



Zoning Administrator

Regular Meeting

AGENDA

*This meeting will be held remotely.
Join the meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/641508733>*

*You can also dial in using your phone.
United States: [+1 \(408\) 650-3123](tel:+14086503123)*

Access Code: 641-508-733
August 20, 2020 - 10:00 AM

1. CALL TO ORDER

2. SITE VISIT VERIFICATION

3. APPROVAL OF MINUTES

3.a. Approve the February 18, 2020 Meeting Minutes.

Recommended Action: Approve the February 18, 2020 Meeting Minutes.

Attachments:

1. ZAM_02182020-Draft

4. VERIFICATION OF NOTICE

5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

The Zoning Administrator welcomes input from the audience. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

6. APPEAL PROCESS

All determinations of the Zoning Administrator regarding minor discretionary planning permits are final unless a written appeal, stating the reasons for the appeal, is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by Monday, August 31, 2020, at 5:00 p.m.

7. PUBLIC HEARING

- 7.a. Consideration of Request to Renew an Existing Cannabis Microbusiness Use Permit at 1076 Cunningham Street (APN 003-140-07); Applicant is Kyle Greenhalgh, on Behalf of Heritage Mendocino

Recommended Action: Staff recommends the Zoning Administrator approve the Heritage Mendocino Use Permit Renewal for one year, based on the Findings and subject to the Conditions of Approval included in the Staff Report.

Attachments:

1. ATT 1_1076 Cunningham_DRAFT Findings
2. ATT 2_1076 Cunningham_DRAFT COA
3. ATT 3_Application Materials
4. ATT 4_UPD Comments

8. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Mireya G. Turner, Planning Manager
August 12, 2020

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Civic Center Conference Room #3
300 Seminary Ave.
Ukiah, CA 95482
February 18, 2020
10:30 a.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Mireya G. Turner, Associate Planner

OTHERS PRESENT

None

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:33 a.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Ave., Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter confirmed he had attempted to visit the site listed on today's agenda. However, he was not able to gain access to the building.

3. APPROVAL OF MINUTES – December 18, 2019

Zoning Administrator Craig Schlatter approved the Minutes of December 18, 2019 with one minor correction.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. VERIFICATION OF NOTICE

Staff confirmed timely noticing of the public hearing posted on today's agenda.

6. PUBLIC HEARING

- a. Request to Modify an Existing Minor Use Permit to Increase the Area of Use within the Existing Emerald Sun Cannabis Processing, Manufacturing, and Distribution Facility located at 1825 Airport Road; APN 180-110-07; File No. 19-5062.

Presenter: Associate Planner Mireya G. Turner

PUBLIC HEARING OPENED: 10:44 a.m.

Commenters: None

PUBLIC HEARING CLOSED: 10:44 a.m.

Zoning Administrator Craig Schlatter added an amendment to the Conditions of Approval to make validation of the permit contingent on completion of a site visit.

Zoning Administrator Craig Schlatter approved the request to modify an existing minor use permit, as amended, to increase the area of use within the existing Emerald Sun cannabis processing, manufacturing, and distribution facility, located at 1825 Airport Road; APN 180-110-07; File No. 19-5062.

7. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is February 28, 2020 at 5:00 p.m.

8. ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 a.m.



DATE: August 11,2020
TO: Zoning Administrator
FROM: Mireya G. Turner, Planning Manager
SUBJECT: Request to Renew an Existing Major Use Permit to Operate a Cannabis Microbusiness to include: distribution, dispensary/retail, manufacturing, and processing; located at 1076 Cunningham Street; APN 003-140-07; Applicant is Kyle Greenhalgh dba Heritage Mendocino; File No. 20-5112

SUMMARY

OWNER: Joe Thomas
P.O. Box 171
Ukiah, CA 95482

APPLICANT / AGENT: Kyle Greenhalgh
7950 Hearst Willits Road.
Willits, CA 95482

REQUEST: Annual Renewal of existing Major Use Permit for operation of Cannabis Microbusiness, and modification of project description to remove the approved perimeter fencing

DATE DEEMED COMPLETE: February 26, 2020

LOCATION: 1076 Cunningham Street; APN: 003-140-07

TOTAL ACREAGE: ±0.56- acre (24,325 sf)

GENERAL PLAN: Industrial (I)

ZONING DISTRICT: Manufacturing – (M)

AIRPORT COMPATIBILITY A* (Runway Protection Zone or within Building Restriction Line)

ENVIRONMENTAL DETERMINATION: Categorical Exemption, pursuant to CEQA Guidelines Article 19 Section 15301, Existing Facilities

