



Zoning Administrator

Regular Meeting

AGENDA

Meeting via Teleconference

Join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/834432269>

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United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 834-432-269

August 27, 2020 - 10:00 AM

1. CALL TO ORDER

2. VERIFICATION OF NOTICE

3. 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 September 8, 2020, at 5:00 p.m.

4. 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.

5. APPROVAL OF MINUTES

5.a. Approve the August 20, 2020 Meeting Minutes.

Recommended Action: Approve the August 20, 2020 Meeting Minutes.

Attachments:

1. ZAM_20200820

6. SITE VISIT VERIFICATION

7. PUBLIC HEARING

- 7.a. Consideration of Request to Renew an Existing Cannabis-related Business Use Permit at 1825 Airport Road (APN 180-110-07); Applicant is Gary Breen, on behalf of Emerald Sun Manufacturing, LLC

Recommended Action: Staff recommends approval of the annual renewal of the Cannabis-related Business Use Permit at 1825 Airport Road (APN 180-110-07), for Gary Breen, on behalf of Emerald Sun Manufacturing, LLC, based on the findings and subject to the Conditions of Approval in the Staff Report dated August 11, 2020.

Attachments:

1. ATT 1 Draft Findings
2. ATT 2 Draft Conditions of Approval
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 20, 2020

CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Meeting Held Remotely through Teleconference
August 20, 2020
10:00 a.m.

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Mireya Turner, Planning Manager

OTHERS PRESENT

None

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:01 a.m. via teleconference.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter stated he had not conducted a site visit.

3. APPROVAL OF MINUTES – February 18, 2020

Zoning Administrator Craig Schlatter approved the Minutes of February 18, 2020, as presented.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is August 30, 2020 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Staff confirmed timely noticing of all public hearings posted on today's agenda.

7. PUBLIC HEARING

- 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

Planning Manager Mireya Turner presented the staff report.

Zoning Administrator Schlatter opened the public hearing at 10:18 a.m. There was no one present wishing to speak, and the public hearing was closed at 10:19 a.m.

Zoning Administrator Craig Schlatter requested the following conditions be added to the project:

- Prior to final approval and operation, Permittee shall advise the Ukiah Police Department of the security company contracted to monitor the property.
- Prior to final approval and operation, Permittee shall advise the Ukiah Police Department of the security company contracted to install security equipment.

Zoning Administrator Craig Schlatter approved the annual renewal of the Cannabis Microbusiness Use Permit at 1076 Cunningham Street (APN 003-140-07), based on the Findings in the staff report dated August 11, 2020, and with the modified Conditions of Approval.

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:22 a.m.



DATE: August 11, 2020
TO: Zoning Administrator
FROM: Mireya Turner, Planning Manager
SUBJECT: Request to Renew an Existing Cannabis Processing, Manufacturing and Distribution facility at 1825 Airport Road. APN 180-110-07. File No.19-5398

SUMMARY

OWNER: Gary Breen
13601 Old River Road
Hopland, CA 95449

APPLICANT / AGENT: Same

REQUEST: Annual renewal of existing Cannabis Processing, Manufacturing, and Distribution Use Permit to extend the terms for one (1) additional year

DATE DEEMED COMPLETE: July 7, 2020

LOCATION: 1825 Airport Road; APN 180-110-07

TOTAL ACREAGE: ±8.72 acres

GENERAL PLAN: Master Plan Area (MPA) - Industrial

ZONING DISTRICT: Planned Development Commercial (PD-C)

AIRPORT COMPATIBILITY: B1 (Approach/Departure Zone and Adjacent to Runway), and C (Common Traffic Pattern) Zone

ENVIRONMENTAL DETERMINATION: Exempt, pursuant to CEQA Guidelines §15301, Class 1, Existing Facilities

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



BACKGROUND

On June 6, 2019, the Zoning Administrator approved Minor Use Permit (No. 18-4173) to allow operation of a cannabis non-volatile manufacturing, processing, and distribution facility in a partially vacant commercial/manufacturing structure located at 1825 Airport Road. On February 18, 2020, the Zoning Administrator approved an amendment to the Use Permit (Permit # 19-5062), expanding the use to an additional portion of the existing building. Per UCC §9174.2.D, Cannabis Business Use Permits 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 from Gary Breen, Representative for Emerald Sun Manufacturing, LLC, for renewal of the Minor Use Permit to operate a cannabis manufacturing, processing, and distribution facility. No changes to the Use Permit are proposed. All approved Conditions of Approval are applicable to the proposed renewal, and will remain in effect. Application materials are included as **Attachment 3**.

