

**DECISION DATE:** April 10, 2020

**PREPARED BY:** S. Perkins

**DECISION BY:** T. Varga

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Minor Use Permit 1-20 (MUP 1-20)

**APPLICANT:** E7 Fort Bragg, LLC

**OWNER:** Gabriel and Nina Stricker

**REQUEST:** Minor Use Permit to establish a cannabis dispensary with a delivery component within an existing commercial building.

**LOCATION:** 342 N. Main Street

**ASSESSOR'S PARCEL NO.:** 008-152-05

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt from CEQA pursuant to Section 15303 – new construction or conversion of small structures.

**SURROUNDING LAND USES:**

NORTH: Retail (Racine's)

EAST: Alley, then Office/Retail (Visit Mendocino and Reynold's)

SOUTH: Retail/Museum (Noyo Center for Marine Science)

WEST: Main Street, then Guest House Museum

**APPEALABLE PROJECT:**

Can be appealed to Planning Commission

Can be appealed to City Council

## BACKGROUND

In late 2019, the Planning Commission recommended a revision to the Inland Land Use and Development Code (ILUDC) to allow cannabis retail uses (dispensaries) in commercial zoning districts and subject to specific requirements with Minor Use Permit approval. The City Council adopted the Planning Commission’s recommended ILUDC amendment, and also adopted Municipal Code Chapter 9.30 regulating cannabis businesses.

With the adoption of Chapter 9.30, and revisions to Articles 2, 4 and 10 of the ILUDC, the Council created the policy framework for the review and potential approval of cannabis retail uses in the City.

On January 10, 2020, E7 Fort Bragg, LLC (Applicant) submitted a Minor Use Permit application to establish a cannabis retail use with delivery component at 342 North Main Street. Minor Use Permits are processed pursuant to ILUDC Section 18.71.060. Additional procedures for the processing of cannabis business applications are located in Municipal Code Chapter 9.30. The following table outlines the general procedure for Minor Use Permit and cannabis business processing, and includes notes on how the process has related to this permit. Greater detail regarding application review is provided further in this report.

Application Processing Step	Notes
1. Review application for completeness	After receiving the application on January 10, 2020, CDD staff reviewed the application to ensure all materials required by 18.71.060 and 9.30 were submitted. The City sent the applicant a correction letter requesting additional information in order to process the application. The applicant submitted supplemental information on February 5, 2020. The application was deemed complete on February 10, 2020 ( <b>Attachment 1</b> ).
2. Refer application to Police Department for review	The application was referred to the Police Department for review on February 10, 2020. The Police Department reviewed the application for compliance with Chapter 9.30, and provided a letter summarizing their review on March 5, 2020 ( <b>Attachment 2</b> ).
3. Refer application to outside agencies for review	On March 23, 2020, CDD staff referred the project to Public Works, the Fire Department and the Mendocino County Building Department for review and comment. The City received responses from Public Works and Building Department on March 30, 2020 and March 23, 2020, respectively ( <b>Attachment 3</b> ).

4. Review consistency with ILUDC policies	After receiving comments from outside agencies, CDD staff reviewed the project for consistency with ILUDC policies. This staff report analyzes the project's consistency with the ILUDC and other local requirements.
5. Provide public notice regarding pending decision	On March 26, 2020, the City published notice of pending action in the Fort Bragg Advocate, website, and kiosk, and notified surrounding property owners of a pending decision. A map of the surrounding properties notified is included as <b>Attachment 7</b> . The Notice invited public comment on the project, and indicated that a public hearing would be held if requested in writing prior to 5 p.m. on April 9, 2020.
6. Hold public hearing (if requested)	The City received a request for a public hearing on April 8, 2020 ( <b>Attachment 4</b> ).
7. Review authority (Director) takes action (approves or denies) the application	The Director will review the application materials and staff report, receive public comment and take action on MUP 1-20 on April 10, 2020 at 3 p.m.

## PROJECT DESCRIPTION

The applicants seek to establish a cannabis retail use at 342 North Main Street.



