

**PLANNING COMMISSION
CITY OF SONORA**

March 8, 2021

5:30 P.M.

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Kevin Anderson, Peter Ghiorso and Ron Jensen.

MINUTES:

MOTION: Approve the minutes of the meeting of February 8, 2021 Planning Commission, as mailed.

MOTION: Richardson **SECOND:** Ghiorso
VOTE: **AYES:** Richardson, Ghiorso, Jensen, Anderson, and Garnin (5)
 NOES: None (0)
 ABSTAIN: None (0)
 ABSENT: None (0)

PUBLIC APPEARANCES: None

PUBLIC HEARINGS

1) Application by Hazy Bulldog Farms, LLC, for an amendment to the Use Permit for a Cannabis Dispensary to allow for the sale of medicinal and recreational adult-use cannabis, located at 1243 Mono Way, in a Commercial zone (C); APN: 056-190-012.

Community Development Director, Rachelle Kellogg, presented the staff report. She discussed the changes in project conditions and the reason behind the increase in conditions.

Chairman Garnin asked if the applicant had submitted both the application for a Use Permit for their current location and the Use Permit and Development Agreement for their proposed new location. He stated that if that was the case then this location is temporary in nature.

Community Development Director, Rachelle Kellogg, stated that the City has received, and is processing, their Use Permit and Development Agreement applications for 1201 Mono Way.

Applicant, Jeff Muzio, applauded the City's added conditions which he stated are very complex but will help to address past issues related to parking and security. He said that the new security requirements were very stringent, even above what banks are required to do. He felt that Hazy Bulldog will be able to operate under these conditions the expanded use in a safer environment under the project conditions.

Chairman Garnin questioned if the applicant if he will be selling different products under the adult-use permit.

Applicant, Jeff Muzio, stated that the products are the same as under medicinal but the amount of volume that can be purchased is less.

Commissioner John Richardson expressed concerns over the health effects of cannabis use and increase in its availability.

Applicant, Jeff Muzio, stated that he believed that adults have the choice to use or not use cannabis, that it was a personal choice issue. He also stated that it is already available here as dispensaries from out of the area are delivering it.

Chairman Garnin opened the Public Hearing at 5:57 p.m.

John Von Hermann spoke in favor of the Use Permit amendment.

Bob Kirk spoke against the Use Permit amendment.

There being no further comments from the public, Chairman Garnin closed the Public Hearing at 6:03 p.m.

Commissioner Jensen asked the Police Chief, Turu Vanderwiel, how he felt about allowing the sale of adult-use cannabis.

Police Chief, Turu Vanderwiel, said he was not a big fan but it is already here so we should regulate it.

Chairman Garnin asked the Police Chief if there has been an increase in crime or police calls related to the existing Hazy Bulldog operations.

Police Chief, Turu Vanderwiel, stated there has been an increase in cannabis use but there is no way to measure if it is related to a particular business operation.

Commissioner Ghiorso discussed concerns over the increase in tax revenue versus the increase in costs associated with community related cannabis use.

Commissioner Anderson questioned why there was not a separate requirement for signage versus regulating them under the City's Sign Ordinance.

Community Development Director, Rachele Kellogg, stated that the City's Sign Ordinance is more restrictive than State law. She also stated that the City does not regulate billboards along the State highway.

Sonora Planning Commission on March 8, 2021. [Project Description, SMC Section 17.32.090] The Community Development Director may approve minor changes that are in substantial compliance with the plans approved by the Planning Commission.

