

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
March 18, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	} No. <u>E-7</u>
<input type="checkbox"/>	Continued Hearing Item	}
<input type="checkbox"/>	Public Hearing Item	}
<input type="checkbox"/>	Department Report	}
<input type="checkbox"/>	Old Business	}

Re: The Humboldt County Collective Conditional Use Permit Modification

Record Number: PLN-2020-16620

Assessor's Parcel Number: (APN): 015-011-005

1662 Myrtle Avenue #A, Eureka, CA 95501

Below for the Planning Commission's record and review are the following supplementary information items:

1. Revised Recommended Conditions of Approval.
2. Public Comment.

ATTACHMENT 1

REVISED RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND INITIATION OF OPERATIONS.

A. General Conditions

1. Building permits are required for all tenant improvements. The applicant must specify on the building plans the prior use of all tenant spaces in the building. All work done shall meet current Structural, Electrical, Plumbing, and Mechanical Codes. Issuance of a building permit for the necessary tenant improvements, or written documentation from the Planning and Building Department that no building permits are required, shall satisfy this condition.
2. **The applicant shall paint a stop bar flush with the easterly face of the buildings at the end of the alley used by traffic exiting the back-parking lot of the shopping center. In addition, a "STOP" pavement marking shall be placed eight feet westerly of the stop bar. Also, the applicant shall install a speed bump in the alley on the easterly edge of the "STOP" pavement marking. Lastly, a stop sign shall be installed on the pole at the northerly easterly corner of the southerly building at no less than seven feet up from the ground.**
3. Prior to the issuance of the building permit, the applicant shall obtain a business license from the Humboldt County Tax Collector.
3. To ensure the safety of the customers, the applicant shall have a qualified laboratory test samples of all cannabis for pesticides, herbicides, mold, mildew, and pests.
4. Due to the collective's proximity to residential land uses and other commercial land uses (including a cannabis dispensary on an adjacent parcel), the collective shall retain a security guard or designated staff member to monitor the parking lot during hours of operation and enforce rules of the collective, prohibiting loitering, smoking, or sharing of medicine on-site or within the vicinity. Collective members who violate the terms of this permit shall be subject to suspension and/or exclusion from membership.
5. The project shall address odor management by incorporating a ventilation/air filtration system which limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOE and will charge this cost to the project.
7. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

B. Operation Restrictions

1. The hours of operation shall be in accordance with Humboldt County Code and State regulations.
2. The business will provide adequate security on the premises, including lighting, alarms, and law enforcement notification, to ensure the safety of persons and to protect the premises from theft. The business shall retain a security guard or designated staff member to monitor the parking lot during hours of operation and enforce rules of the dispensary prohibiting loitering, smoking or sharing cannabis onsite or within the vicinity.
3. The business shall operate at all times in conformance with the provisions of Humboldt County Ordinance #2554, including the Operating Standards in Section 314-55.3.11 and the requirement for annual Performance Review Reports per Section 314-55.3.12.
4. No cannabis shall be smoked, ingested, or otherwise consumed on the premises.
5. The business shall not hold or maintain a license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.
6. The business shall maintain records of all patients using only the identification card number issued by the County, or its agent, pursuant to California Health and Safety Code Section 11362.7 et seq., as protection of the confidentiality of the cardholders, or a copy of the written recommendation.
7. The business shall follow the staff screening process as detailed in the Operations Manual that includes a criminal background check for employees and prohibiting the employment of any person with a prior felony conviction for the sale and/or distribution of a controlled substance.
8. As identified under the 2008 Attorney General Guidelines (for the Security and Non-Diversion of Marijuana Grown for Medical Use), the collective shall "track and record the source of their marijuana," and keep records of its division and distribution.
9. The business shall permit the Planning Director or his/her designee to have access to the entity's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination to determine compliance with the conditions of the Conditional Use Permit. Books, records, accounts, and any and all relevant data will be produced no later than 24 hours after the request from the Planning Director or his/her designee.
10. All compensation to grower/members providing excess medicine to the collective shall be made by check instead of cash as soon as banking is available. The grower/member shall provide or verify his/her Social Security Number (SSN) to the collective in association with each transaction. SSNs will be kept on file with the collective and used to file 1099 forms for each grower/member at the end of each fiscal year.
11. The Humboldt County Collective Dispensary shall provide the Planning Director or his/her designee, the Sheriff, and all neighboring property owners within 300 feet of the establishment with the name and telephone number of an on-site representative of the collective to whom one can provide notice if there are operating problems associated with the facility. The

collective shall make every good faith effort to encourage neighbors to call this contact person to try and solve problems, if any, before calls or complaints are made to the Sheriff or Planning Director. Should problems arise that cannot be adequately resolved in this group setting, the disgruntled party can petition the Planning Commission to initiate the process of permit revocation per Section 312-14 of the Humboldt County Code.

