




**For Meeting of June 6, 2024**

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: May 29, 2024

Subject: Family Motorcycle Club Conditional Use Permit  
File No. 053-141-024; Case No. CUP 2024-02  
185 Wildwood Avenue

---

---

**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
  - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
  - (b) The proposed use is consistent with the general plan and any applicable specific plan;
  - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 177-2024 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

### **Background**

Family Humboldt Motorcycle Club recently acquired 185 Wildwood Avenue, formerly the Pizza Factory. The use is considered a civic use which is allowed in the Town Center zone with a Conditional Use Permit. The project referral including the Plan of Operation, Maps, and Floor Plan is included in **Attachment 1**.

### **Required Findings/Staff Analysis**

#### **Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.**

##### **1. Zoning Consistency**

*(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;*

##### **Land Use:**

The proposed location is designated Town Center. A copy of the Town Center development standards is included in **Attachment 2**.

*The purpose of the Town Center or TC zone is to provide an area for a broad range of uses that generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.*

As indicated above, the use is considered a civic use which is allowed in the Town Center zone with a Conditional Use Permit.

## Development Standards

The building is existing and complies with the setback, building height and lot coverage requirements. New buildings **and uses** are subject to the parking regulations found in Section 17.30.220 of the RDMC. However, pursuant to Section 17.30.220(16)(a)(i) exempts existing structures located on Wildwood Avenue south of Davis Street from requiring additional parking spaces.

Any proposed signing shall comply with the City's sign regulations. The project has been conditioned accordingly. **See Exhibit A.**

Based on the information submitted and recommended conditions of approval staff recommends that the proposed use be found to be consistent with the development standards of the Town Center zone.

## General Plan Consistency

*(b) The proposed use is consistent with the general plan and any applicable specific plan;*

The General Plan designation is also Town Center. Below is an excerpt from the General Plan regarding the Town Center designation:

*The Town Center designation is the heart of Rio Dell. It is a mixed-use district that contains residential, commercial, office, lodging, and civic uses. The minimum lot size is 2,500 square feet.*

Civic uses are identified as an allowed use. There are no goals or policies which would preclude the proposed use in the Town Center designation. Therefore, the proposed use is consistent with the General Plan designation of Town Center.

The General Plan does include at least one economic policy that could be found supportive of the proposed use. Unfortunately, the downtown area does have some vacant buildings. Using the building for a civic use does not potentially displace any potential new businesses downtown. Below is a copy of the General Plan's Economic Activity policy:

## Economic Activity

*LU-19. Encourage the use of public/private partnerships as a means of redeveloping and revitalizing selected areas and analyze the use of such techniques as business improvement districts, redevelopment areas, and assessment districts.*

The use of the vacant building for the club will bring people to the downtown area. Hopefully, this will increase interest in the area and encourage others to invest in the community.

Based on the proposed use and a review of the General Plan policies, staff believes the proposed use is consistent with the General Plan.

### **Land Use Compatibility**

*(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

The Plan of Operation indicates that the club will meet every Thursday from 7:00 to 9:00 pm. In addition, they plan to have an Open House fundraiser one Saturday a month from 12:00 pm to 10:00 pm with music ending at 9:00 pm. **The project is conditioned accordingly, see Exhibit A.**

No sales of alcohol is proposed. Any consumption of alcohol shall be limited to inside the building. Should the club want to sell alcohol in the future they will need to get a license for the Department of Alcohol and Beverage Control (ABC). Again, the project has been conditioned accordingly. **Please see Exhibit A.**

The preparation of any food on-site will require a Permit from the Humboldt County Department of Environmental Health. **The project is conditioned accordingly, see Exhibit A.**

The Plan of Operation refers to smoking and the fact that the fan motor in the hood has been replaced. Two laws, Assembly Bill X2-7 (Stone) and Senate Bill X2-5 (Leno), enacted in 2016 made significant changes to California's Clean Indoor Air Law. These changes prohibit indoor smoking with very few exceptions. The exceptions are identified below:

- Up to 20 percent of guest rooms within a hotel or motel
- Private residences, except for those licensed as family day care homes
- Retail or wholesale tobacco shops, which are business establishments that have the main purpose of selling tobacco products and smoking accessories
- Private smokers' lounges, which are enclosed areas in or attached to a retail or wholesale tobacco shop, that are dedicated to the use of tobacco products
- Designated patient smoking areas in long-term health care facilities
- Cabs of motor trucks or truck tractors, only if nonsmoking employees are not present
- Medical research or treatment sites, only if smoking is integral to the research and treatment being conducted
- Theatrical production sites, only if smoking is integral to the story (Labor Code Section 6404.5(e)).

The project has been conditioned to prohibit smoking in the building and within twenty-five (25) feet of the doors of any other buildings. **The project is conditioned accordingly, see Exhibit A.**

Based on the Plan of Operations and the recommended conditions of approval, staff believes the proposed use can be found compatible with the existing and future land uses in the vicinity. Should the activities of the club be found to be incompatible with the existing and future land uses in the vicinity, the City may revoke the Conditional Use Permit. **The project is conditioned accordingly, see Exhibit A.**

### **Site Suitability**

*(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*

Based on the information on file, and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

### **Public Interest, Health, Safety and Welfare**

*(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;*

Based on the information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located. Again, should the activities of the club be found to be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district, the City may revoke the Conditional Use Permit

### **California Environmental Quality Act**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision-makers and the public of the potential environmental effects of a proposed project. Based on the nature of the project, including the proposed operating protocols and recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. According to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed project, staff believes there is no evidence to suggest that the project will have a **significant** effect on the environment.

**Attachments:**

Attachment 1: Plan of Operations, Maps, and Floor Plan.

Attachment 2: Exhibit A, Conditions of Approval.

Attachment 3: Resolution No. PC 177-2024.

## PLAN OF OPERATION

Family Humboldt  
185 Wildwood Ave  
Rio Dell, CA 95562  
APN: 053-141-024

EIN # 93-3795406  
CA Entity #5887481

We are a 501(c)3 Non-profit organization whose purpose is to raise funds to donate to local motorcycle riders and their family who have been injured or died in an accident. Our fundraising projects include the Annual Pisces Party in March, the Figawi Run in July and we purchase bicycles and helmets to donate for the Toys for Tots Christmas Toy Run. We also offer support apparel for sale to the public- t-shirts, hats, sweatshirts, etc.

The proposed usage for this location is mainly as a meeting hall in which the members meet every Thursday night from 7 to 9pm and a planned once per month open house fundraiser which helps to cover overhead expenses as well as brings in funding for our support purposes. The proposed open house fundraiser day will be one Saturday per month from 12pm to 10pm with music ending at 9pm. We do not have exact dates for the monthly open house currently. We have no employees; our current membership is 9 people, and we volunteer to share the workload. We own the building and property, so the plan is for permanency.

