



City of Nevada City

TO: Planning Commission
FROM: Amy Wolfson, City Planner
MEETING DATE: June 18, 2020

RE: AMENDED APPLICATION: Elevation 2477- Cannabis Dispensary at 569 Searls Avenue, Suite C, Amendment request to expand dispensary area (754 sq. ft. of suite D).

ATTACHMENTS:

1. Proposed expanded floor plan
2. Authorization Letter with Conditions of Approval, with recommended amendment

PROPOSED APPLICATION AMENDMENT: At their November 15, 2017 meeting, the City Council voted to approve Elevation 2477 to operate a cannabis dispensary at 569 Searls Avenue. Elevation 2477 is managed by Daniel Bachelor and Jonathan Hogander. The business was previously approved to expand their original space of 588 square feet by 300 square feet for a total of 888 square feet. The current application is to expand into 754 square feet of the neighboring suite “D.” The expanded space will allow the business to operate an express retail service for pick-up of online orders. The space is intended to minimize the number of people within the main retail space.

IMPORTANT PROTOCOL NOTE: The commission should be aware that standard procedures for an amendment of this nature call for agency review of the amendment and notification of the amendment to property owners within 300-feet within 10-days of the meeting. The amendment request was not made to staff until June 11, 2020, so there was not enough time to accommodate standard protocol. However, business owner Daniel Bachelor indicated that the expansion request was directly related to the COVID-19 social-distancing protocols and a need to provide outdoor retail service. Staff will still route this amendment request for comment and to neighboring properties. Should any objection or request to revise conditions of approval from commenting agencies come in, staff will place this item on the next agenda for re-consideration. Staff is recommending that both the Fire and Police departments review the proposed improvement plans for prior to building permit issuance, which is included as a condition of amendment approval.

RECOMMENDED MOTIONS: Make a Motion to approve the amended application as presented to authorize the expanded space, subject to the previously approved Conditions of Approval, attached, as may be modified by the planning commission, making the following findings

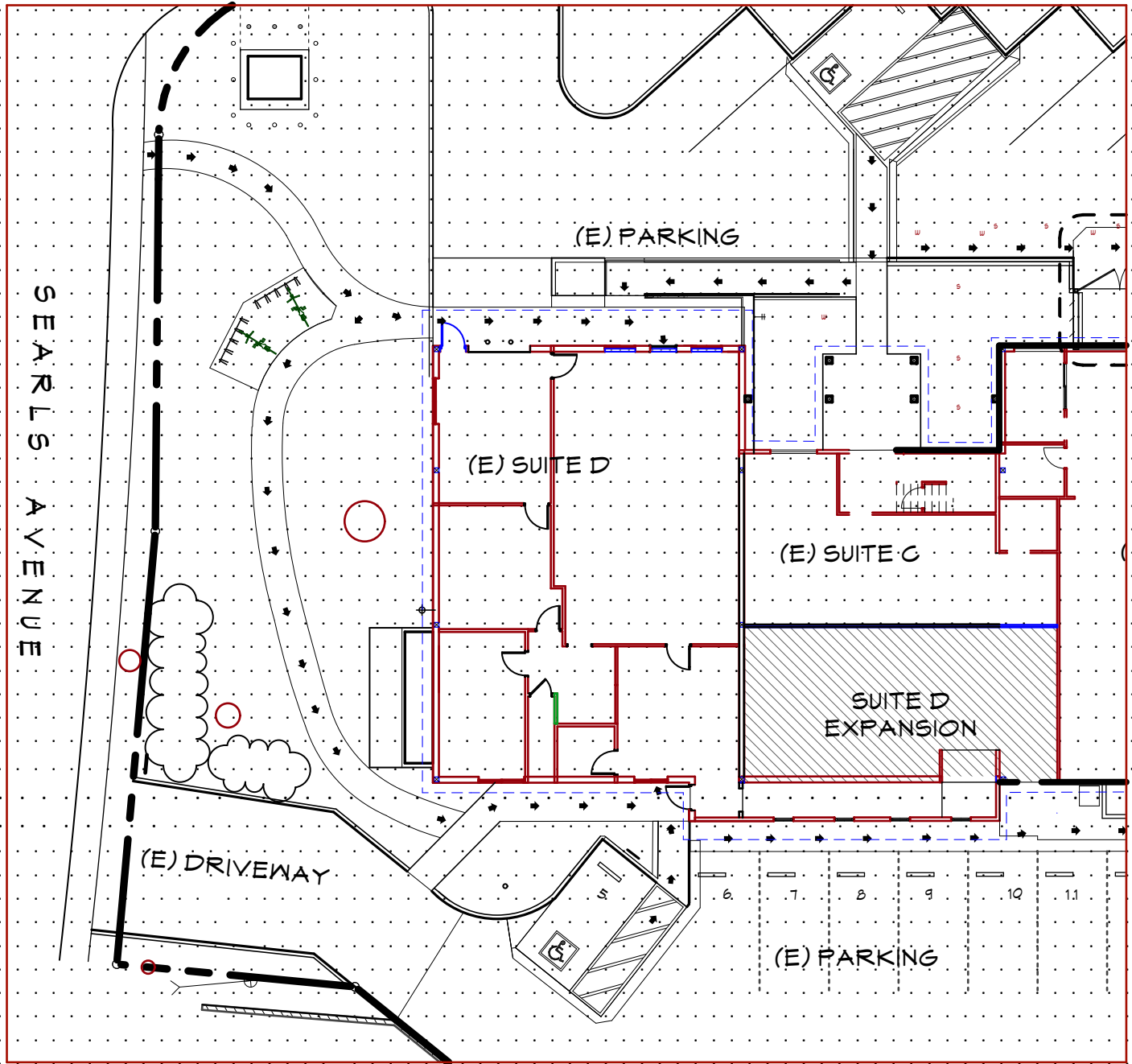
- a) There is a clear need for the dispensary to accommodative express outdoor retail service so that proper social-distancing may be accommodated pursuant to the COVID-19 social-distancing protocols; and
- b) As presented and conditioned, there is no reasonable argument that approval of the amended application is likely to be detrimental to the city, taking into account any health, safety, and welfare impacts on the community.
- c) Finding that the amended application is consistent with Chapter 9.22 of the Nevada City Municipal Code.