SETTING

The project parcel is located approximately 0.82-mile south of Talmage Road and adjacent (east) of the Ukiah Municipal Airport. It is accessible via Airport Park Boulevard. The project is adjoined to the north by commercial uses including Costco. A vineyard is located to the south. To the west the subject property is bounded by the railroad tracks and Ukiah Municipal Airport. State Highway 101 runs along the eastern boundary of the project parcel. A summary of surrounding land uses is provided below in Table 1, an aerial image of the site is provided in Figure 1, and a zoning designation map is provided in Figure 2.

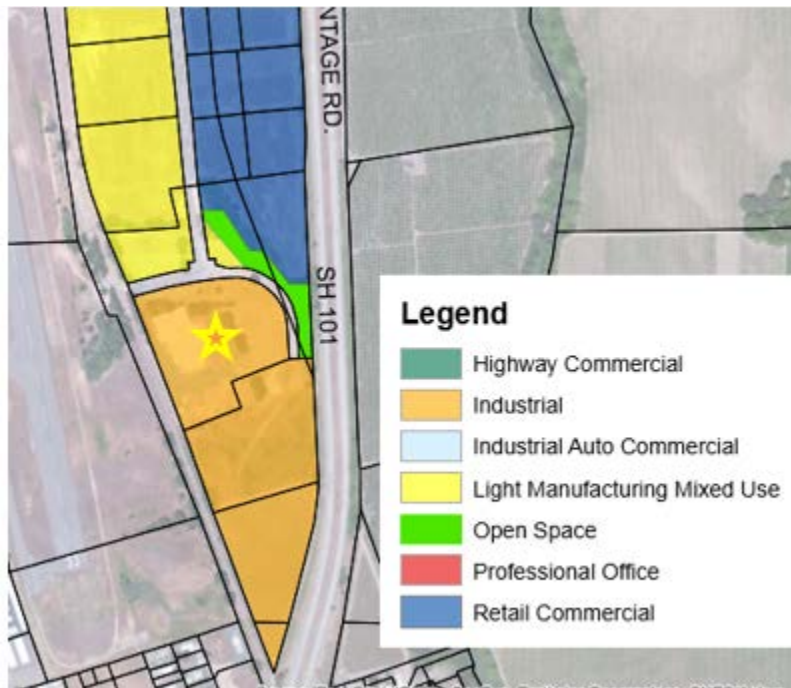
Table 1: Surrounding Land Uses			
	GENERAL PLAN	ZONING	USES
North	Master Plan Area (MPA) – Industrial (Airport Industrial Park PD)	Planned Development – Commercial; Light Manufacturing/Mixed Use, Open Space and Retail Commercial (Airport Industrial Park PD)	Commercial
East	N/A Outside of City limits	N/A Outside of City limits	Agriculture
South	Master Plan Area (MPA) – Industrial (Airport Industrial Park PD)	Planned Development – Commercial; Light Manufacturing/Mixed Use, Open Space and Retail Commercial (Airport Industrial Park PD)	Vacant, Agriculture
West	Public	PF Public Facilities	Ukiah Municipal Airport

Figure 1. Project Location



3
 1825 Airport Road
 Gary Breen; Emerald Sun
 Cannabis Processing, Manufacturing, and Distribution Use Permit Renewal
 File No. 20-5398

Figure 2. Zoning Designation-Airport Industrial Park Planned Development



AGENCY COMMENTS

The permit renewal application was sent to the Ukiah Police Department for review and comment. The Police Department reported no significant issues with the existing facility (see **Attachment 4**), and did not request any modification to the existing Conditions of Approval.