12. There is to be no loitering on or about the premises at any time. Further, the Sheriff shall provide to the Planning Director and/or his/her designee a list of any complaints and law enforcement related problems associated with the collective, upon request.
13. The business shall participate in inspections to verify that all cannabis is being distributed in compliance with all state and local regulations. Inspections are intended to ensure that grower-members are legal and compliant in the numbers of plants they grow, and that growing is done in a safe and sustainable manner, away from public view and inaccessible to minors.
14. A review fee for conformance with conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
15. Patients younger than 18 will not be allowed membership except under special circumstances where they can provide "documentation of a serious condition for which treatment with medical cannabis has been recommended."
16. Methods used to track inventories, quantities, and distribution between verified members will match "standard industry procedures" which includes the following:
 - All incoming cannabis will be assigned a lot number which will be retained as cannabis is subsequently divided and distributed to members.
 - All cannabis will be tracked by the gram.
 - Quickbooks or similar software shall be used as a point of sale to record transactions, inventory, invoicing, and revenue-related record keeping.
17. Patients shall receive medicine in individual units no more than twice during a 24-hour period. Patients are required to take the medicine directly home and not to share it with anyone. Membership shall be immediately revoked for any patient found violating this rule.
18. The cannabis cooperative, collective, or delivery service shall be inspected by the Humboldt County Sheriff or his/her designee and either members of the Code Compliance Division of the Planning and Building Department or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission, to determine if the cooperative, collective, or delivery service is in compliance with its Conditional Use Permit and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the medical marijuana collective, cooperative, or delivery service for inclusion in its "Performance Review Report" to the Planning Commission.
19. Noncompliance by the cannabis collective, cooperative, or delivery service in allowing the inspection by the above-mentioned County personnel, or non-compliance in submitting the

annual "Performance Review Report" per Section 314-55.3.12 for review by the Planning Commission, shall be deemed grounds for a revocation of the Conditional Use Permit and/ or subject the holder of the Conditional Use Permit to the penalties outlined in the code section above. A deposit shall be collected for the County's time spent performing the inspection (based on the fees in effect at the time the request is submitted).

C. Ongoing Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project

1. Operations shall be consistent with the project description, Site Plan, Floor Plan, and the Plan of Operations as modified by Conditions of Approval B.1 through B.19 inclusive.
2. Applicant shall submit a request for agency review for substantial conformance on any proposed changes of the operation, including but not limited to changes to operational procedure or policy. Changes in operation may be processed as a minor deviation if all the findings of Section 312-11.1 can be made.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. Future signage proposals are subject to review and approval by the Planning Director.
5. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Dispensaries Ordinance and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as may be amended from time to time, as applicable to the permit type.
6. Possession of a current, valid required license or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder.
7. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement, air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. If the County receives any odor complaints, the permit holder shall work with the building Official to correct odor concerns.
8. The operation shall be inspected annually and the Planning Commission shall be provided a "Performance Review Report." The annual monitoring and reporting requirement allows for adaptive management of the facility and annual evaluation of operational performance by the Planning Commission and Planning staff. Review of the report permits County staff and the applicant to review the adequacy of the operational restrictions, and, if appropriate, develop ways to better address any neighborhood impacts that may arise.
9. The applicant and successors in interest shall participate in the METRC program administered by the State of California.

D. Informational Notes

1. Applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

2. This permit shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the hearing officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.
4. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
5. Cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Dispensaries Ordinance and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as may be amended from time to time, as applicable to the permit type.
6. The project operator shall possess a current, valid required license, or licenses, issued by any agency of the state of California in accordance with the MAUCRSA, and regulations promulgated thereunder.
7. The project operator shall possess a current, valid permit or license, issued by the Humboldt County Department of Health and Human Services-Environmental Health Division.
9. Transfer of any leases or permits approved for this project is subject to the review and approval of the Planning Director for conformance with Section 314-55.3 of the zoning regulations. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
 - A. Identifying information for the new owner(s) and management as required in an initial permit application;
 - B. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - C. The specific date on which the transfer is to occur;
 - D. Acknowledgement of full responsibility for complying with the existing permit.
10. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

ATTACHMENT 2
PUBLIC COMMENT

Yandell, Rodney

From: Robert Sylvester <shoeguru7@sbcglobal.net>
Sent: Friday, March 12, 2021 5:18 PM
To: Planning Clerk
Subject: The Humboldt County Collective

The Humboldt County Collective, Record number PLN-2020-16620. Parcel number (APN) 015-011-005. Myrtle Towne Shopping Center.

Dear Sir/Ma'am;

Hello. I lease a commercial storefront at 1670 Myrtle Ave, Suite A, in Eureka, for the last 22 years. I share the same building where the Humboldt County Collective is now. I am in front and they are in the back facing west. Their plans are to move across an alleyway to 1662 Myrtle Ave. facing the street, Myrtle Ave. There has never been full occupancy at this shopping center since I have been here, until now. There is also an adult housing development behind the shopping center, with around 40 units, I believe, who use our parking lot as an access road to their apartments. In addition we also have one or two food trucks every day with their customers using our parking lot. Consequently traffic has increased significantly. Most of the businesses here have relatively short stay customers.

My main concern is traffic! People drive way too fast in the shopping center parking lot. The alley traffic is even more dangerous, folks drive through the one way alley going east into the front parking lot having to navigate a blind intersection. There is no way to tell if cross traffic is moving across their path. This shopping center was constructed in the early 50's I believe, before modern traffic designs. I believe the alleyway traffic is a safety hazard to pedestrians walking on the sidewalk crossing the alleyway. I myself have had several near misses with people driving too fast and/or using their phones while driving.

Personally, I would like to leave the alley open for pedestrians and bicycles and emergency personnel but closed to vehicles. That would eliminate the blind intersection and also protect pedestrians walking from store to store.

We could also use some speed signs and speed bumps to slow traffic down. I invite Planning to come out to see for themselves, it's a big disorganized mess!

Thank you for your attention regarding this matter. Please don't hesitate to call or stop by my office with any questions.

Sincerely;

Robert Sylvester
(707)445-8690
American Foot Comfort Center
1670 Myrtle Ave, Suite A
Eureka, CA 95501