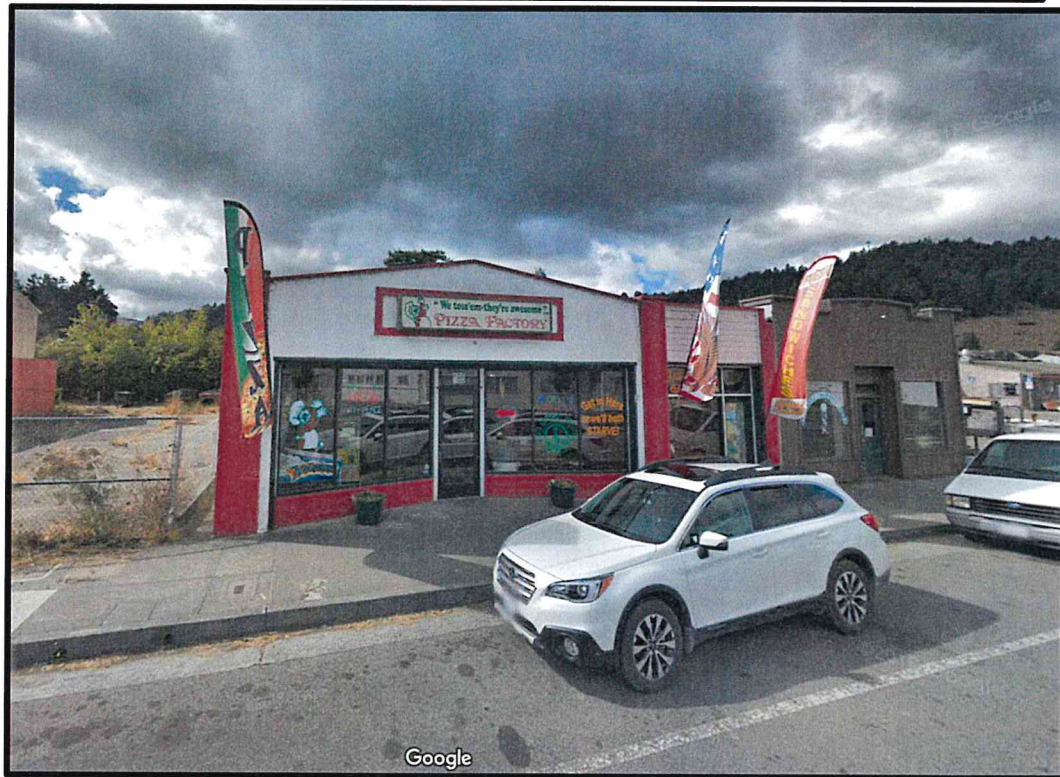
We will not have any by-products other than 1-2 large garbage bags after the open house that will be removed promptly and disposed of so as not to attract critters and bugs.

The only discharge that we will have will be the commercial exhaust fan (which was already in place) in which we have since installed a new motor that will be used as an exhaust fan for indoor cigarette smoke.

The current noise levels are minimal and there is a potential increase with the monthly open house fundraising events where occasional live music may be utilized in accordance with the special event permit with the estimated attendance to be anywhere from 10-40 persons throughout the event.

There are no planned detours or alterations in traffic or street parking other than the usual traffic and parking allowed currently. The water/sewer impact will be minimal as we have two bathrooms that were already installed and operational by a previous business as a sit-down pizza restaurant and were approved for commercial usage.