STAFF ANALYSIS

GENERAL PLAN. The General Plan land use designation for the parcel is Master Plan Area (MPA). MPAs are intended to cover land proposed for specific plans, area plans, or as planned unit developments. The role of the MPA is to permit an area within the Ukiah Valley to be designated for more precise, site specific studies prior to approving subdivisions or other uses, and the MPA must be found to be consistent with the General Plan. The project is consistent with goals and policies within the Economic Development Element as the project would allow a vacant commercial/manufacturing building to be occupied as well as contribute to the local economy by providing local services to the citizens of the City of Ukiah along with the Ukiah Valley.



ZONING ORDINANCE. The project site carries a Zoning Designation of Planned Development (PD) for the Airport Industrial Park (AIP). The purpose of the AIP-PD is to provide for a coordinated development of compatible industrial, office, and commercial land uses within the AIP area. Originally approved by City Council Resolution No. 81-59 on March 4, 1981, the AIP-PD has been amended several times since. Most recently, Ordinance No. 1178, adopted by the City Council on June 21, 2017, amended the AIP-PD. Ordinance No. 1178 supersedes all past versions and is consistent with the General Plan. The site is designated Industrial within the AIP-PD. Industrial lands are intended to identify those areas of the General Plan where manufacturing and major employment uses may occur. Examples include: processing and manufacturing, public facilities, places of assembly, fabrication and assembly, business centers, business parks, office parks, mixed commercial, office, and industrial sites. The project meets the development standards of the AIP-PD, as an existing facility with no expansion proposed. The AIP-PD describes Manufacturing as an allowed use in the Industrial zone, including, *“activities or operations involving the processing, assembling, blending, packaging, compounding, or fabrication of previously prepared materials or substances into new products.”* The proposed processing, manufacturing and distribution uses are consistent with industrial uses described above.

In determining whether to renew a Cannabis-related Business 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 (see **Attachment 4**); no additional requirements have been requested.

Table 2: Criteria for Permit Renewal	
Criteria	Staff Analysis
1. Whether the cannabis-related business 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 cannabis-related business.	There have not been significant numbers of calls for police service, crimes or arrests in the area or to the existing dispensary location.
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.	This project location is not identified as having significant crime issues based upon crime reporting statistics as maintained by the Police Department.
3. Whether the cannabis-related business operated by the permittee has a history of inadequate safeguards or procedures that	All measures have been incorporated into the approved Operating and Security plans and executed by the cannabis-related business to



show it is likely that it will not comply with the operating requirements and standards in this chapter.	ensure compliance with state and local regulations.
4. Whether the cannabis-related business 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.	All applicable fees have been paid in a timely manner.
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, 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.	All employees of the business have been finger printed and subject to a Live Scan 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 cannabis-related business 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 Cannabis-related Business 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	The Cannabis-related Business 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 cannabis-related business.



Code, including the application submittal and operating requirements herein.	
7B. That the project 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.	There have not been significant numbers of calls for police service, crimes or arrests in the area.
7E. That all required application materials have been provided and/or the cannabis-related business has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.	All application materials have been provided and the cannabis-related business is operating successfully.
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 on time and reporting requirements are satisfactory.
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 cannabis-related business operations.	The location of the cannabis-related business is compliant with the local and state minimum distance requirements from schools (600 ft), as well as 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 and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been requested by the Police Department.
7I. That no cannabis-related business use, owner, operator, permittee, agent, or	There have been no violations by the owner, operator or employees of the business.



employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.	
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 approved Site plan, Floor Plan, Security Plan, and Operations Plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been requested by the Police Department.
7K. That the cannabis-related business 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 and amended Use Permit that the proposed cannabis-related business would not have an adverse effect on the neighborhood and since operations began has had no impact on surrounding neighborhoods. 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.	All original Conditions of Approval have been met and the cannabis-related business has not violated any state or local requirements.
7M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.	All original Conditions of Approval have been met and the cannabis-related business has not violated any state or local requirements.
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.