RECOMMENDATION: Conditional Approval. Findings are included as **Attachment 1** and Conditions of Approval are included as **Attachment 2**



BACKGROUND

On February 13, 2019, the Planning Commission granted approval of a Major Use Permit/Site Development Permit to Heritage Mendocino to allow the operation of a Cannabis Microbusiness to include distribution, dispensary/retail, manufacturing, and processing. (Permit # 18-3631). Since the approval of the Major Use Permit/Site Development Permit, the applicant has applied for building permits and submitted plans, but has not opened for business yet. The applicant requests an annual review in compliance with the Ukiah City Code. Per UCC §9174.2, Use Permits for cannabis related businesses have a one-year term from the time they are issued, after which they may be renewed subject to staff review and approval by the Zoning Administrator.

PROJECT DESCRIPTION

An application was received on January 22, 2020, from Kyle Greenhalgh of Heritage Mendocino, for renewal of the cannabis Major Use Permit. The applicant requests the removal of the approved six-foot tubular fencing from the front of the building that surrounds the outside of the parking lot along Cunningham Street and Rupe Street. All other fencing would remain. No additional modifications of the project description have been requested. All original Conditions of Approval are applicable to the proposed renewal, with the exception of the perimeter fencing, and will remain in effect. Application materials are included as **Attachment 3**.

SETTING

The property is located at 1076 Cunningham Street (previously 150 Perry Street) and is bound by Rupe Street to the north, Cunningham Street to the east, Talmage Road to the south and Perry Street to the west. Doolin Creek traverses the southern portion of the parcel, and railroad tracks are approximately 260 feet east of the parcel. The parcel is developed with a 2,480 sf existing commercial building, constructed in 1950, and a chain link fence along Cunningham Street and Rupe Street. Below, Table 1 provides a summary of surrounding land uses and Figure 1 identifies the project site.

Table 1: Surrounding Land Uses				
	General Plan	Zoning	Lot Sizes	Uses
North	Industrial	Manufacturing	±0.613 acres	Industrial/manufacturing
East	Industrial	Manufacturing	±1.02 acres	Retail/commercial
South	Industrial	Manufacturing and Public Facility	±2.34 acres	Retail/commercial & Airport
West	Industrial	Manufacturing	±37 acres	Industrial/manufacturing

Figure 1. Project Location



AGENCY COMMENTS

The permit renewal application was sent to the Ukiah Police Department for review and comment. The Police Department noted the business has not yet opened, and reported no significant issues with the microbusiness (see **Attachment 4**). The Use Permit renewal is subject to all original Conditions of Approval, with the exception of the removal of the six-foot (6') perimeter fencing. (see **Attachment 2**).

STAFF ANALYSIS

GENERAL PLAN. The General Plan Land Use designation of the subject property is Industrial (I). Examples of allowable uses within this designation include, "*Processing and manufacturing, public facilities, places of assembly, fabrication and assembly, business centers, business parks, office parks, mixed commercial, office, and industrial sites*". This project is consistent with the allowed uses within the Industrial designation.

ZONING. The Project Site is within the "M" Manufacturing zoning district. Cannabis related businesses including microbusinesses are allowed with approval of a Major Use Permit in "M"



Manufacturing zoning districts. Pursuant to §9174.2 of the City Code, Cannabis Related Use Permits expire one year from the date of issuance. As previously described, the original Use Permit was approved on February 13, 2019. The application for renewal was submitted in a timely manner.

In determining whether to renew a dispensary Use Permit, the Zoning Administrator must consider specific criteria. Renewal criteria, as well as Staff's analysis of consistency are included in Table 2 below. Information from the Police Department has been included in the analysis, and included as **Attachment 4**. No additional requirements have been requested.

Table 2: Criteria for Permit Renewal	
Criteria	Staff Analysis
1. Whether the microbusiness operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.	N/A; the microbusiness has not yet opened.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.	N/A; the microbusiness has not yet opened.
3. Whether the microbusiness operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter.	N/A; the microbusiness has not yet opened.
4. Whether the microbusiness has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.	N/A; the microbusiness has not yet opened.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.	The application appears to be true and accurate to the best of staff's knowledge.
6. Whether the renewal applicant or one or more of its officers, employees, partners,	All employees of the business have been finger printed and subject to a Live Scan



managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.	background process. Live Scans were secured on the original applicants as well as all listed employees provided in the renewal application materials. The Police Department has not been notified of any criminal activity associated with the applicants or employees.
7. Whether the renewal applicant or microbusiness has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Staff is unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7A. That the microbusiness Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the Adult Use of Marijuana Act (AUMA), the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.	The microbusiness Use Permit is consistent with the City Code which is consistent with related State law. In addition, the applicant has obtained a State license to operate the microbusiness.
7B. That the microbusiness location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).	No significant crime issues have been reported by the Police Department.
7C. That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing microbusiness location.	The dispensary has not yet opened; therefore, there is no call record for the business or related to the business at this time.
7D. That an applicant or employee is not under twenty-one (21) years of age.	All known employees are over the age of 21.
7E. That all required application materials have been provided and/or the microbusiness has operated successfully in a manner that	All application materials have been provided. The microbusiness is not yet operating.