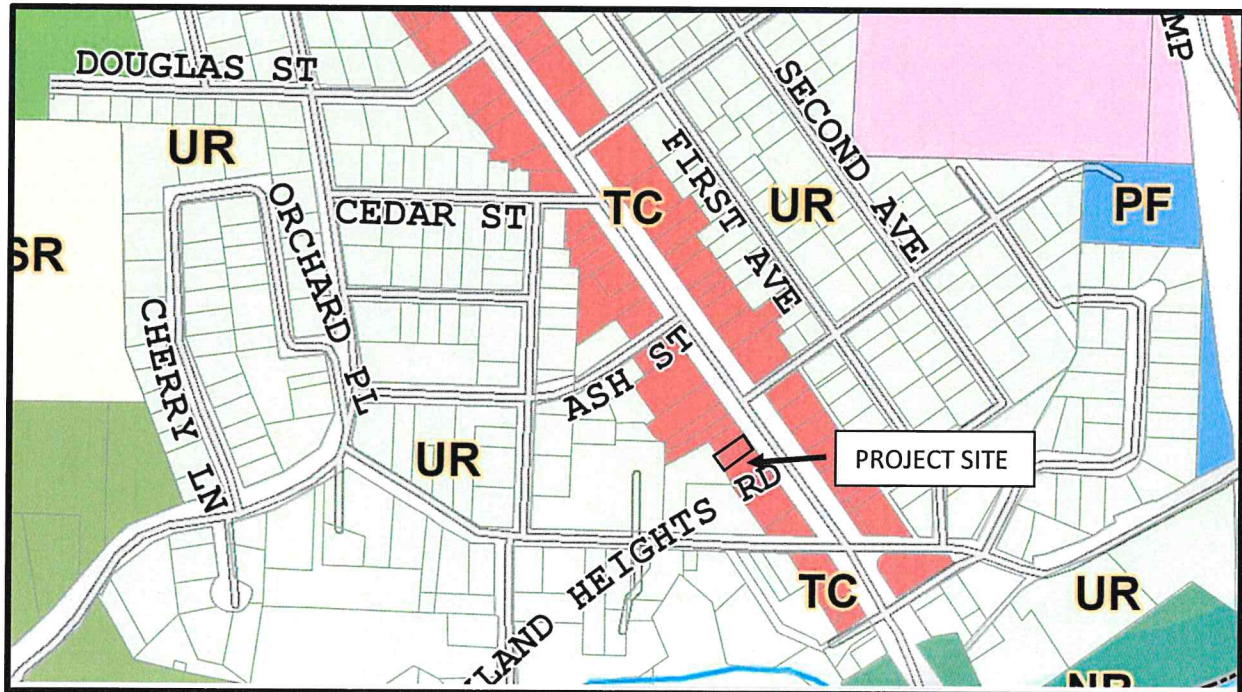
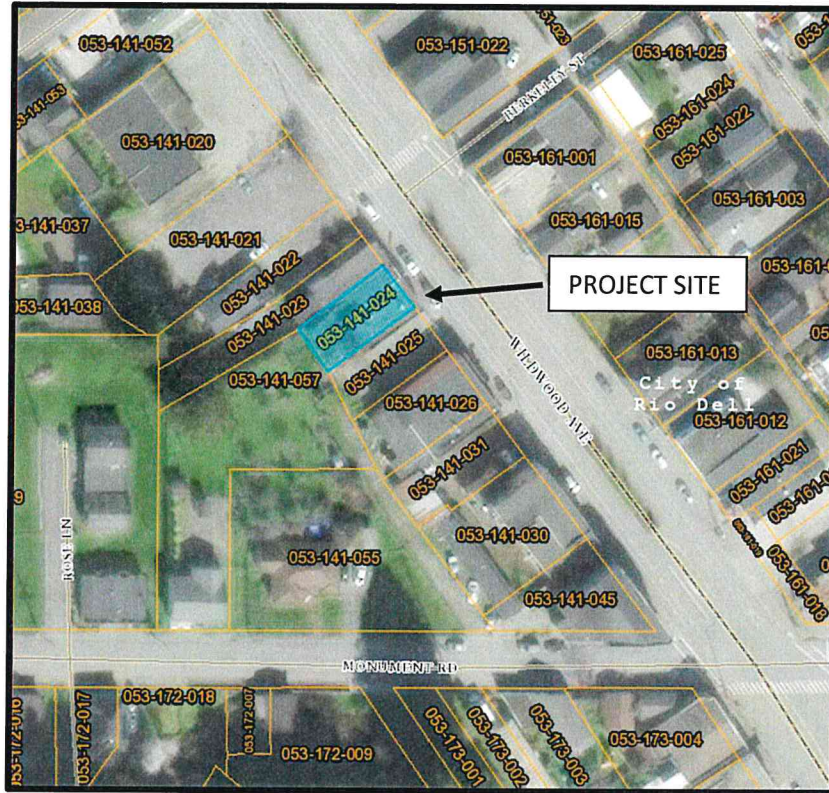