The dispensary is consistent with Division 9, Chapter 2, Article 15.7, Section 9174 through 9174.2, *Cannabis-Related Businesses*, of the Ukiah City Code. Based on this analysis, Staff finds all criteria to issue the Use Permit renewal has been met.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to §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 manufacturing, processing, and distribution facility; 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).

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 August 11, 2020;
- Mailed to property owners within 300 feet of the project site on August 12, 2020;
- Published in the Ukiah Daily Journal on August 15, 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 Emerald Sun Manufacturing, LLC Use Permit Renewal, for one year, based on the Findings, and subject to the Draft Conditions of Approval included 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 MANUFACTURING, PROCESSING, AND
DISTRIBUTION USE PERMIT AT
1825 AIRPORT ROAD; APN 180-110-07
FILE NO: 20-5398**

The following findings are supported by and based on information contained in the approved Major Use Permit (# 18-4173), and Minor Amendment (#19-5062), as well 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).

**DRAFT CONDITIONS OF APPROVAL FOR
RENEWAL OF AN EXISTING CANNABIS MANUFACTURING, PROCESSING, AND
DISTRIBUTION USE PERMIT AT
1825 AIRPORT ROAD; APN 180-110-07
FILE NO: 20-5398**

This annual renewal of a cannabis-related business Use Permit is granted to Gary Breen, dba Emerald Sun Manufacturing, LLC. The Conditions of Approval from the original approved Minor Use Permit (# 18-4173), and Minor Amendment (#19-5062) shall be applicable to the renewal and will remain in effect.

The cannabis-related business Use Permit is subject to the following Conditions of Approval.

From the Planning Division

1. Approval is granted to allow the operation of a manufacturing (non-volatile), processing, and distribution operation as described in the application and operational documents approved by the Zoning Administrator on June 6, 2019 and February 18, 2020. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.
2. No special events are permitted on-site. If the applicant wishes to hold events, they must contact the Community Development Department; additional permits or approvals may be required.

City of Ukiah Special Conditions

3. 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.
4. This permit restricts the sale of cannabis and cannabis products on site. If the applicant wishes to include retail at a later date, the applicant shall contact the Community Development Department and obtain all required permits.
5. No consumption of cannabis or cannabis-related products shall occur on-site.
6. No special events are permitted on-site. If the applicant wishes to host events, they must contact the Community Development Department, and obtain any necessary permits.
7. 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.
8. Wine storage is limited to the areas specified on the approved Site Plan and must be separate and distinct from the cannabis activity areas, in compliance with state regulations. Alcohol consumption and sales are prohibited on site.

9. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate each of the cannabis related businesses.
10. 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.
11. No persons will live on-site. If the applicant wishes to have a live-in manager in the future, they shall consult with the Community Development Department and obtain any necessary permits.
12. The business is required to obtain a City of Ukiah business license prior to occupancy.
13. Completion of a site visit by the Zoning Administrator is required prior to the permit becoming valid.

City of Ukiah Standard Conditions

14. This approval is not effective until the 10-day appeal period applicable to this Minor Use 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.
15. 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 ancillary site improvements approved by the Minor Use Permit.
16. 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.
17. 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.
18. 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.
19. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.

20. 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

21. Sidewalks will be required when a retail component to this project is applied for or other building permit requirements. Those sidewalks should be part of the consideration of the paved parking area that is required at this time. Plans are not required for sidewalks at this time.
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.