shows it would comply with the operating requirements and standards specified in this chapter.	
7F. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.	Application fees have been paid. There are no additional reporting requirements at this time because the microbusiness is not yet operating.
7G. That the location is not prohibited by the provisions of this chapter or any local or State law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from microbusiness operations.	The location of the dispensary is compliant with the local and state minimum distance requirements from schools (600 ft), as well as other cannabis retailers and youth oriented facilities (250 ft).
7H. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in section 5708 of this code. These features may include, but are not limited to, security on site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.	The approved Site plan, Floor Plan, Security Plan, and Operations Plan were found to be adequate at the time of the original Use Permit. The proposed removal of the six-foot (6') perimeter fencing was reviewed by the Police Department and no further conditions were requested.
7I. That no microbusiness use, owner, operator, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.	The business is not yet operating; therefore, there have been no violations by the owner, operator or employees of the business.
7J. That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.	The Police Department has reviewed the operating plans, including the proposed removal of the perimeter fencing, and found them to be acceptable; no additional requirements have been requested.



7K. That the microbusiness would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.	The determination was made in the analysis of the original Use Permit that the proposed microbusiness would not have an adverse effect on the neighborhood. As previously discussed, no significant issues have been reported by the Police Department at this location.
7L. That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.	The business is not yet operating; However, all original Conditions of Approval have been met, as applicable
7M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.	The business is not yet operating; therefore no local or State regulations related to dispensing marijuana have been violated.
7N. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.	Staff is not aware of any false statements of material fact in the permit application.
7O. That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.	The Police Department has not been notified of any criminal activity associated with the applicants or employees.
7P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Staff is unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7Q. That adequate parking for medical cannabis dispensaries will be provided at a rate of one space for every two hundred (200) gross square feet of retail space, office space,	11 parking spaces are provided for. Parking was determined to be adequate when reviewing the original Use Permit.



and similar floor areas, pursuant to subsection 9198F1 of this code. Furthermore, that adequate parking for cannabis retailers generally will be provided at a rate of one space for every two hundred fifty (250) square feet of gross, leasable space, pursuant to subsection 9198B1 of this code. However, if the dispensary to be operated by the applicant does not dispense cannabis to patients or eligible adult use patrons on site but services qualified patients and patrons through deliveries in compliance with section 5717 of this code, then adequate parking will be provided at a rate of one space for every four hundred (400) square feet of gross leasable space, pursuant to subsection 9198G3 of this code.	
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The Cannabis Microbusiness is consistent with Division 9, Chapter 2, *Cannabis Related Businesses*, of the Ukiah City Code. Based on this analysis, Staff finds all criteria to issue the Use Permit renewal have been met.

AIRPORT LAND USE COMPATIBILITY. The Project Site is within the “A*” Runway Protection Zone or within Building Restriction Line Airport Compatibility Zone. The original project was reviewed by the Airport Land Use Commission and found not consistent with the County’s Airport Comprehensive Land Use Plan (ACLUP). The decision was overruled by the City Council at their February 6, 2019 meeting. This renewal project was not sent to the County for review.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to §15301 Existing Facilities which consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing public or private structures. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the following, the proposed project is eligible to use this exemption, which consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing public or private structures. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the following, the proposed project is eligible to use this exemption.



The project involves renovations to an existing 2,480 sf building historically used for industrial, manufacturing and commercial/retail uses. The project does not involve expansion of the existing building or use. Work would not occur near the creek and the project would not remove any healthy, mature, scenic trees. Therefore, the project qualifies for use of the aforementioned CEQA exemption.

PUBLIC NOTICE

A notice of public hearing was provided in the following manner, as required by UCC §9262(C):

- Posted in two places on the project site on July 31, 2020;
- Mailed to property owners within 300 feet of the project site on July 28, 2020;
- Published in the Ukiah Daily Journal on August 8, 2020; and
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing.

As of the writing of this staff report no correspondence had been received as a result of the public notice.

