinance (CMMLUO) and these have been reviewed under the Commercial Cannabis Land Use Ordinance (CCLUO). The dispensary is proposed to operate in the retail space on the first floor of the building, consuming approximately 680 square feet. All patient/members recommendations are verified at the registration facility prior to permitting registration and access to the dispensing facility. All buying and selling of medicine is restricted to established members of the collective. All staff members will be properly educated and trained on all cannabis-related material and information. Typical hours of operation from 7am to pm Monday through Sunday however they may increase seasonal to be between the hours of 7am and 10 pm.

The cannabis distribution facility will operate alongside the dispensary facility, occupying approximately 700 square feet. DC Eden will receive products from cultivation and processing facilities. The company will require all incoming products to be labeled with pertinent information such as DC Eden's name and certificate number, lot number of product, date of harvest, date of final testing, the date which product is finally packaged, cannabinoid and terpenoid profiles and potencies, expiration dates for perishable products and finally the quantity of cannabis contained in the product. There will be a security guard on the premises for enhanced safety and security of the building, cannabis products and employees. DC Eden staff will conduct monthly and annual inventory control reviews for any discrepancies that may occur by utilizing the seed-to-sale inventory control system. The facility is also not open to the public except to those who provide state licenses. A cannabis manufacturing permit is still active on the property and is not part of this proposed application.

All cannabis deliveries to the distribution facility will be received from a State licensed transport company, and all cannabis-infused products will be transported to State licensed/ locally permitted wholesale/distribution companies by a licensed transport company. Transportation manifests will be used to track movement of all cannabis and cannabis products including the shipping and receiving agent, quantities of product, make/ model of vehicle, departure time, and estimated arrival time, and there will be GPS transmitters attached to all distribution vehicles.

The Security Plan states the premises are locked and secured by an access control system which can identify authorized personnel and have 24-hour surveillance both indoors and outdoors utilizing state of the art surveillance technology. All cannabis products will be maintained in a locked vault inside the secure premises. There is no public access to either the building or the containers within the building.

The project includes requests for exceptions from the parking and loading space requirements. There are anticipated to be up to 10 employees total at peak shift and one parking space for the caretaker residence for a total of 15 required spaces. There is room for eight parking spaces on-site, seven fewer than what would normally be required. Justification for the parking exception request is that the property is near an urban built-up area (downtown Redway) and most if not all of the employees

will be local residents. The standard loading space is 10' x 60'. The applicant is proposing a 10'x20' loading space because the vehicles used for commercial delivery will all be less than 20 feet long. An exception may be granted per Section 314-109.1.2.12 of the County Code based on various factors including proximity to urban built-up areas and levels of anticipated use. In this instance staff supports the exception. The exception was previously approved by the Planning Commission and the businesses operated on the property for years with no known issues.

The project, as proposed and conditioned, meets all of the performance standards of the Cannabis Land Use Code for Medical Dispensaries and the Commercial Cannabis Land Use Ordinance, and the requirements of the General Plan. With the exception to the parking requirements, the project meets all of the requirements of the Zoning Ordinance. Furthermore, as proposed, the project meets the criteria for exemption from environmental review pursuant to Section 15301 of the State CEQA Guidelines, which pertains to use of existing facilities involving limited or no expansion.

Access:

Access to the site is directly off a paved County maintained public road (Redwood Drive). The driveway entrance and parking areas are all paved.

Security and Safety:

There will be a security guard on the premises for enhanced safety and security of the building, cannabis products, and employees. DC Eden staff will conduct monthly and annual inventory control reviews for any discrepancies that may occur by utilizing the seed-to-sale inventory control system. The facility is also not open to the public except to those who provide state licenses. The Security Plan states the premises are locked and secured by an access control system which can identify authorized personnel and have 24-hour surveillance both indoors and outdoors utilizing state of the art surveillance technology. All cannabis products will be maintained in a locked vault inside the secure premises. There is no public access to either the building or the containers within the building.

Environmental Review:

This project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).

OTHER AGENCY INVOLVEMENT:

The project was not referred to responsible agencies because this project was referred and reviewed under a different application and there are no changes proposed from the previously approved project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be

implemented if the Commission is unable to make all the required findings.

2. The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is exempt from environmental review. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

1. Draft Resolution for DC Eden Dispensary Conditional Use Permit
 - A. Conditions of Approval
2. Draft Resolution for DC Eden Distribution Zoning Clearance Certificate
3. Site Plans
4. Operations Plan

Applicant

DC Eden
Rachel Worswick
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Owner

West River Lane LLC
Ben Wilke
PO Box 1020
Garberville, CA 95542

Agents

N/A

Please contact Derek Wiles, Associate Planner, at dwiles@co.humboldt.ca.us or at (707) 445-7541 for questions about this scheduled item.