Electric Utility Department Conditions

24. This property is currently served from existing underground primary/secondary facilities and a dedicated 3-phase Pad Mount Transformer that serves the existing address/buildings at 1825 Airport Road. Should the project need to upgrade to a larger panel or increase the electric load in the future, they will need to contact the COU Building Department and the Electric Utility Department.
25. 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.
26. 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.
27. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).
28. 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 Division Conditions

29. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed.
30. The design and construction of all site alterations shall comply with the 2019~~6~~ California Building Code, 2019~~6~~ Plumbing Code, 2019~~6~~ Electrical Code, 2019~~6~~ California Mechanical Code, 2019~~6~~ California Fire Code, 2019~~6~~ California Energy Code, 2019~~6~~

Title 24 California Energy Efficiency Standards, 2019~~6~~ California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

31. It is possible the proposed work will change the occupancy of the building, or section of the building. Per 2016 CBC 3408, "No change shall be made in the character of occupancies or use of any building unless such building is made to comply with all current code requirements." This may be an extensive remodel and we recommend you hire an Architect or Engineer and a Casp to review your building for code compliance before you commit to a change of occupancy.

Ukiah Police Department Conditions

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

32. 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.
33. 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.
34. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
35. 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.
36. 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.
37. 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.
38. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
39. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.

40. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
41. Report any graffiti to UPD @ 463-6262. After reporting, clean-up/paint over as soon as possible. Spray on graffiti remover can be purchased at hardware supply stores.
42. Property shall be kept free of debris/garbage.
43. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
44. Height markers shall be installed on the interior doorways and front door entrance.
45. 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.
46. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
47. 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

48. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
49. Main entry door must swing in direction of egress travel "out".
50. Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
51. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
52. 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.
53. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
54. Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
55. Fire sprinkler system shall be maintained and modified as necessary.
56. 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.
57. 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.

58. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
59. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
60. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible. CFC 509.1
61. The use of a third-party Engineer shall be utilized/required to assure compliance with code requirements of the California Fire Code and NFPA 1.
62. The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
63. Emergency contact information shall also be provided to the Fire Department.

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.

DRAFT



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: 5398
 CID Number:
 Date Received (permitted by staff):

MAY 28 2020

CITY OF UKIAH
 COMMUNITY DEVELOPMENT

PROJECT NAME: EMERALD SUN MANUFACTURING, LLC					
PROJECT ADDRESS/CROSS STREETS: 1825 AIRPORT RD, UKIAH CA, 95482			Assessor Parcel NUMBER(S): 180-110-07		
APPLICANT/AUTHORIZED AGENT NAME: GARY BREEN		PHONE NO: 510-206-4500	E-MAIL ADDRESS: GARY@EMERALDSUN.COM		
APPLICANT/AUTHORIZED AGENT ADDRESS: 13601 OLD RIVER ROAD			CITY: HOPLAND		STATE/ZIP: CA 95449
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT:		PHONE NO:	FAX NO:	E-MAIL ADDRESS:	
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT			CITY:		STATE/ZIP:
☐ 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	\$
☐ 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 CANNABIS PERMIT RENEWAL	\$ DEP. 1,000

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:	Zoning District:	Airport Land Use Designation:
City's Architectural & Historic Inventory: ☐ YES ☐ NO	Age of Building (If proposing demolition):	Flood Designation:

Notes:

RECEIVED

MAY 28 2020

CITY OF UKIAH
 COMMUNITY DEVELOPMENT

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: 9.0034 Acres	Building Size: 63,655.32 SQ. FT.	Number of Floors: 1 + Mezzanine	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☐ Office (business/professional)			
☐ Office (medical/dental)			
☐ Retail			
☒ Light Industrial	Manufacturing / Storage	43,655sq.ft	1
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation: MONDAY-FRIDAY ; 8:00AM-6:00PM			
Number of Shifts: 1	Days and Hours of Shifts: MONDAY-FRIDAY ; 8:00AM-5:00PM		
Number of Employees/Shift: 30			
Loading Facilities: ☒ Yes ☐ No	Type/Vehicle Size: Transit / Reefer Van ; <10,000lbs		
Deliveries: ☒ Yes ☐ No	Type: Commercial	Number (day/week/month): 3-4 Monday - Frida7	Time(s) of Day: 9:00-5:00pm
Outdoor areas associated with use? (check all that apply) ☐ Yes ☒ No	Sales area: ☐ Yes ☒ No Square Footage:	Unloading of deliveries: ☒ Yes ☐ No Square Footage: 500 sq. ft.	Storage: ☒ Yes ☐ No Square Footage: 8,000sq.ft.
Noise Generating Use? ☐ Yes ☒ No	Description: PROCESSING, MANUFACTURING, DISTRIBUTION		