RECOMMENDATION

Staff recommends the Zoning Administrator 1) conduct a public hearing; 2) approve the Heritage Mendocino Use Permit Annual Renewal, based on the Findings and subject to the Conditions of Approval found in the Staff Report.

ATTACHMENTS

1. Draft Use Permit Renewal Findings
2. Draft Use Permit Renewal Conditions of Approval
3. Application Materials
4. Project Comments from Ukiah Police Department

**DRAFT USE PERMIT FINDINGS FOR
RENEWAL OF AN EXISTING CANNABIS MICROBUSINESS TO INCLUDE: DISTRIBUTION,
DISPENSARY/RETAIL, MANUFACTURING, AND PROCESSING AT
1076 CUNNINGHAM STREET; APN 003-140-07; FILE NO: 20-5112**

The following findings are supported by and based on information contained in the approved Major Use Permit (# 18-3631), as well as information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Section 9262.

1. The project, as conditioned, is consistent with the goals and policies of the General Plan for commercial and economic development.
2. The project, as conditioned, is consistent with Division 9, Chapter 2, Article 15.7, Section 9174 through 9174.2, *Cannabis-Related Businesses*, of the Ukiah City Code as described in the staff report.
3. Pursuant to City Code Section 9174.2, the proposed renewal was reviewed by Planning staff and the Police Department; it has been determined that the criteria for renewal of a cannabis-related business Use Permit has been met.
4. The existing cannabis-related business Use Permit and Minor Amendment were determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare. No changes to the Use Permit are proposed.
5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1, Existing Facilities which consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing public or private structures. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the following, the proposed project is eligible to use this exemption.
 - The site is developed with an existing building and parking lot, and utilities and services are already available at the site.
 - The proposed renewal would continue operations of the existing cannabis-related business; No expansion of the existing building footprint is proposed; and
 - The location is not environmentally sensitive and does not include any drainage courses or bodies of water (such as creeks or streams).

**CONDITIONS OF APPROVAL OF A CANNABIS MICROBUSINESS TO INCLUDE:
DISTRIBUTION, DISPENSARY/RETAIL, MANUFACTURING, AND PROCESSING LOCATED
AT 1076 CUNNINGHAM STREET. APN 003-140-07;
FILE NO. 20-5112.**

This annual renewal of a Cannabis Microbusiness Use Permit is granted to Kyle Greenhalgh, for Heritage Mendocino. The Conditions of Approval from the original approved Major Use Permit (# 18-3631), shall be applicable to the renewal, with the exception of the removal of the six-foot tubular steel security fence around the site perimeter, and will remain in effect.

The microbusiness Use Permit is subject to the following Conditions of Approval.

Approved Project Description. An application was received from Kyle Greenhalgh of Heritage Mendocino for approval of a Use Permit Renewal to allow a cannabis microbusiness that would include the following components:

- Distribution, dispensary/retail, non-volatile manufacturing, and processing of recreational and medicinal products within an existing 2,480 sf, two-story 20 ft high building. The existing building footprint would not be expanded;
- 12 parking spaces (10 standard, 1 ADA, and 1 loading space) within a 4,237 sf parking lot; the site would be accessed via a proposed driveway along Rupe Street;
- Curb and sidewalk improvements along Rupe and Cunningham Streets, as well as accessibility upgrades to the existing building;
- Exterior building and parking lot lighting (down-shielded and dark sky compliant-see lighting details on **Attachment 3C**);
- Odor control features such as carbon air filters (see **Attachment 3D**);
- Signage including a 9'-11" x 1'-8" "Mendocino Heritage" sign, a 4'-9" x 19.5" "Entrance" sign, and a 6 ft x 3 ft monument sign on the corner of Talmage and Cunningham Streets (See **Attachment 3E**, Site Plan and Elevations included in **Attachment 3B**);
- 5,278 sf of landscaping and street trees along Cunningham and Rupe Streets (See Site Plan in **Attachment 3B**);
- Security features such as surveillance cameras, alarms, card reader entry; ~~a 6-foot tubular steel security fence around the site perimeter~~, etc. (see Security Plan on Sheet A1.6 of **Attachment 3B** and the Security Plan included as **Attachment 3F**);
- 0-5 deliveries are anticipated per day with use of 1 delivery vehicle;
- Operating hours for Heritage Mendocino would be as follows:
 - o Mon-Sun 9 a.m. to 9 p.m.
 - o Saturday 9 a.m.-7 p.m.
 - o Sunday 9 a.m. – 6 p.m.; and
- The microbusiness will be staffed with 5 employees total (3 maximum at any time).