- 2) Site plans and floor plans for the commercial cannabis facility shall be completed to the satisfaction of the Sonora Police Department and Community Development Department and submitted for approval prior to the issuance of a building permit, including:
 - a. Secure Lobby/Waiting Area
 - b. Secure Loading and Transport area(s) for transferring cannabis or cash to or from VEHICLES
 - c. Secure storage area (safe[s])
- 3) The applicant shall retain the lease agreement with the owner of 1201 Mono Way to allow their patrons to park in the rear paved parking lot. If the lease is cancelled and the parking becomes unavailable, the applicant will only be allowed to sell medicinal cannabis as allowed under the current Use Permit.
- 4) The unpaved parking area behind the building can only be used for employee parking.
- 5) The Use Permit will be revoked by the City when an Occupancy Permit is issued for a new dispensary location within the City of Sonora.
- 6) The Chief of Police and Sonora Fire Chief, or their designee, shall inspect the building prior to issuance of the certificate of occupancy to ensure compliance of all applicable laws and conditions. Any deficiencies identified during the inspection shall be mitigated by the applicant prior to occupancy.
- 7) Project shall include exterior LED security lighting. Exterior lighting shall provide for uniform white lighting to a level of 1.5 foot candles or greater throughout the structure perimeter and parking lots. All exterior lighting fixtures B.U.G. Rating shall comply with CALGreen Section 5.106.8 & Table 5.106.8(N), Lighting Zone LZ3. Area lights and security lighting shall not extend beyond the limits of the subject property. No adjustable angle fixtures shall be utilized.
- 8) All new roof-top equipment must be screened from public view. The method of screening must be architecturally integrated with the structure in terms of material, color, shape, and size. A combination of elements, including but not limited to stucco, paint, mesh screen, and similar methods may be used. Where individual equipment is provided a method of continuous screening should be used. Mechanical equipment should be located below the highest vertical element of the building.
- 9) Applicant is to provide a detailed plan describing the air treatment system, or other methods that will be implemented, to prevent cannabis odors from being detected outside the business site prior to issuance of a building permit.

- 10) Applicant shall comply with requirements and regulations under SMC Chapter 8.36, Cannabis Business Regulation.
- 11) The business hours will be restricted to 9 a.m. to 6 p.m. All delivery services to customers shall cease no later than 6 p.m.
- 12) Distribution or delivery vehicles shall be properly licensed, insured and equipped per BCC regulations. All cannabis delivery shall comply with Business and Professions Code Chapter 9, Delivery (26090).
- 13) The proposed use shall be operated entirely within the building footprint.
- 14) Applicant shall work with neighboring businesses and property owners to resolve any issues that may arise from dispensary operations.
- 15) Noise generated within the premises shall not be audible beyond the area under the control of the applicant.
- 16) The property shall be maintained at all times and the site shall be kept in a clean and orderly fashion.
- 17) Prior to certificate of occupancy, Applicant shall submit a commercial cannabis waste management plan, describing how commercial cannabis waste will be deposited. Applicant shall comply with all state and local requirements regarding refuse control and collection of cannabis waste materials. The trash enclosure or trash bin shall be locked and secured at all times.
- 18) Applicant shall comply with the following safety requirements:
 - a. A secured Loading and Delivery area for restocking of cannabis product or the transportation of product or cash shall be in place prior to certificate of occupancy.
 - b. There shall be no minors on the premises. Pursuant to Section 5400 of Title 16 of the California Code of Regulations, access to the licensed premises of a retailer shall be limited to individuals who are at least 21 years of age. Individuals who are at least 18 years of age and have a valid physician's recommendation for medicinal cannabis may access the premises of a licensed medical cannabis dispensary for the sole purpose of purchasing medicinal cannabis.
 - c. Applicant shall include security bollards or other devices rated at K4 (15,000-pound impact) or higher and shall be installed in front of any storefront areas to prevent vehicle intrusions prior to certificate of occupancy.

- d. The point of sale and safe/vault shall be equipped with an easily accessible UL listed central station silent robbery alarm system and landline telephone prior to certificate of occupancy.
- e. The facility shall be alarmed with a monitored burglary alarm prior to certificate of occupancy. The monitoring center shall be UL listed. Alarm components shall include contact points on all interior and exterior doors, windows capable of opening, motion sensors in each room of the facility, and glass break sensors on any external windows. The facility alarm shall be equipped with non-emergency notification technology that provides immediate notification of facility management of any system failures (e.g., power outage, sensor malfunction). Codes employed shall be user-specific. The alarm system shall be equipped with auditing technology, providing no less than 90-days of archived system use reporting. The alarm system shall be equipped with cellular backup to provide for notifications in the event of landline disruption. The facility alarm shall be supported by a battery-backup system capable of maintaining uninterrupted system efficacy for up to 24-hours. The facility alarm shall be equipped with automatic arming technology that will automatically arm the system at a designated time each night to safeguard against failure to arm by an employee. The facility alarm shall be configured to provide for arming exterior access points independent of interior points to provide for an armed perimeter at times that the facility is occupied by employees but not open for business. The entirety of the facility alarm shall be maintained in an armed state during all hours that the facility is unoccupied. Where the facility is closed for business with employees working inside, the perimeter zone shall be armed. In the event that any component of the facility alarm is inoperable, bypass of faulty equipment to arm the system is not permitted. Where any aspect of the facility alarm system is inoperable, the facility shall be staffed on a consistent basis by an employee or security officer until such time as the facility alarm is fully functioning.
- f. Recorded closed-circuit color video (CCTV) cameras shall be installed and employed, prior to the certificate of occupancy, to monitor all aspects of the facility. Cameras shall be equipped so as to record and view in darkness. Cameras shall be installed no further than 20 feet from any entrance to the facility. Cameras shall be high resolution and capable of providing facial recognition of persons entering the facility and occupying any room thereof. At least two cameras and viewing angles shall exist in each room of the facility (restrooms excepted). The point of sale shall be equipped with a minimum number of fixed cameras focusing on this area to allow video of all angles. Cameras shall be high-resolution and equipped with auto-focus, auto-iris and day/night functionality. Cameras shall record at no less than 20 frames per second. Video and still frame footage shall be accurately date and time stamped with stamping located in frame in a manner that does not obscure focus areas of images. A color photo printer shall be maintained on the premises and available to print color images no less than 300dpi. Cameras shall record at all times, both during and after business hours, and shall not rely on motion detection to record, although motion tagging