AUTHORIZED AGENT

I, CARY BREEN, 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).

gmB
PROPERTY OWNER SIGNATURE

5/28/2020
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

5/28/2020
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.

gmB
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(PLEASE PRINT NAME)

CARY BREEN
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(SIGNATURE)

5/28/2020
DATE

Revised 09/03/2019

At this time, Emerald Sun is proposing no new changes to the Use Permit. All information on the original Use Permit, as well as the amendment, is consistent and up to date.

From: [Sean Kaeser](#)
To: [Mireya Turner](#)
Subject: FW: Emerald Sun Cannabis MiUP Renewal
Date: Tuesday, July 7, 2020 8:39:57 AM
Attachments: [image001.png](#)
[Referral Packet for PD.pdf](#)
[image002.png](#)

Mireya,

All of Emerald Sun employees have submitted Live Scans and no issues on the current list. In regards to this I have forwarded prefilled live scan forms to both Emerald Sun and to Cannavine due to our office being closed so that new employees could go elsewhere. Although as of today we are now open and as we move forward I still prefer to have the Ukiah Police be the primary location employees use to get live scanned for cannabis to avoid misrouting of the results. If the employee is out of town or unable to get an appointment then they may go elsewhere. As to the other information see below response.

a. Whether the cannabis-related business operated pursuant to the use permit has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the cannabis-related business. **No increase in calls for service in this area.**

b. 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, odors, or lewd conduct. **No secondary public safety impacts to this area related to this business.**

c. Whether the cannabis-related business operating pursuant to a use permit has a history of inadequate safeguards or procedures that show it is likely that it will not comply with any operating requirements and standards required in the conditions of approval. **No history of inadequate safeguards/procedures and have cooperated with law enforcement to the fullest.**

d. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by the conditions of approval of the use permit or by this code or State law, or has failed to comply with any requirements for the production of records or other reporting requirements of this code. **No comment**

e. Whether the operator of the cannabis-related business or one or more of its officers, employees, partners, 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 an operator of a cannabis-related businesses. 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. **No reports of felony convictions, or misconduct that is substantially related to the qualifications, functions or duties of an operator of a cannabis-**

related businesses received for this business.

f. Whether the operator or managers of the cannabis-related business have previously or are currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices. **No comment**

g. Whether the cannabis-related business has been operated in compliance with applicable State law and provisions of this code generally. **No violations of city ordinance or law have been reports to the Ukiah Police Department.**

Sean Kaeser
Captain
Ukiah Police Department
300 Seminary Ave.
Ukiah, Ca. 95482
Office: (707) 463-6254
Fax: (707) 462-6068
Email Address: skaeser@cityofukiah.com



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From: Alicia Tlelo

Sent: Wednesday, June 17, 2020 10:15 AM

To: Sean Kaeser <skaeser@cityofukiah.com>; Nancy Sawyer <nsawyer@cityofukiah.com>

Cc: Mireya Turner <mturner@cityofukiah.com>

Subject: Emerald Sun Cannabis MiUP Renewal

Hi Nancy and Sean,

Emerald Sun submitted a renewal application for their Minor Use Permit on May 28, 2020. Per Section 9174.2 the criteria for review must be included in their renewal process. Below is the criteria we will need your assistance with. We also need your assistance confirming whether all the employees have completed live scans. The staff list for the last year is attached for verification of background check.

We need a clearance of all folks on that background check list, and the annual check of calls/PD activity at the location, including the PD assessment if this reported activity constitutes "above normal" use of PD resources. They aren't proposing any changes to their operating or security plans. I have attached their application for reference. Responses would be appreciated by July 7, 2020.