City of Ukiah Special Conditions

1. If the owner chooses to record the Lot line Adjustment, approved on January 18, 2018, all Conditions of Approval associated with it shall apply.

Draft Conditions of Approval
Cannabis-Related Business Permit Renewal
Heritage Mendocino
1076 Cunningham Street
File No.: 20-5112

2. No cultivation shall occur on-site. If the applicant wishes to include it at a later date, the applicant shall contact the Community Development Department to determine which planning permits are required.
3. No consumption of cannabis or cannabis-related products shall occur on-site.
4. The facility shall operate in compliance with City Ordinance Numbers 1176, 1182, 1188 and 1190 and is subject to annual review, inspection, and revocation as outlined therein.
5. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate the cannabis related business.
6. Prior to issuance of building permits or commencing operations, the applicant and all employees shall successfully complete a Live Scan background and provide proof of such completion.
7. No persons will live on-site. If the applicant wishes to have a live-in manager in the future, they shall consult with the Planning and Community Development Department and obtain any necessary permits.
8. The business is required to obtain a City of Ukiah business license prior to occupancy.

City of Ukiah Standard Conditions

9. This approval is not effective until the 10-day appeal period applicable to this Site Development Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
10. All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the multi-family project and ancillary site improvements approved by the Site Development Permit.
11. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
12. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Planning Commission such standards shall be met.
13. Building permits shall be issued within two years after the effective date of the Site Development Permit or same shall be null and void.
14. In addition to any particular condition which might be imposed; any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, rules, regulations, and ordinances in effect at the time the Building Permit is approved and issued.

Draft Conditions of Approval
Cannabis-Related Business Permit Renewal
Heritage Mendocino
1076 Cunningham Street
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15. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.
16. The Applicant shall submit a Landscaping and Irrigation Plan for approval prior to Building Permit issuance.
17. The Applicant shall submit verification of all applicable permits or approvals in compliance with all local, state and federal laws to the Community Development Department prior to issuance of building permits.

Department of Public Works Conditions

18. In accordance with street improvement plans prepared by a Civil Engineer and approved by the Department of Public Works, applicant shall construct curb, gutter and accessible 5-ft wide sidewalk along the subject property frontages, including a curb ramp at the intersection of Cunningham Street and Rupe Street. Face of curb shall be located 20 feet from the street centerlines, with public access and utility easements granted to the City as required. Improvement plans shall include provisions for proper drainage improvements, and sidewalk and pavement transitions. Existing utilities shall be relocated as necessary.
19. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work within this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated construction costs
20. Street trees shall be spaced approximately every 30' along project street frontages within 5' of the back of sidewalk. Street trees shall be installed in accordance with City Standard Drawing No 601. Tree types shall be approved by the City Engineer.
21. Prior to construction of site improvements, a final grading and drainage plan, and an erosion and sediment control plan, prepared by a Civil Engineer, shall be submitted for review and approval by the Department of Public Works.
22. All areas of circulation shall be paved with a minimum of 2" of AC on 6" of Base or other suitable all-weather surface approved by the City Engineer. This includes the proposed driveways and parking areas. If heavy truck traffic is anticipated from the solid waste company, delivery trucks, or other heavy vehicles, the pavement section shall be calculated appropriately to ensure that it can withstand the loading.
23. Should improvements exceed 10,000 square feet of new or replaced impervious surface, post-construction storm water mitigation measures may be required.
24. Existing sewer laterals planned to be utilized as part of this project shall be cleaned and tested, and repaired or replaced if required.
25. Sewer connection fees shall be paid at the time of building permit issuance.

Electric Utility Department Conditions

26. This property will be served from Overhead power lines.
27. Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart before the panel can be used on this project.

Draft Conditions of Approval
Cannabis-Related Business Permit Renewal
Heritage Mendocino
1076 Cunningham Street
File No.: 20-5112

28. All future site improvements shall be submitted to the Electric Utility Department for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined.
29. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).
30. There shall be an easement provided to the EUD for any electric service that transverses through the property. Or around any City owned Electric equipment.

