

**DRAFT BZA Conditions of Approval  
Loe Firehouse Dispensary**

|                      |                                 |                  |             |
|----------------------|---------------------------------|------------------|-------------|
| <b>Date:</b>         | April 8, 2021                   | <b>File No.:</b> | UPC17-0094  |
| <b>Site Address:</b> | 15499 Arnold Drive, Glen Ellen  | <b>APN:</b>      | 054-130-024 |
| <b>Applicant:</b>    | John Lobro, Loe Firehouse, Inc. |                  |             |
| <b>Landowner:</b>    | Samantha Smith, Goodharold, LLC |                  |             |

**Project Description:** Request for a limited term (5 year) use permit for a commercial cannabis dispensary operation, including 1,891 square feet of retail floor area and delivery service in an existing 3,847-square-foot commercial building on a 0.33-acre Limited Commercial (LC) property. Storefront dispensary services will be available during regular hours of operation 7:00 am to 7:00 pm Monday through Saturday; closed Sunday. Delivery service trips would occur twice each day during off-peak operating hours (one in am and one in pm). Parking for the operation will be provided on-site in two separate lots- a customer lot accessed from Arnold Drive with 12 parking spaces, including one van accessible space, and an employee/vendor lot accessed from Madrone Road with 5 spaces, including one van accessible space.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following conditions have been met.**

1. **Future Permits.** THESE CONDITIONS OF APPROVAL MUST BE INCLUDED WITH OR INCORPORATED INTO ALL FUTURE PERMIT APPLICATIONS AND SUBMISSIONS TO PERMIT SONOMA, INCLUDING GRADING, BUILDING AND ENCROACHMENT PERMIT PLAN SETS.

**FEES:**

2. **Permit Processing and Development Fees.** This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. No Use Permit certificate to operate shall be issued until all permit processing costs and development fees are paid in full.
3. **CEQA Filing Fee.** Within five working days after project approval, the applicant/operator shall pay a mandatory Notice of Determination filing fee of \$2,530.25 (or the latest fee in effect at the time of payment) for County Clerk processing. The fee will be charged against the project At-Cost deposit account and billed to the applicant, unless the applicant requests an alternate payment method, such as a check made out to the Sonoma County Clerk and submitted to Permit Sonoma in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
4. **Condition Compliance Fee.** At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,779.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant shall be responsible for payment of any additional



compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.

5. **Traffic Mitigation Fee.** Prior to building permit final or issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma a Traffic Mitigation Fee per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.
6. **Improvement Plan Fees.** Due to the transit requirement, plan checking fees and inspection fees, including those involving frontage improvements, shall be paid to Permit Sonoma (PRMD), prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.

#### **PLANNING:**

##### **Contact Permit Sonoma Planning at 707-565-8357**

7. **Term of Permit.** This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall be created for the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0094 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The Operator must apply for permit renewal at least 90 days prior to expiration of the Use Permit Certificate to avoid interruption of service.
8. **Use Permit Certificate.** A Use Permit Certificate with these conditions, approved operating plan, and approved floor plan shall be maintained on site and made available to county officials upon request.
9. **Conformance with Statutes.** This dispensary shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations, including but not limited to state and/or county track and trace programs, state licensing, occupational safety requirements, health permits and regulations, and cannabis business taxes. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.
10. **Inspection.** The dispensary shall be subject to inspections by appropriate local and state agencies, including but not limited to the Department of Health Services, Agriculture/Weights & Measures, and Permit Sonoma. Inspections may occur at random times for conformance with the County Code and permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the dispensary to immediately cease operations.
11. **Type(s) and Limitations of Use:**
  - a. This use permit allows for a cannabis dispensary (medical and adult use), including the sale of packaged cannabis products, live starter plants, clones, and seeds from qualified



wholesale nurseries. The dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the department of health services. Sale of incidental goods for personal cultivation is allowed, subject to the area limitations in Condition of Approval 12.