**Project Location: 342 N. Main Street**

The cannabis retail use would occupy an existing 2,178 square foot (SF) structure that was previously in use as a retail store (Blaqk Door). Per the submitted floor plan (**Attachment 5**), the building would be utilized in the following way:

Bathrooms	37 SF
Hallways	187 SF
Storage	181 SF
Office	181 SF
Delivery Area	76 SF
Dispensary Retail Area	1,121 SF
Dispatch	129 SF
Break Room	266 SF

## ANALYSIS

In order to approve a Minor Use Permit, the following findings are required per ILUDC 18.71.060. An analysis of the project’s consistency with these findings follows below.

1. The proposed use is consistent with the General Plan and any applicable specific plan.

The City’s Inland General Plan designates the subject parcel as Central Business District. The Inland General Plan states that “this designation is intended to accommodate government and professional offices, retail stores, theaters, and other similar uses.” The proposed project is consistent with the land uses allowable in the Central Business District designation, specifically retail sales.

The following policies within the Inland General Plan are applicable to this project:

*Policy LU-1.1 Implementation of the Land Use Designations Map: Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use designations, and ensure consistency between the Inland General Plan and the Inland Land Use and Development Code.*

Approval of the proposed project would be consistent with Policy LU-1.1 since the Central Business District land use designation is intended for similar businesses, specifically retail sales.

*Policy LU-3.5 Encourage Smart Growth: Locate new residential commercial, or industrial development within, contiguous with, or in close proximity to, existing developed areas.*

The proposed project would utilize an existing building which is surrounded on all sides with development, consistent with Policy LU-3.5.

*Policy LU-4.1 Formula Businesses and Big Box Retail: The location, scale, and appearance of formula businesses and big box retail shall not detract from the economic vitality of established*

*commercial businesses, and shall be consistent with the small town, rural character of Fort Bragg.*

The proposed project would locate a formula business in the Central Business District. The E7 website shows the business having as many as 15 locations across California, qualifying the proposed operation as a formula business. Policy LU-4.1 seeks to limit the impact of formula businesses on existing businesses in the community. To date, there is only one other dispensary application in the City, which is pending and will be approved pending permit appeal. With the relative dearth of similar business types in the City, approval of the E7 dispensary would not detract from the economic vitality of similar local businesses.

The project proposes no exterior modifications to the building, except for the placement of signage. The applicant's sign plan (**Attachment 5**) states that "the only signage that promotes the Element 7 brand and dispensary will be at the door of the dispensary (and subject to local regulations, and Element 7 sign above the door off Main St. near the entrance to the dispensary." Signage would be subject to the city's ILUDC, which limits the maximum signage for the business to no more than 25 square feet. Since the signage will be limited by the requirements of the ILUDC, and no other exterior modifications are proposed, the impact of the formula business will be limited, and consistent with Policy LU-4.1. Any future modifications to the building in order to expand the branded presence of the business would require Design Review, and would require continued compliance with Policy LU-4.1.

The proposed use is consistent with the General Plan and any applicable specific plan; staff recommends that this finding can be made in support of the project.

2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code.

The proposed "cannabis retail" land use is permitted in the subject parcel's zoning designation, Central Business District with an approved Minor Use Permit. Delivery of cannabis is an allowable component of a cannabis retail use, per the ILUDC definition of cannabis retail. The following analyzes the various provisions of the ILUDC relevant to this application.

#### Setbacks, Height and Floor Area

The proposed project is subject to the Commercial District Site Planning and Building Standards of ILUDC Section 18.21.050; however, since the project proposes no increases in project footprint, nor the development of existing structures, these standards do not apply to this project.

#### Parking and Circulation

The proposed project is subject to ILUDC Section 18.36.090, which provides the requirements for parking. The proposed use (retail) is the same as the previous use (retail). In the Central Business District, projects may pay an in-lieu fee as opposed to providing parking; however, the City Council has adopted a resolution placing a moratorium on collecting parking in-lieu fees. Since the use is the same as the previous use, and parking requirements in the Central Business

District have been reduced by Council resolution, no additional parking is required for this project.