Building Department Conditions

31. The existing illegal addition that connects the building to the adjacent building on the adjoining parcel will need to be removed as a part of the building permit.
32. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed
33. The design and construction of all site alterations shall comply with the 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2016 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

Ukiah Police Department Conditions

Prior to Building Permit Final and for the Duration of the Use:

34. The business permittee shall provide the Police Department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the business.
35. The business permittee shall provide the City with the current name and primary and secondary telephone numbers of at least one manager to communicate with the surrounding neighborhoods and businesses. The business shall make good faith efforts to encourage neighborhood residents to call this person to solve problems, if any, before any calls or complaints are made to the City or Police Department.
36. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
37. The business permittee shall only manufacture cannabis in a fully enclosed building and not allow cannabis or cannabis products on the manufacturing site to be visible from the public right of way, the unsecured areas surrounding the buildings on the site, or the site's main entrance and lobby.
38. Video from the security surveillance cameras must be recording at all times (24 hours a day, seven days a week) and the recording shall be maintained for at least 90 days. In the event of a crime on site or anywhere within range of the dispensary's security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.
39. Electronic "point of sale" age verification system is required which scans and authenticates ID, identifies fake ID's, records dates and times of transactions, has the ability to create a "banned patron" list.

40. A copy of all applicable state and local licenses or permits shall be submitted to the City prior to issuance of permit and prior to operation. All applicable state and local licenses or permits be displayed in the lobby or waiting area of the main entrance to the building.
41. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
42. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
43. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
44. Report any graffiti to UPD @ (707) 463-6262. After reporting, clean-up/paint over as soon as possible. Spray on graffiti remover can be purchased at hardware supply stores.
45. Property shall be kept free of debris/garbage.
46. Applicant shall install a "Knock Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
47. Height markers shall be installed on the interior doorways and front door entrance.
48. Building shall be equipped with UL compliant security system including Video Assessment Surveillance System (VASS), Intrusion Detection System with private security response and emergency panic alarms. Security system must be monitored by UL listed monitoring company and installed via a UL certified installer.
49. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
50. An inspection shall be conducted by the Department in order to confirm compliance with approved Security Plan prior to building permit final.

Ukiah Valley Fire Authority Conditions

51. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
52. Main entry door must swing in direction of egress travel "out".
53. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
54. New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.
55. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
56. Fire sprinkler system shall be maintained and modified as necessary.
57. Carbon Monoxide cylinders must be secured and restricted from falling. Amount of cylinders shall be verified and properly stored at all times. If stored in a closed room, room must be vented and alarmed.

58. It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2
59. Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
60. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
61. An "Knock Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshal.
62. Emergency contact information shall also be provided to the Fire Department.

Airport Land Use Commission Conditions

63. A dedication of aviation easement or a Deed Notice shall be recorded and a copy of the recorded document shall be provided to the Community Development Department prior to issuance of building permits.

Mendocino County Air Quality Management District Conditions

64. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.
65. Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:
 - Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
 - Portable diesel powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
 - Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
 - Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.
66. Demolition/Renovation Projects- All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject to the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.
 - Prior to receiving a Demolition / Renovation Permit from the Planning & Building Agency the applicant is required to:
 - 1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
 - 2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,

- 3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
- 4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.

67. New Commercial Development Recommendations:

- a. New Road Construction: The District recommends that at a bare minimum all roads be covered with a sealant or rocked to prevent fugitive dust emissions.
- b. Parking Lot Tree Planting: The District recommends that commercial parking lot tree planting be defined as no less than 1 tree per 4 parking spaces to provide a beneficial reduction in summer heat gain.
- c. Mass Transit: The District recommends that applicant work in conjunction with the local Transit Authority (MTA) to provide a shelter in addition to the concrete pad so that the benefits and incentives to use mass transit would be immediately available.
- d. Electric Vehicle Charging: To further mitigate impacts to local air quality, it is recommended that applicant encourage the use of low emission vehicles by providing a minimum of 2, AC Level 2, electric vehicle charging stations.

\$1000



City of Ukiah

Community Development Department
Planning Division
300 Seminary Ave., Ukiah CA 95482
Email: planning@cityofukiah.com
Web: www.cityofukiah.com
Phone: (707) 463-6268
Fax: (707) 463-6204

Planning Permit Application

Application Number: 5112
CID Number: 46212
Date Received: (for City Staff Review):