by the software is acceptable and encouraged. Cameras shall be installed and maintained by a third party installer. A maintenance contract to ensure the continuous maintenance, firmware upgrade, cleaning, calibrating, and testing of surveillance equipment shall be maintained. Maintenance through a licensed vendor shall be conducted at least every six (6) months. Where any aspect of the facility surveillance system is inoperable, the facility shall be closed and staffed by an employee or security officer until such time as the facility surveillance system is fully functioning. The surveillance system shall be equipped with notification technology that will notify facility management in the event that the surveillance system experiences a malfunction (e.g., power loss, network failure).

- g. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 90 days' worth of activity. DVR shall have the capability to transfer recorded data to another medium (i.e. external drive or DVD) and shall provide for offloading of data in common format (e.g. MPEG) requiring no proprietary software to view by third parties. Where advised by a regulatory agency that video files may be relevant to an investigation, the facility shall be responsible for maintaining footage from all cameras for the specified focus period identified. Any video files stored on media shall be completely destroyed prior to the discarding of that media.
- h. The DVR and any video files stored on media must be kept in a secured area that is accessible only to management. In the event of a crime on the premises, there shall be at least one member of the managerial staff on-site that can assist law enforcement in viewing and downloading recorded footage. For after-hours requests, a manager shall be available to respond to the location within one hour to assist law enforcement. Video files relative to crimes shall be saved on media in both common format requiring no proprietary software, as well as in the proprietary and unaltered format generated by the video surveillance system (where applicable).
- i. All crimes occurring on the premises shall be reported to the Sonora Police Department immediately upon discovery. This includes all crimes involving employees, agents, or representatives of the business, that occur while the employee, agent, or representative is acting on behalf of the business, within the City of Sonora.
- j. Holdup/Distress alarm system shall be installed prior to certificate of occupancy and employed near the following, as applicable:
 - 1. Transportation area;
 - 2. Manager's office;
 - 3. Lobby;
 - 4. Safe(s);
 - 5. POS/Retail areas; and
 - 6. Any area products are stored or monies secured.

- k. A hold-up alarm shall cause the alarm company to immediately notify the Sonora Police Department Communications Center, who will dispatch police officers.
- l. All areas of the facility that are accessible to patrons shall be equipped with video monitors mounted prior to certificate of occupancy in a visible location where patrons can clearly see their activities are being monitored.
- m. Any rear door used to admit employees or deliveries shall be equipped with a 180-degree viewing device prior to certificate of occupancy to screen persons before allowing entry.
- n. Height markers that display height measurements are required on the interior of the business, at a minimum located at entrances and exits and installed prior to occupancy.
- o. No public telephone shall be allowed on the premises.
- p. No coin-operated games, video machines, or vending machines shall be allowed on the premises.
- q. The applicant shall post the property with No Trespassing/no loitering, prior to occupancy, in accordance with section 602(k) of the California Penal Code.
- r. Prior to occupancy, the patron entrance shall be equipped with signage prohibiting bags larger than 12"x12"x6", and sunglasses, hats and hoods that would conceal facial features of the patrons entering the building. This shall be enforced by the applicant or agent.
- s. Any exterior doors providing an access point to the business will be free of any obstructions which may prevent a clear view from the roadway, parking lot, public area, and video surveillance points.
- t. Windows shall remain uncluttered with no advertising to allow for natural surveillance.
- u. The name of the store shall be printed on all receipts.
- v. The applicant is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.
- w. Any graffiti painted or marked upon the premises or on any adjacent area under control of the applicant shall be removed or painted within 72 hours of it being applied.