Central Business District Frontage and Façade Standards

Section 18.22.060 applies to new development in the Central Business District. The policies limit the uses allowable on the ground floor (pedestrian-oriented uses, such as retail), prescribe requirements on pedestrian entrances (shall be recessed from the sidewalk), and prohibits formula design.

The following policy regulates formula design:

***E. Formula design prohibited.** The architectural style and exterior finish materials of each proposed structure shall be designed based upon the architectural traditions of Fort Bragg and Mendocino County, and the architectural styles prevalent in the site vicinity. Buildings proposed with architectural features substantially similar to those found in other communities on buildings occupied by the same corporate or franchise entity that will occupy the proposed building are strongly discouraged.*

The only exterior modification proposed is the installation of signage. The architectural style and exterior finish of the existing structure would not be altered. Any future alterations to the exterior appearance of the existing structure (other than signage that is allowable by the ILUDC), would be subject to Design Review to ensure ongoing compliance with this policy.

The proposed project is consistent with ILUDC Section 18.22.060 regulating Central Business District frontages and façades.

Standards for Specific Land Uses – Cannabis Retail

The ILUDC requires Minor Use Permits for cannabis retail land uses be consistent with the specific requirements of Section 18.42.057. The following table reviews the proposed project’s consistency with these requirements.

<b>Special Use Standard</b>	<b>Proposed Project</b>	<b>Consistent?</b>
<b>18.42.057(A) Conditional Use.</b> A Minor Use Permit shall be required to operate cannabis retail in accordance with Table 2-6 of Article 2.	The applicant has applied for a Minor Use Permit, and its approval is required in order to operate a cannabis business.	Yes
<b>18.42.057(B)(1) Delivery Services.</b> Commercial delivery to locations outside a permitted cannabis retail facility shall only be permitted in conjunction with a permitted cannabis retail facility that has a physical location and a retail storefront open to the public. A	The applicant is proposing to have a delivery component of a storefront cannabis retail business.	Yes

cannabis retail use shall not conduct sales exclusively by delivery.		
<b>18.42.057(B)(2) Delivery Services.</b> Minor Use Permit applications or cannabis retail shall include a statement as to whether the use will include deliver of cannabis and/or cannabis products to customers located outside the cannabis retail facility.	The application materials include a floor plan indicating the location of the delivery component of the business, and includes delivery as part of the project description.	Yes
<b>18.42.057(B)(3) Delivery Services.</b> If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services with comply with the requirements set forth in Chapter 9.30, this Section, and State law.	The applicant will require a cannabis license from the State of California, and the license will have to permit the business to conduct delivery services. The State has numerous requirements for delivery operations, including driver screening, recordkeeping and security. In order to ensure compliance with this policy, <b>SPECIAL CONDITION 1</b> is recommended (see below).	Yes, with special condition
<b>18.42.057(C) Drive-through services.</b> Drive-through or walk-up window services in conjunction with cannabis retail are prohibited.	The applicant is not proposing drive-through or walk-up services, and the building is not presently equipped to accommodate these services.	Yes
<b>18.42.057(D)(1) Employees.</b> The cannabis operator shall maintain a current register of the names of all employees employed by the cannabis retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.	The applicant would be required to adhere to this policy so long as the business sells cannabis products. In order to ensure compliance with this policy, <b>SPECIAL CONDITION 1</b> is recommended (see below).	Yes, with special condition
<b>18.42.057(D)(2) Recordkeeping.</b> The cannabis operator shall maintain patient and sales records in accordance with State law.	The application materials include information on how the applicant will keep records in accordance with the standards set by the California Bureau of Cannabis Control. Nonetheless, <b>SPECIAL</b>	Yes, with special condition