- b. This use permit allows for delivery service (medical and adult use). Sales shall be completed prior to delivery. Delivery drivers shall not carry cash and shall not process transactions at the point of delivery.
  - c. This use permit does not include or authorize special events.
  - d. This use permit prohibits the sale of clothing, posters, and other promotional items.
  - e. This use permit prohibits cannabis consumption on the premises. The term “premises” includes the actual building, as well as parking areas and other immediate surroundings.
  - f. This use permit prohibits cultivation of cannabis on the premises.
  - g. The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0094 as modified by these conditions.
12. **Dispensary Floor Area.** This use permit allows for 1,891 square feet of retail floor area. The operator shall not increase floor area beyond 1,891 square feet without prior approval from Permit Sonoma staff. Retail floor area devoted to the sale of incidental goods for personal cultivation is allowed as specified under Zoning Code Section 26-88-256(g)(8), currently limited to 10% of retail floor area up to a maximum of 50 square feet.
13. **Scales.** All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights and Measures.
14. **Hours of Operation.** Approved hours of operation for the retail storefront and the delivery service are 7:00 am - 7:00 pm Monday - Saturday, closed Sundays.
15. **Operator(s) and Employees.** The applicant/operator and all employees must be age 21 years or older.
16. **Ownership changes.** Written notification shall be provided to Permit Sonoma prior to any of the following changes: 1) a new person meeting the definition of cannabis business owner of the permit holder, 2) change in business entity type of the permit holder, 3) change in legal business name of the permit holder, 4) a new person serving as operator of the permit holder, or 5) a new property owner. Supporting documentation shall be submitted to Permit Sonoma within 30 days of any of the aforementioned changes.
17. **Security Plan.** The dispensary shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance from both indoor and outdoor cameras, controlled access to the retail floor, locking doors and windows, security lighting, alarms, and locked product storage areas. Public access shall not be allowed at the rear of the building, which is designated for commercial deliveries and employees. Cash shall be limited at the location to the minimum needed for the daily operations only, and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism). Delivery orders shall be completed prior to



delivery. Delivery drivers shall not carry cash and shall not process transactions at the point of delivery.

A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 31 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

18. **Odor:** The dispensary shall install and maintain an exhaust and ventilation system to prevent off-site odors. Verification of compliance shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it is determined by staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma.

19. **Parking.** The dispensary shall maintain a minimum of 17 on-site parking spaces, including at least 1 van-accessible space. Parking shall comply with all accessibility requirements.

The 5 parking spaces at the rear of the dispensary building shall be for employees and deliveries only. Signage indicating that these spaces are reserved for employees/commercial deliveries shall be installed and verified by staff prior to issuance of a Use Permit Certificate to Operate.

This use permit allows for a maximum of 5 employee vehicles, including delivery vehicles, to be parked on-site at any time to preserve all 12 customer parking spaces for customers.

Four bicycle parking spaces shall be installed and verified by staff prior to issuance of a Use Permit Certificate to Operate.

20. **On-Street Parking Prohibition.** Parking on Arnold Drive and Madrone Road by employees and commercial deliveries/vendors/contracted servicers (e.g., cleaning, security) is prohibited. The applicant shall inform all employees and all contracted companies of this prohibition. If verified complaints are received, this permit may be subject to revocation or modification by the Board of Zoning Adjustments.

21. **Conversion of On-Site Dwelling Unit.** Prior to occupancy or issuance of a Use Permit Certificate to operate, the second-floor dwelling unit shall be converted to a non-residential use.

22. **Water Conservation Plan.** Prior to occupancy or issuance of a Use Permit Certificate to operate, a Water Conservation Plan for the building shall be implemented by the applicant/operator and verified by staff. The Plan includes all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible, including but are not limited to: periodic inspection of irrigation system and plumbing fixtures for leaks and repairing, as needed; set water heater temperature between 110-120 degrees; replace existing fixtures with low-flow fixtures (toilets to not exceed 1.6 gallons per flush and lavatory faucets to have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi); educating employees on water conservation measures.

23. **Greenhouse Gas Reduction Plan.** Prior to occupancy or issuance of a Use Permit Certificate to operate, a Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design,



construction, and long-term operations of the project shall be implemented by the applicant/operator and verified by staff. The Greenhouse Gas Reduction Plan includes all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible, including but not limited to: energy efficient LED lighting, unplugging and turning off equipment and computers when not in use, regulation of building temperature control settings, replacement of HVAC equipment over time as existing units fail with zero chlorofluorocarbon-based refrigerant, addition of 4 bicycle parking spaces and gear storage for employees to encourage alternative transportation, promotion of employee carpooling and ridesharing programs, and implementation of a local hiring program.

24. **Design Review.** Prior to issuance of building permits, all exterior modifications, parking lot improvements, lighting, fencing, landscaping, and signage associated with the dispensary operation shall be subject to administrative design review. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. All exterior lighting shall be fully shielded and downward casting, and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Verification of compliance with approved materials, colors, and standards shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
25. **Signage.** No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.
26. **Accidental Discovery of Cultural Resources.** In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff will notify and consult with the culturally affiliated tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person, tribal representatives, and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma will consult with the tribe(s) on the mitigation/protection plan and provide appropriate time for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma and agreed to by Tribe(s). Measures may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed.