- x. A readily identifiable security guard, licensed by the Bureau of Security and Investigative Services (BSIS), shall be on duty 30 minutes prior to the arrival of the first scheduled employee of the business, during all business hours, and shall remain on duty until the last employee of the day has vacated the premises. The designated security guard and the store manager or operator cannot be the same person and may not perform any additional tasks which would distract them from security responsibilities. The Chief of Police, after conducting a site inspection, may determine that an armed security guard is warranted and the applicant will be required to provide one.
- y. Any modifications to distribution or sales practices authorized by the California Bureau of Cannabis Control by emergency order shall be approved by the Sonora Police Department in writing. In any event, all transactions shall be monitored by both surveillance cameras and security personnel.
- z. Access control and design concepts of the facility shall employ, at minimum, the following access control measures:
 - 1. The patron (lobby) entrance shall be equipped, prior to occupancy, with an electronically and remotely controlled access control system, doorbell, and intercom. An employee assigned access control responsibilities will pre-screen patrons for compliance with posted prohibitions on attire and baggage, granting access only where compliance with postings is afoot.
 - 2. The patron will first enter an enclosed lobby through which no further access into the facility is possible without access granted through a second, locked interior door. An employee assigned intake screening will be situated behind security glass. The intake employee must validate patron eligibility to enter by valid, government-issued photo identification. If authorized, the patron will be granted access from the lobby to a waiting area. The electronic access control system must be programmed to prevent both lobby doors from being open at the same time.
 - 3. The waiting area shall be monitored by an employee at all times.
 - 4. The dispensing area will maintain a limit of two patrons per employee assigned to the dispensing area and will be monitored by an employee at all times to ensure the ratio of two patrons per employee is not exceeded.
 - 5. Upon availability in the dispensing area, the employee monitoring the waiting room will grant access for patrons to the dispensary ingress corridor by temporarily disengaging its electronically controlled door remotely. The dispensary ingress corridor will be situated with an electronically controlled door, prior to occupancy, leading into the dispensing area. This door will be programmed to remain locked until the door from the waiting area is closed.

6. Upon conclusion of the transaction, patrons will depart through an egress corridor by depressing an exit button next to this exit. This will temporarily disengage the electronic lock, granting departure from the dispensing area into an egress corridor. From within the egress corridor, the patron will depress another exit button, granting passage out of the egress corridor to the outside. The doors of the egress corridor will be programmed prior to occupancy to prevent both doors from being open at the same time.
 7. All electronically controlled doors will be equipped, prior to occupancy, to disengage to provide for egress from the facility in the event of a fire alarm activation.
 8. All doors equipped with electronic access controls will also be equipped, prior to occupancy, with commercial-grade key locks that will be engaged during non-operating hours of the facility.
 9. The electronic access control system will be equipped, prior to occupancy, with an uninterruptible power supply capable of keeping the system operable in the event of a power loss at the facility. In the event of an extended power outage, the facility shall be closed or supported by generator power capable of maintaining the access control system.
- aa. The applicant shall have a secured storage room that has a high-security type door and locking mechanism prior to occupancy. The storage room shall also contain a safe for the temporary storage of currency pending transfer. No other access to the room, e.g., windows, etc., shall be present.
 - bb. During hours of non-operation, all product and currency shall be removed from the dispensing area and placed in the secure storage room and safe.
 - cc. The maximum amount of currency in the dispensing area shall not exceed \$3,000.00 (not including currency in ATM). Excess currency shall be placed into the safe in the storage room pending transfer.
 - dd. The applicant shall not engage in any other retail sales of any product that is not a cannabis or cannabis business product and as regulated under state licensing requirements. No other product of any kind may be given away or stored on-site. Any community outreach or providing of non-cannabis materials shall not occur from the premise and must be conducted offsite. Employee lunch/food and drink may be located on-site.
 - ee. The applicant shall not participate in or allow the consumption of any cannabis products on or near the premises.
 - ff. The applicant shall not have any bathrooms open to patrons use other than in the lobby area.