	<b>CONDITION 1</b> is recommended to ensure ongoing compliance with this policy (see below).	
<b>18.42.057(D)(3) Photo identification.</b> No person shall be permitted to enter a cannabis retail facility without government issued photo identification. Cannabis businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government issued photo identification card.	The application materials include information regarding compliance with age restrictions. Nonetheless, <b>SPECIAL CONDITION 1</b> is recommended to ensure ongoing compliance with this policy (see below).	Yes, with special condition
<b>18.42.057(D)(4) Hours of operation.</b> Cannabis retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to 7 days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.	The application materials request to operate from 10 a.m. to 8 p.m. seven days per week, consistent with this requirement. The business would be permitted to alter the hours so long as they remain within the hours required by this policy.	Yes
<b>18.42.057(D)(4) Accessory uses.</b> As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Uses accessory to cannabis retail facilities may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require multiple State cannabis licenses, including, but not limited to, manufacturing, distribution, cultivation and/or processing. In no instance shall cannabis	The applicant would be permitted to engage in the retail sales of products besides psychoactive cannabis (CBD oils, branded merchandise, etc.), consistent with this policy. The applicant is not proposing to engage in activities that require volatile solvents.	Yes



manufacturing using volatile solvents be allowable as uses accessory to cannabis retail uses.		
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**SPECIAL CONDITION 1:** The business shall adhere to the requirements of the ILUDC, including the retail cannabis use operating requirements of ILUDC Section 18.42.057(D) for the duration of its operation. Prior to engaging in delivery services, the applicant shall submit an active State license that includes measures for compliance with State requirements as they apply to cannabis delivery. Failure to comply with the requirements of the ILUDC are subject to the enforcement and penalty actions of Chapter 18.98, including revocation of this permit.

With the inclusion of **SPECIAL CONDITION 1** to ensure ongoing compliance with the ILUDC cannabis retail requirements, the proposed project is allowed in the Central Business District and complies with all other applicable provisions of the Development Code and the Municipal Code.

3. The design, location, size and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

Most retail uses are allowable in the Central Business District without requiring a Minor Use Permit or Use Permit. In fact, most retail, office, medical, gallery, convenience store, or grocery land uses would be allowable without discretionary review, meaning they are permitted with only a business license. Cannabis Retail uses require Minor Use Permit approval in order to ensure they are operated safely and as not to be a nuisance to nearby properties. The following analyzes the design, location, size and operating characteristics of the project, and how it relates to the compatibility of existing and future land uses in the vicinity.

Design

The ILUDC exempts projects that propose little to no exterior modifications to a building from a Design Review Permit. Regarding the interior of the building, the applicant has submitted proposed floor plans for the business. The Police Department has reviewed the proposed floor plans, and have cleared the project for permitting. Additionally, the Mendocino County Building Department has reviewed the plans and has requested an interior tenant improvement plan for all interior modifications. Depending on the construction required for the interior tenant improvements, a building permit and/or accessibility improvements may be required. The following condition is recommended to ensure compliance with the Building Department’s requirements:

**SPECIAL CONDITION 2:** The applicant shall submit an interior tenant improvement plan to the Mendocino County Building Department to review. Should any building permits or accessibility improvements be necessary, these shall be approved and implemented prior to use of the property for cannabis retail.

With the inclusion of **SPECIAL CONDITION 2**, staff recommends that the design of the proposed cannabis dispensary is compatible with the existing and future land uses in the vicinity.

### Location

The ILUDC permits cannabis retail uses in the various commercial zoning districts with approval of a Minor Use Permit. The State of California prohibits cannabis retail uses within a 600-foot radius of a school, day care center, or youth center that is in existence at the time the license is issued. However, the state will waive this prohibition if a local jurisdiction specifies a different radius. The City Council considered this issue when adopting the local cannabis business ordinance, and elected to not limit a cannabis business' location based on its proximity to schools, day cares or youth centers. The Council was concerned that in a City so small, these proximity prohibitions could make it nearly impossible to establish a cannabis retail use.