**BUILDING:**

**Contact Permit Sonoma Building Plan Check at 707-565-2095**

27. The applicant/operator shall apply for and obtain building related permits from Permit Sonoma for all construction. The necessary applications appear to be, but may not be limited to accessibility report, building permit(s), encroachment permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s).
28. The applicant/operator shall comply with California Building Code section 11B-202.3, which requires that alterations to existing elements or spaces to comply with the accessibility requirements of CBC 11B Division 2. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements. Plans shall include details of the path of travel from accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent CBC as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure. For this purpose, a change of use or occupancy classification is considered to be an alteration.
29. A signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
30. Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.
31. Due to the scope of this commercial project, the California Business & Professions Code requires plans and calculations to be prepared by California licensed design professionals (architects, engineers). Cover sheet of plans shall identify the full scope of work, and shall include an architectural analysis of the proposed project including occupancies of all spaces, areas, area and height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements and fixture requirements. All buildings shall comply with prescriptive requirements of all applicable codes, including Energy and CALGreen.

**FIRE:**

**Contact Fire and Emergency Services at 707-565-2191**

32. Prior to any construction, or changes in use of existing building or facilities, applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and



amended by Sonoma County Code shall be obtained from the Sonoma County Fire Prevention Division.

33. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.
34. The subject property (or properties) shall be in full compliance with Building Code regulations, Fire Code Regulations, and Hazardous Materials regulations.
  - a. A fire inspection shall be conducted by the Sonoma County Fire and Emergency Services Department to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
  - b. The Sonoma County Fire and Emergency Services Department may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.
  - c. The Building (s) shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.
35. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises the applicant shall provide a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The report and opinion shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon. CFC Sec. 104.7.2, CBC Sec.414.1.3.
36. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
37. A Fire Protection Plan shall be provided and shall provide information about the property including but not limited to the following. See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>:
  - a. Emergency Contacts; b. Address; c. Property owner; d. Site map with property lines; e. Fire access roads including gates; f. Water supplies and hydrants; g. Location of hazardous materials; h. Utilities; i. Buildings and intended use; j. Employee training for use of regulated materials in the fire code.
38. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained



as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.

39. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.
40. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Prevention Division.

**SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**Contact Transportation & Public Works at 707-565-223**

41. Prior to occupancy or issuance of a Use Permit Certificate to operate, the applicant/operator shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to contain the improvements described below. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) to contain the required improvements.
42. Prior to occupancy or issuance of a Use Permit Certificate to operate, the applicant/operator shall dedicate right-of-way as sidewalk easement. The Applicant shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of Permit Sonoma (PRMD) prior to clearance of these conditions.
43. Prior to occupancy or issuance of a Use Permit Certificate to operate, the applicant/operator shall construct a minimum eight (8) foot long by six (6) foot wide concrete pad at the bus stop on the property's Arnold Drive frontage at the northerly boundary. The concrete pad shall be built to the minimum section used for sidewalk as per County Standard 220 and be constructed such that it abuts the back of the existing sidewalk. The concrete pad shall be Americans with Disabilities Act (ADA) compliant and connect to an ADA compliant sidewalk and will be used by Sonoma County Transit (SCT) to install a future small passenger shelter.
44. Prior to occupancy or issuance of a Use Permit Certificate to operate, the applicant/operator shall construct sidewalk warps at all driveways accessing the property to meet ADA requirements as necessary, along the property's entire frontage on both Arnold Drive and Madrone Road.
45. Prior to occupancy or issuance of a Use Permit Certificate to operate, existing curb ramps along the project frontage shall be upgraded to be ADA compliant pedestrian ramps. Refer to Caltrans Standard Plan RSP A88A and A88B, and Sonoma County Department of Transportation and Public Works Construction Standards 224A and 224B for details.
46. Prior to occupancy or issuance of a Use Permit Certificate to operate, the applicant/operator shall provide a report prepared by a civil engineer containing sufficient information to demonstrate that the existing public facilities along the property's public street frontage meet the current ADA requirements. The report shall be submitted to the Land Development section at Permit Sonoma (PRMD; located at the Survey Counter). The report shall clearly identify the project by planning file number and assessor's parcel number. The Applicant shall obtain an encroachment permit and correct all identified deficiencies (such as the sidewalk warps and



pedestrian ramp replacement noted in the previous conditions) prior to clearance of these conditions.