File No. 053-141-024; Case No. CUP 02-2024

<p><b><u>Applicant</u></b>  Family Humboldt Motorcycle Club  Contact: James Surber</p>	<p><b><u>Address</u></b>  185 Wildwood Ave  Rio Dell, CA. 95562  APN 053-141-024</p>	<p><b><u>City of Rio Dell</u></b>  675 Wildwood Ave  Rio Dell CA. 95562  (707) 764-3532</p>
--	--	---





File No. 053-141-024; Case No. CUP 02-2024

<p><b><u>Applicant</u></b>  Family Humboldt Motorcycle Club  Contact: James Surber</p>	<p><b><u>Address</u></b>  185 Wildwood Ave  Rio Dell, CA. 95562  APN 053-141-024</p>	<p><b><u>City of Rio Dell</u></b>  675 Wildwood Ave  Rio Dell CA. 95562  (707) 764-3532</p>
--	--	---



**EXHIBIT A**

**Conditions of Approval**

**Humboldt Family Motorcycle Club Conditional Use Permit & Design Review**

**File No. 053-141-024; Case No. CUP 2024-02**

**Conditions of Approval**

1. Open House fundraisers shall be limited to one Saturday a month from 12:00 pm to 10:00 pm with music ending at 9:00 pm.
2. No sales of alcohol is allowed without the required license from the Department of Alcohol and Beverage Control (ABC).
3. The preparation of any food on-site will require a Permit from the Humboldt County Department of Environmental Health. A copy of the Permit must be submitted to the City.
4. Smoking is prohibited in the building and within twenty-five (25) feet of the doors of any other buildings.
5. Should the activities of the club be found to be incompatible with the existing and future land uses in the vicinity, the City may revoke the Conditional Use Permit.
6. The operations shall comply with all local and State regulations at all times.
7. The applicants Shall obtain a City Business license.
8. The applicants shall join the Rio Dell-Scotia Chamber of Commerce. Evidence of membership shall be provided to the City.
9. The applicants shall apply for a Demolition Permit to remove the unpermitted addition to the back of the building within thirty (30) from the Planning Commission's approval. The unpermitted addition shall be removed within 180 days from the date the Building Permit is issued.

*Any violation of these Conditions of Approval shall result in the revocation of the Conditional Use Permit.*

**RESOLUTION NO. PC 177-2024**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
APPROVING THE HUMBOLDT FAMILY MOTORCYCLE CLUB  
CONDITIONAL USE PERMIT**

**WHEREAS**, the Family Humboldt Motorcycle Club recently acquired 185 Wildwood Avenue, formerly the Pizza Factory; and

**WHEREAS** the use is considered a civic use which is allowed in the Town Center zone with a Conditional Use Permit; and

**WHEREAS** the parcel is planned and zoned Town Center (TC); and

**WHEREAS** the proposed use is considered a civic use which is allowed in the Town Center zone with a Conditional Use Permit; and

**WHEREAS** the applicant has submitted a Plan of Operation; and

**WHEREAS** the City has reviewed the submitted Plan of Operation, application and has referred the project to various agencies for review, comments and recommendations; and

**WHEREAS** based on comments or lack of comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed use and as conditioned is in conformance with all applicable policies of the Zoning Regulations and General Plan; and

**WHEREAS** staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

**WHEREAS** According to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a

**significant** effect on the environment. Based on the nature of the proposed project, staff believes there is no evidence to suggest that the project will have a **significant** effect on the environment; and

**NOW, THEREFORE, BE IT RESOLVED** the City finds that based on evidence on file and presented in the staff report that the proposed use complies with all of the following required findings:

- (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- (b) The proposed use is consistent with the general plan and any applicable specific plan;
- (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- (f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell approves the proposed Conditional Use Permit subject to the recommended conditions of approval.

**APPROVED AND ADOPTED** by the Planning Commission of the City of Rio Dell at their meeting of June 6, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Acting Chair



ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 177-2024 adopted by the Planning Commission of the City of Rio Dell on June 6, 2024.

---

Karen Dunham, City Clerk, City of Rio Dell