PREMISES DIAGRAM

The premises diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows and doorways. The activities in each room and the location of all cameras must be identified on the diagram. For more detailed information see the instructions on the back.

Full Name of Applicant				License Type Applied For	
Proposed Premises Street Address	City	State	ZIP	Nearest Cross Street	

Diagram



SITE PLAN

1"=20'

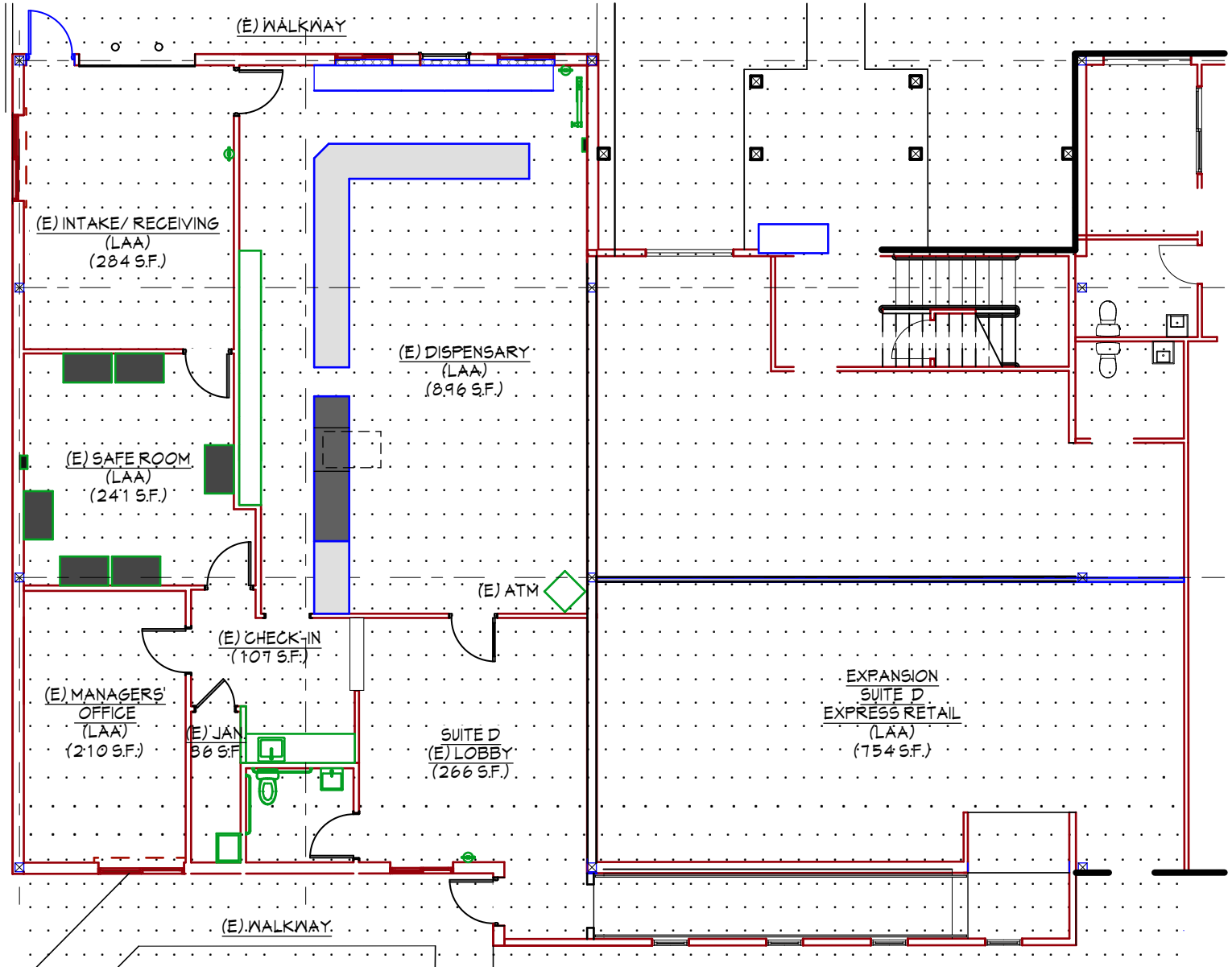
Applicant Signature		Date Signed
BCC Use Only (Signature/Certified Correct)	Printed Name	Inspection Date