47. The applicant/operator shall not construct, install or place any monuments, fences and/or signs resulting from this proposal within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any public roadway intersection or any project driveway where it intersects a public roadway. Any fencing proposed along Madrone Road at the back of sidewalk shall be open mesh fencing with no slats for pedestrian safety.
48. The applicant/operator shall install a sidewalk barricade at the northerly end of the sidewalk on Arnold Drive per Sonoma County Department of Transportation and Public Works Construction Standards 229.
49. The applicant/operator shall submit a request for a no parking zone along the project's entire frontage on Arnold Drive including improvements to paint/refresh red curbs and no parking signs, to be determined by Department of Transportation and Public Works. This request shall be directed to the Department of Transportation and Public Works (DTPW) within 30 days of approval and include the planning file number and a copy of the approved condition that the request is based upon. The Applicant shall pay the fees to process the request to the Board of Supervisors. If the Board approves the request, the Applicant shall pay for County installation of all signs/curb marking that are required resulting from the request following adoption of the ordinance authorizing the no parking zone. The Applicant shall submit this request to DTPW within 30 days of use permit approval, and shall pay the installation fees within 14 days of request by DTPW.
50. The applicant/operator shall provide secure parking for a minimum of four (4) bicycles on the project site.
51. The applicant/operator shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
52. Plans for all required improvements shall be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Applicant shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements
53. The applicant/operator shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to working within County road right-of-way.
54. The applicant/operator shall complete construction of all the required public improvements prior to occupancy of any new building or new use of an existing building which result from this application.



**ENVIRONMENTAL HEALTH (Permit Sonoma):**  
**Contact Permit Sonoma Health at (707) 565-1924**

**PRIOR TO BUILDING PERMIT ISSUANCE OR PROJECT OPERATION:**

55. Connection shall continue to be made to public sewer and water. Prior to building permit issuance and vesting the Use Permit the applicant/operator shall submit the water and sewer service connection invoice and/or a Will Serve Letter to the Project Review Health Specialist to verify compliance.

Please submit: A copy of the "service connection invoice" and/or "Will Serve Letter" for both water and sewer service to the Project Review Health Specialist to verify compliance, except for a connection to a County operated sewer system where clearance for the sewer will come from the PRMD Sanitation Section.

56. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food (including cannabis edibles) or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit. Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions.

Please submit: An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Environmental Health Plan Check Approval to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

57. Prior to building permit issuance, the applicant/operator shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance (total of 19 feet high) at the location where the bins are tipped.

Please submit: A design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. Provide the Building plan page and detail number for the trash enclosures to the Project Review Health Specialist.

58. Prior to building permit issuance, areas within refuse enclosures for food facilities, food retailers, inns and hotels, and multiple housing units with seven (7) or more bedrooms, shall:
- Drain to the sanitary sewer system or other appropriately permitted disposal facility.
  - Container areas shall not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
  - Gates, if installed on the container area, shall be double doors, opening at the center and level with the access road.
  - The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.



- e. The trash enclosure shall be covered with a roof or awning. Overhead clearance and overhangs, wiring or other obstructions on the approach to the container area must be at least fourteen feet (14') high and at least nineteen feet (19') high at the location where the bins are tipped. The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.
- f. The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.

Please submit: A copy of a design and drainage for trash enclosures and recycling areas to the Project Review Health Specialist for review and approval.

- 59. Prior to building occupancy, the applicant/operator shall submit a cannabis solid waste management plan with the trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs for review and approval. The Project Review Health Specialist shall receive a clearance letter or e-mail from Sonoma County Environmental Health regarding the project solid waste management plan and trash enclosure design.

Please submit: A copy of an approval letter from the Cannabis/Solid Waste Section of the Division of Environmental Health to the Project Review Health Specialist.

#### OPERATIONAL REQUIREMENTS:

- 60. A safe, potable water supply shall be provided and maintained.
- 61. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.
- 62. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

| Hourly Noise Metric <sup>1</sup> , dBA                                                                                                                                                                                                              | Daytime<br>(7 a.m. to 10 p.m.) | Nighttime<br>(10 p.m. to 7 a.m.) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------|
| L50 (30 minutes in any hour)                                                                                                                                                                                                                        | 50                             | 45                               |
| L25 (15 minutes in any hour)                                                                                                                                                                                                                        | 55                             | 50                               |
| L08 (4 minutes 48 seconds in any hour)                                                                                                                                                                                                              | 60                             | 55                               |
| L02 (72 seconds in any hour)                                                                                                                                                                                                                        | 65                             | 60                               |
| <sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour. |                                |                                  |

- 63. If noise complaints are received from nearby residents, and they appear to be valid complaints



in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The applicant shall implement any additional Mitigation Measures needed to meet noise standards.

64. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.
65. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
66. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash can.

**GENERAL:**

67. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
68. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.



69. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
70. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.