JAN 22 2020

CITY OF UKIAH
COMMUNITY DEVELOPMENT

PROJECT NAME: Heritage Mendocino Annual renewal		PROJECT ADDRESS/CROSS STREETS: 1076 Cunningham Rd.		Assessor Parcel NUMBER(s): 003-140-07	
APPLICANT/AUTHORIZED AGENT NAME: Kyle Greenhalgh		PHONE NO: 510-919-6743		E-MAIL ADDRESS: Mendocinohalgh@gmail.com	
APPLICANT/AUTHORIZED AGENT ADDRESS: 7950 Hearst Willits Rd		CITY: Willits		STATE/ZIP: CA, 95490	
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Joe Thomas		PHONE NO: 707 367-3296		E-MAIL ADDRESS: joethomas8@yahoo.com	
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT: PO Box 171		CITY: Ukiah		STATE/ZIP: CA 95482	
☐ AIRPORT LAND USE COMM. DETERMINATION REFERRAL 100.0800.611.003	\$	☐ REZONING - PLANNED DISTRICT 100.0800.611.001	\$	☐ USE PERMIT - AMENDMENT 100.0400.449.001	\$
☐ ANNEXATION 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT - AMENDMENT 100.0400.449.001	\$	☒ USE PERMIT - MAJOR 100.0400.449.001 Cannabis Renewal	\$ 1,000 dep.
☐ APPEAL 100.0400.449.001	\$	☐ SITE DEVELOPMENT PERMIT - MAJOR 100.0400.449.001	\$	☐ USE PERMIT - MINOR 100.0400.449.001	\$
☐ GENERAL PLAN AMENDMENT 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT - MINOR 100.0400.449.001	\$	☐ VARIANCE - MAJOR 100.0400.449.001	\$
☐ MURAL PERMIT 100.0400.449.001	\$	☐ SPECIFIC/MASTER PLAN 100.0800.611.003	\$	☐ VARIANCE - MINOR 100.0400.449.001	\$
☐ PRE-DEVELOPMENT MEETING 100.0800.611.003	\$	☐ MINOR SUBDIVISION/TENTATIVE PARCEL MAP (4 OR FEWER LOTS) 100.0800.610.001	\$	☐ ZONING AMENDMENT MAP OR TEXT 100.0800.611.001	\$
☐ STAFF RESEARCH (MORE THAN 1 HOUR) 10023100.41153	\$	☐ MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	☐ REZONING 100.0800.611.001	\$
☐ LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	☐ TELECOMMUNICATIONS ADMINISTRATIVE REVIEW PERMIT (1-15 LOCATIONS)	\$	☐ OTHER	\$

NOTE: OTHER PLANNING PERMIT FEES WILL INCLUDE COUNTY RECORDER FEES AND CALIFORNIA ENVIRONMENTAL QUALITY ACT FILING FEES. TYPICALLY, THESE ARE DUE PRIOR TO HEARING OF THE PROJECT. FOR INITIAL STUDIES AND ENVIRONMENTAL IMPACT REPORTS, FEES WILL BE DUE AT THE TIME OF APPLICATION.

To Be Completed by Staff

General Plan Designation: I	Zoning District: M	Airport Land Use Designation: A
City's Architectural & Historic Inventory: ☐ YES ☒ NO	Age of Building (if proposing demolition):	Flood Designation:
Notes: - renewal for existing UP #18-3631 but it's a - New application w/ new P #.		

Project Description

Please attach a written project description including summary of work (both interior and exterior for construction and operation) and/or business proposed. The purpose of the project description is to assist Staff in understanding the project. The project description will also be included in the Staff Report required to review (and ultimately approve or deny) the planning permit. Providing complete information will help expedite the project review process and in determining what additional information, if any, related to the project and required environmental review is required.

Environmental Review and Reports

Please be aware that projects are required to comply with the California Environmental Quality Act (CEQA). Projects will be reviewed by Staff for compliance with CEQA and Staff will determine the appropriate CEQA document to prepare for the project (exemption, negative declaration, etc.). In order to make this determination, specific reports (traffic, arborist, soils, etc.) and or additional information may be required.

Use Information (Not applicable to Telecommunication Administrative Review Permits)

Please provide the following information related to the use of the site and building:

Description of Building & Site			
Parcel Size:	Building Size:	Number of Floors:	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☐ Office (business/professional)			
☐ Office (medical/dental)			
☐ Retail			
☐ Light Industrial			
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation:			
Number of Shifts:	Days and Hours of Shifts:		
Number of Employees/Shift:			
Loading Facilities: ☐ Yes ☐ No		Type/Vehicle Size:	
Deliveries: ☐ Yes ☐ No	Type:	Number (day/week/month):	Time(s) of Day:
Outdoor areas associated with use? (check all that apply) ☐ Yes ☐ No	Sales area: ☐ Yes ☐ No Square Footage:	Unloading of deliveries: ☐ Yes ☐ No Square Footage:	Storage: ☐ Yes ☐ No Square Footage:
Noise Generating Use? ☐ Yes ☐ No		Description:	

AUTHORIZED AGENT

I, _____, owner authorize _____
to act on my behalf for this project and I have read and agree with all of the above. (Application must be signed by owner).

Joseph C Thomas
PROPERTY OWNER SIGNATURE

1/21/20
DATE

I, _____, am the ☐ owner / ☐ authorized agent of the property for which the development is proposed. The above information and attached documents are true and accurate to the best of my knowledge.