Nonetheless, applications for Minor Use Permits can be denied if the review authority finds that the proposed location of the use is incompatible with existing and future land uses in the vicinity. Additionally, special conditions may be placed on a permit approval to mitigate any potential impacts to nearby properties. There are numerous dwelling units, as well as Art Explorers (non-profit), Spunky Skunk (toy store) and Noyo Center for Marine Science within 600 feet of the proposed cannabis retail use. Although both Art Explorers and Spunky Skunk are within 600 feet of the proposed dispensary, both front on Franklin Street. Neither business is visible from the proposed dispensary, and the dispensary is not visible from either sensitive use. Additionally, the proposed cannabis retail use does not propose to allow customer access through the rear of the building along the shared alley with Franklin Street. This limits interaction between customers of the dispensary and Franklin Street, separating them from Art Explorers and Spunky Skunk.

The Noyo Center for Marine Science is located adjacent to the proposed dispensary on Main Street. The Noyo Center for Marine Science has a stated mission of "advancing ocean conservation through education, exploration and experience." The Center occasionally hosts classes attended by children, and includes activities geared toward children. Since the land uses are adjacent, there is a likelihood of dispensary customers coming in contact with visitors of the Center. Since the dispensary does not include an on-site consumption component, and consumption of cannabis in public places (i.e. the sidewalk) is illegal, customers entering and exiting the dispensary should not be under the influence of cannabis when near visitors of the Center. Despite receiving notice of this application, the Center has not approached the City with any concerns about a nearby dispensary. A standard condition of this Minor Use Permit would be that the permit could be revoked if "the use...is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance." Staff recommends the City utilize the existing code enforcement and nuisance policies in the Municipal Code to monitor potential conflicts between the dispensary and nearby land uses, including the Center. Should the City receive complaints that the dispensary is operating in a way that is detrimental to nearby uses or a nuisance, the permit could either be revoked or revised to address any future issues.

It is staff's recommendation that the location of the proposed cannabis retail use is compatible with existing and future land uses in the vicinity.

### Size

The proposed cannabis retail use will utilize an existing commercial structure, and no substantial exterior modifications are proposed. The existing structure has operated as retail a retail use at its current size, has not posed a detriment to the surrounding community, and is consistent with existing and future land uses in the vicinity.

### Operating Characteristics

The proposed cannabis retail use must meet the operating requirements specific to dispensaries in ILUDC Section 18.42.057. The special conditions recommended in this staff report seek to ensure continued compliance with ILUDC Section 18.42.057, and addresses the site- and project-specific operating characteristics of the proposed use so that it is consistent with existing and future land uses in the vicinity. Failure to comply with the requirements of the ILUDC, Municipal Code, or conditions of this permit would be subject to the enforcement and penalties outlined in ILUDC Section 18.98, including revocation of this permit. See **Attachment 6** for additional information from the applicant regarding compliance with state and local requirements.

4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities to ensure that the type, density and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

### Public Services

As part of their review of the project application, the Public Works Department stated that the existing public services provided to the site are adequate to serve the development and does not necessitate further Public Works-related comments or conditions.

### Safety

Prior to Community Development review of cannabis business applications, the Police Department reviews the application materials to ensure compliance with Municipal Code Chapter 9.30. This involves running a background check on the owners and/or managers of the business, reviewing the security plan and premise for the safety of employees and customers, and identifying any site-specific security concerns. In a letter dated March 5, 2020, Sergeant Lee of the Fort Bragg Police Department stated that the Department reviewed the application materials and inspected the premise. In order to ensure that the security measures proposed by the applicant are implemented, the Police Department requests an inspection prior to business license approval. **SPECIAL CONDITION 3** is recommended to require this future inspection.

**SPECIAL CONDITION 3:** Prior to issuance of a Business License for a cannabis retail use, the applicant shall have the premise inspected by the Fort Bragg Police Department to ensure the implementation of the security measures proposed for the project. The Police Department may require alterations to the security measures for the safety of customers and employees, pursuant to Municipal Code Section 9.30. Prior to issuance of a Business License for a cannabis retail use, the

Community Development Department shall receive a written statement from the Police Department that security measures are in place protecting customers and employees of the business.

In order to ensure continued consistency with the submitted security plan, and to prevent the business from becoming a hazard to the public interest, health, safety, convenience, or welfare to persons, property or uses in the vicinity of the project, staff recommends the following special conditions be placed on a permit allowing the cannabis retail use.