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Full Name of Applicant				License Type Applied For	
Proposed Premises Street Address	City	State	ZIP	Nearest Cross Street	

Diagram



FLOOR PLAN
 3/32' = 1'-0"

Applicant Signature		Date Signed
BCC Use Only (Signature/Certified Correct)	Printed Name	Inspection Date



City of Nevada City

June 18, 2020

Daniel Bachelor
'Elevation 2477'
11467 Vinlee Place
Grass Valley, CA 95949

Subject: Nevada City Medical Cannabis Business Authorization for 'Elevation 2477' at 569 Searls Avenue, Suite C

Dear Mr. Bachelor:

At their June 18, 2020 meeting, the Planning Commission of the City of Nevada City voted to approve your amended application to expand into 754 sq ft of suite D in order to accommodate an "express retail" area to your cannabis dispensary operation at 569 Searls Avenue. This authorization shall effectively amend your previously issued permit, valid for a term of one year from the date of original permit issuance, August 14, 2019, subject to the amended Conditions of Approval, with an amended condition identified in italics:

- Provide proof of California State Licensing that verifies the license type issued.
- Prior to commencing operations, you are required to complete all tenant improvements as detailed in your application. A medical cannabis business shall be subject to a mandatory building inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
- Provide evidence of the right to occupy and to use the property for purposes of a medical cannabis dispensary. As a condition precedent to the City's issuance of a medical cannabis business permit pursuant to this Chapter, any person intending to open and to operate a medical cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location.
- They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Nevada City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the medical cannabis business permit, the City's decision to approve the operation of the medical cannabis business or activity, to process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the medical cannabis business or any of its officers, employees or agents.

- Provide proof of liability insurance and liability agreement. You are required to maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city attorney.
- Provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the medical cannabis dispensary can be provided. Each medical cannabis dispensary shall also provide the above information to all businesses and residences located within one hundred (100) feet of the medical cannabis dispensary property and shall provide opportunity for those businesses and residents within one hundred (100) feet to visit and to tour the medical cannabis dispensary at least once on a mutually convenient date and time. Any additional request shall be at the sole discretion of the dispensary operator.
- During the first year of operation pursuant to Section 9.22.140 of the City Municipal Code, the owner, manager, and community relations representative from the medical cannabis dispensary holding a permit shall attend a quarterly meeting with the city manager or his/her designee(s) to discuss costs, benefits, and other community issues arising as a result of issuance of a medical cannabis dispensary permit. After the first year of operation, the owner, manager, and community relations representative from the medical cannabis dispensary shall meet with the city manager or his/her designee(s) when and as requested by the city manager or his/her designee(s).
- Develop a public education plan pursuant to Section 9.22.080 of the City Municipal Code. The medical cannabis dispensary to which a permit is issued pursuant to this chapter shall develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction.
- Identify a designated security representative/liaison to the City of Nevada City, who shall be reasonably available to meet with the City Nevada City or his/her designee regarding any security related measures or and operational issues.
- The owner, operator, and delivery personnel shall comply with all applicable state law requirements;
- The delivery personnel must be an employee of the cannabis dispensary;
- Before dispensing any products to persons requesting delivery, the delivery personnel must verify that the requestor is of legal age to possess cannabis.
- At such time that credit-card sales for delivered dispensary products is available, all delivery sales shall be credit card-based and no cash sales shall be permitted
- *Prior to building permit issuance, the expanded “express retail” space shall be reviewed and approved by the Fire and Police Departments.*

Please note that under United States Law, the operation of a cannabis business, regardless of whether it is for medical or recreational purposes, is illegal and may be subject to criminal prosecution and civil enforcement actions. Property involved in such operations has been subject to seizure by and forfeiture to the United States.

Operation of your business may not commence until the above requirements are satisfied to the satisfaction of Nevada City staff. Issuance a **Nevada City Business License** and issuance of a **cannabis business permit** shall not occur until all of the above requirements have been completed. Please note that the City has the right to revoke a permit issued for a cannabis business at any time should any disqualifying information regarding the application or its principals be presented to the City. Finally, please be aware that sixty days prior to the expiration of your permit (twelve months from permit issuance), you must apply for renewal of your business permit in order to avoid a lapse in operation.

Sincerely,

Amy Wolfson
City Planner
(530) 265-2496 x130

CC: Catrina Olson, Interim City Manager
Crystal Hodgeson, City Attorney