I have read and agree with all of the above.

I hereby authorize employees of the City of Ukiah, the City's authorized agents, and persons with review or decision making authority for the project to enter upon the subject property, as necessary, to inspect the premises, post notices, and process this application.

I understand that conditions of approval may be placed on my project by the city of Ukiah and it is my responsibility to fully understand the conditions and ask questions about them before action is taken on my planning permit.

☐ OWNER / ☐ AUTHORIZED AGENT

DATE

INDEMNIFICATION AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, and hold harmless the City of Ukiah, its agents, officers, council members, employees, boards, commissions or Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or annul any approval of the application or related decision, or the adoption or certification of any environmental documents or negative declaration which relates to its approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of it or in connection with the approval of the application or related decision, whether or not there is concurrent, passive, or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions of Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Ukiah shall have the right to appear and defend its interests in any action through its City Attorney or outside counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney of the City's outside counsel if the City chooses to appear and defend itself in the litigation.

I have read and agree to all of the above.

Joseph C Thomas
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(PLEASE PRINT NAME)

Joseph C Thomas
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(SIGNATURE)

1/21/20
DATE

Revised 09/03/2019



Heritage Mendocino Project Description

Heritage Mendocino will be focused on being the premier Micro Business located within the City of Ukiah. Our main goal is to focus on these four key elements; Dispensary/Retail, Distribution, Manufacturing, and Processing. We will feature top quality organic cannabis products from local licensed farmers. We plan to bridge the gap from distribution to distribution in order to assist those local farmers and bring stability to our local economy.

Heritage Mendocino strives to represent exactly what our name implies; our true Mendocino heritage. Our facility will be built in a style that is upscale and classic vintage, representing the roots of cannabis culture in Mendocino County.

Our Key elements are as follows:

Dispensary/Retail:

1500 Sq. Ft. of showroom to showcase products from Mendocino and other neighboring counties.

Processing:

360 Sq. Ft. dedicated to the packaging of local products to assist Mendocino County farmers with compliant packaging requirements.

Distribution:

Our goal is to bridge the gap from distributor to distributor, and to assist other companies and their products in reaching their end destination in a safe and compliant manner. We will have secure storage for these products and distributors.

Manufacturing:

Compliant non volatile extraction methods, please see attached file: Manufacturing



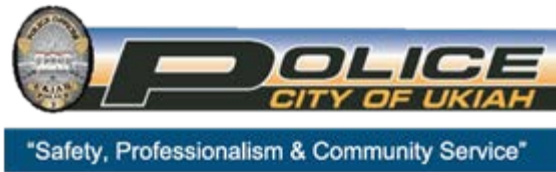
RECEIVED

FEB 04 2020

CITY OF UKIAH
COMMUNITY DEVELOPMENT

Heritage Mendocino would like to propose a change in the planned fencing on page A0.1 of the site plans. If permissible, we would like to remove the 6ft tubular fencing from the front of the building that surrounds the outside of the parking lot along Cunningham St. and Rupe St. All other planned fencing would remain (Please see attached plan for a visual).

It has been brought to our attention that other cannabis businesses located within the City of Ukiah were not required to fence their parking lot areas, and we do not see the need to fence ours as we will have 24 hour on site security. If it becomes apparent that we need the fencing around the parking lot after the business is open, we would be more than willing re-implement the original plans and add the fencing at that time.



Justin Wyatt
Chief of Police

To: Alicia Tielo, Assistant Planner
CC: CSO Sawyer,
From: Sean Kaeser
Subject: Heritage Mendocino Cannabis Microbusiness #18-3631 Major Use Permit
Date: 5/8/20

On 5/4/20, I reviewed the updated security plan for this project. In reviewing this security plan it appears to address the requirements listed in the City of Ukiah ordinance, yet there are three minor items which need to be addressed prior to final approval and start of operations. Please have applicant address the following;

- On page 16, number 6 it indicates that the Security Company is still yet to be determined. If this is the case then prior to final approval and start of operations the applicant needs to advise who this company will be.
- On page 19 the submitted plan refers to Deep Valley. Due to the above this is somewhat confusing or is Deep Valley only installing said security equipment and have yet to be contracted with for the monitoring.
- Lastly checking UPD's file only *** and *** have completed background checks. We have no information regarding ***. Has this person come in to be fingerprinted or did this person go elsewhere and if so we have not received the results. We also do not have a receipt for the livescan being done here, which leads me to believe this person has not come to the PD to be livescanned here.

Sean Kaeser
Captain