**SPECIAL CONDITION 4:** The Fort Bragg Police Department approved the security plan for the cannabis retail use in March, 2020. The Chief or his/her designee may inspect the facility for consistency with the approved security plan at any time following 24-hour notice to either ownership or management of the facility. Any deviation of implemented security measures from the approved plan shall be reviewed and approved by the Police Chief.

**SPECIAL CONDITION 5:** The Police Chief or his/her designee may require changes to the security plan as a result of either code violations or calls for service. Alterations to the security measures required by the Chief shall be implemented in a timeframe acceptable to the Police Chief.

**SPECIAL CONDITION 6:** The applicant shall provide the Police Chief an Employee Register, consistent with Municipal Code Section 18.42.057(D)(1), prior to engaging in the cannabis retail use, and upon renewal of a business license for a cannabis retail use.

**SPECIAL CONDITION 7:** Prior to operating a cannabis retail use, the Community Development Director shall receive confirmation from the Police Chief that the project is in compliance with the Municipal Code and submitted security plan.

With the inclusion of the recommended special conditions, this project can be found consistent with this approval finding.

The proposed use complies with the following Central Business District finding required by 18.22.030 (Commercial District Land Uses and Permit Requirements): The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.

The proposed cannabis retail use would have a storefront component and would be open for customer visit. The storefront would remain unchanged from the previous retail use in the same

location. The project can be found consistent with this policy, as the business would be pedestrian-oriented, consistent with the requirements of the Central Business District.

## **RECOMMENDATION**

Staff recommends approval of Minor Use Permit 1-20 based on the analysis, findings and conditions contained herein.

## **GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
4. The project complies with Specific Use Regulations established for the project;
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

## **MINOR USE PERMIT FINDINGS**

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

## STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months

of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

## **SPECIAL CONDITIONS**

**SPECIAL CONDITION 1:** The business shall adhere to the requirements of the ILUDC, including the retail cannabis use operating requirements of ILUDC Section 18.42.057(D) for the duration of its operation. Prior to engaging in delivery services, the applicant shall submit an active State license that includes measures for compliance with State requirements as they apply to cannabis delivery. Failure to comply with the requirements of the ILUDC are subject to the enforcement and penalty actions of Chapter 18.98, including revocation of this permit.

**SPECIAL CONDITION 2:** The applicant shall submit an interior tenant improvement plan to the Mendocino County Building Department to review. Should any building permits or accessibility improvements be necessary, these shall be approved and implemented prior to use of the property for cannabis retail.

**SPECIAL CONDITION 3:** Prior to issuance of a Business License for a cannabis retail use, the applicant shall have the premise inspected by the Fort Bragg Police Department to ensure the implementation of the security measures proposed for the project. The Police Department may require alterations to the security measures for the safety of customers and employees, pursuant to Municipal Code Section 9.30. Prior to issuance of a Business License for a cannabis retail use, the Community Development Department shall receive a written statement from the Police Department that security measures are in place protecting customers and employees of the business.

**SPECIAL CONDITION 4:** The Fort Bragg Police Department approved the security plan for the cannabis retail use in March, 2020. The Chief or his/her designee may inspect the facility for consistency with the approved security plan at any time following 24-hour notice to either ownership or management of the facility. Any deviation of implemented security measures from the approved plan shall be reviewed and approved by the Police Chief.

**SPECIAL CONDITION 5:** The Police Chief or his/her designee may require changes to the security plan as a result of either code violations or calls for service. Alterations to the security measures required by the Chief shall be implemented in a timeframe acceptable to the Police Chief.

**SPECIAL CONDITION 6:** The applicant shall provide the Police Chief an Employee Register, consistent with Municipal Code Section 18.42.057(D)(1), prior to engaging in the cannabis retail use, and upon renewal of a business license for a cannabis retail use.

**SPECIAL CONDITION 7:** Prior to operating a cannabis retail use, the Community Development Director shall receive confirmation from the Police Chief that the project is in compliance with the Municipal Code and submitted security plan.