- gg. Storage containers and non-operational vehicles shall not be allowed in the parking area of the property.
- hh. The licensee shall not utilize, maintain, or keep any offsite storage area for cannabis products or cash. Any storage facility affiliated to the business or maintained by the licensee for the purpose of promoting the business shall be subject to inspection upon request and without delay.
- ii. The applicant shall have an annual inspection with the Chief of Police, or his/her appointee, to review security concerns or deficiencies. Any security deficiencies identified during the inspection shall be mitigated prior to allowing continued operation. Inspections may be required more frequently based on complaints or noted concerning activities.
- jj. All agents, officers, or other persons acting 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.
- kk. Any areas not addressed above will default to the regulations outlined under the Bureau of Cannabis Control Text of Regulations Title 16, Division 42.

19) Applicant shall comply with the following advertising requirements:

- a. The regulations and requirements under Chapter 15, Advertising and Marketing Restrictions (26150 – 25156), of the Business and Professions Code – Division 10 Cannabis.
- b. No distribution of free or discounted cannabis products may be given to persons in any public building, building/space not licensed for the sale of cannabis, park or playground.
- c. The regulations and requirements under the City's Sign Ordinance, SMC Chapter 15.28.
- d. No advertising of cannabis products shall be permitted at City sponsored special events, parades, and street events.
- e. Advertising of cannabis products shall not be permitted at any public event within the City where less than 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience

composition data. Advertising will also be prohibited at events and venues that include rides, games and entertainment focused on youth.

- f. No advertising of cannabis products, including vaping products, swag, posters, or flyers are to be given or located within 1,000 feet of any public or private pre-school, elementary, junior high, high school, public park, public playground, or any other youth-sensitive area such recreation centers, day-care or child-care facilities.
 - g. Licensee will not brand sponsorships of youth sporting events, youth entertainment events, and any public events directed at youth. Youth includes those 21 years of age or younger.
- 20) All employees shall be aware of and comply with the conditions of approval required of commercial cannabis business.
- 21) Applicant shall comply with all local, state and applicable federal laws, regulations, and licensing requirements at all times. (SMC Section 17.32.090)
- 22) Any violation or default of the terms of the Development Agreement that has not been cured pursuant to the terms of the Development Agreement, shall be grounds for revocation of the conditional use permit.
- 23) Applicant's failure to maintain the conditional use permit in good standing, or if Applicant fails to comply with any conditions set forth herein, shall be grounds for termination of the Development Agreement.
- 24) To the fullest extent permitted by law, the Applicant, and the Applicant's successor in interest, shall defend, indemnify, and hold harmless City, and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, the Development Agreement, the conditional use permit, or any Subsequent City Approvals, as defined in the Development Agreement, related to the project.
- 25) Failure by the Applicant to indemnify City, when required by this condition of approval or the Development Agreement, shall constitute a material breach of the Development Agreement, the Conditional Use Permit, and Subsequent City Approvals, which shall entitle City to all remedies available under law, including, but not limited to, specific performance and damages. Failure to indemnify shall constitute grounds upon which City may rescind its approval of any applicable conditional use permit. The Applicant's failure to indemnify City shall be a waiver by the Applicant of any right to proceed with the project, or any portion thereof, and a waiver of the applicant's right to file a claim, action, or proceeding against City, or City's Agents, based on City's rescission or revocation of any conditional use permit, subsequent City Approvals, or City's failure to defend any claim, action, or proceeding based on the Applicant's failure to indemnify City.

- 26) In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions of approval, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.
- 27) Approval of a conditional use permit application does not constitute approval of any other entitlement or any other necessary permit, license, or approval required for the project.

Findings for Use Permit Amendment – 1243 Mono Way

1. The use is not located within 600 feet of a school, youth center, day care, church, or park.
2. The use is desirable at the specific location;
3. The use is consistent with the City of Sonora General Plan;
4. The use is consistent with the intent of Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located.

DISCUSSION ITEMS

- 1) Community Development Director's Report

Community Development Director, Rachelle Kellogg, advised Commissioners that there will be an April Planning Commission Meeting and cannabis dispensaries will again be considered. She also stated that Landon Collins is the new contract Building Inspector for the City. She informed Commissioners that Wilco anticipates opening in April.

There being no further business to come before the Commission, the meeting was adjourned at 6:25 p.m. to the next Planning Commission Meeting on Monday, April 12, 2021.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director