



Zoning Administrator

Regular Meeting AGENDA

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September 28, 2021 - 1:00 PM

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 October 7, 2021 by 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 for non-agenda items.

5. APPROVAL OF MINUTES

6. SITE VISIT VERIFICATION

7. PUBLIC HEARING

- 7.a. Request to Renew the Existing Emerald Sun Manufacturing, LLC Cannabis Business-Related Use Permit at 1825 Airport Road. APN 180-110-07. File No.21-6387

Recommended Action: Approve the Emerald Sun, LLC Cannabis Business-Related Use Permit renewal based on the Findings and subject to the Conditions in the Staff Report, dated September 20, 2021

Attachments:

1. Staff Report_Emerald Sun UP Annual Renewal
2. Draft Findings Emerald Sun_Annual Renewal
3. Draft COA_ Emerald Sun UP Annual Renewal
4. Application Materials
5. Comments from UPD

- 7.b. Request for Minor Modification to the Existing Emerald Sun Manufacturing, LLC Cannabis Business-Related Use Permit at 1825 Airport Road. APN 180-110-07. File No.21-6387

Recommended Action: Approve the minor modification to the Emerald Sun, LLC Cannabis Business-Related Use Permit, based on the Findings and subject to the Conditions in the Staff Report, dated September 20, 2021

Attachments:

1. Staff Report_Emerald Sun UP Minor Modification
2. Draft Findings_Emerald Sun UP Minor Modification
3. Draft COA_ Emerald Sun UP Minor Modification
4. Application Materials
5. Agency 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.



AGENDA ITEM NO. 7A

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com

DATE: September 20, 2021
TO: Zoning Administrator
FROM: Michelle Irace, Planning Manager
SUBJECT: Request to Renew the Existing Emerald Sun Manufacturing, LLC Cannabis Business-Related Use Permit at 1825 Airport Road. APN 180-110-07. File No. 21-6387

SUMMARY

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

APPLICANT / AGENT: Gary Breen
Emerald Sun Manufacturing, LLC

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

DATE DEEMED COMPLETE: August 5, 2021

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: 6 (Traffic Pattern Zone) and 5 (Sideline Zone)

ENVIRONMENTAL DETERMINATION: Exempt, pursuant to CEQA Guidelines §15061(b)(3)

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 (File No. 18-4173) to allow operation of a cannabis non-volatile manufacturing, processing, and distribution facility in an existing commercial/manufacturing structure located at 1825 Airport Road. Two portions of the structure were in ongoing use for a different purpose and were not included in the original project.



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. On August 27, 2020, the Zoning Administrator approved an application for annual renewal (File No. 20-5398). Two previous amendments to the Use Permit were approved by the Zoning Administrator: 1) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage and processing to ±15,000 sf within the southern portion of the building; and 2) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage, drying and processing to ±9,990 sf into the northern portion of the existing building.

PROJECT DESCRIPTION

An application was received from Emerald Sun Manufacturing, LLC, for renewal of the Minor Use Permit to continue operation of a cannabis manufacturing, processing, and distribution facility. No changes to the operation 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
 Emerald Sun Manufacturing, LLC
 Cannabis Business-Related Use Permit Renewal
 File No. 21-6387

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 operation (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. 1213, adopted by the City Council



on April 7, 2021, amended the AIP-PD to rezone specific parcels. Ordinance No. 1213 supersedes all past versions. However, changes adopted with Ordinance No. 1213 do not affect the Project parcels.

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.

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.	The Ukiah Police Department has indicated that there have been 19 calls for service at the location or in the adjacent area over the last year. However, the Police Department states that the calls do not appear to be adversely related to the existing operation.
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 show it is likely that it will not comply with the operating requirements and standards in this chapter.	All measures have been incorporated into the approved Operating and Security plans and executed by the cannabis-related business to ensure compliance with state and local regulations.
4. Whether the cannabis-related business has failed to pay fees, penalties, or taxes	All applicable fees have been paid in a timely manner.



required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.	
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 Code, including the application submittal and operating requirements herein.	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.
7B. That the project location is not identified as having significant crime issues (e.g.,	See criteria 1 and 2 above.



based upon crime reporting statistics as maintained by the Police Department).	
7C. That there have not been significant numbers of calls for police service, crimes or arrests in the area.	See criteria 1 and 2 above.
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 in compliance with all applicable standards.
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 meets all local and state siting requirements.
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 employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.	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.	See criteria 7H above.
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	The Police Department has not been notified of any criminal activity associated with the applicants or employees.



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.	
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 Project and proposed renewal are 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 renew the Use Permit for one additional year has been met. Findings for approval are included as **Attachment 1**

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to §15061 (b)(3) which states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Because the Project proposes to renew an existing Use Permit to continue operation of the existing manufacturing, processing, and distribution facility within the same footprint and as previously approved, it can be seen with certainty that the proposed renewal would not result in a significant impact to the environment.

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 September 13, 2021;
- Mailed to property owners within 300 feet of the project site on August 13, 2021;
- Published in the Ukiah Daily Journal on August 18, 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 Findings
2. Draft Conditions of Approval
3. Application Materials
4. Comments from Ukiah Police Department

**DRAFT USE PERMIT FINDINGS FOR
RENEWAL OF THE EXISTING EMERALD SUN MANUFACTURING, LLC
CANNABIS RELATED- BUSINESS USE PERMIT
AT 1825 AIRPORT ROAD; APN 180-110-07
FILE NO. 21-6387**

The following findings are supported by and based on information contained in the approved Use Permit (File No.18-4173), Minor Amendments (File No.19-5062 and 20-5650), previous annual renewal (File No. 20-5398), as well as information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262 and 9174.

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 subsequent amendment and renewal 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 approved operation or security plan are proposed.
5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to §15061 (b)(3) which states "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Because the Project proposes to renew an existing Use Permit to continue operation of the existing manufacturing, processing, and distribution facility within the same footprint and as previously approved, it can be seen with certainty that the proposed renewal would not result in a significant impact to the environment.

6. A notice of public hearing was provided in accordance with UCC §9262.

**DRAFT CONDITIONS OF APPROVAL FOR
RENEWAL OF THE EXISTING EMERALD SUN MANUFACTURING, LLC
CANNABIS RELATED- BUSINESS USE PERMIT
AT 1825 AIRPORT ROAD; APN 180-110-07
FILE NO. 21-6387**

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 Use Permit (File No.18-4173), Minor Amendment (File No.19-5062 and 20-5650), and previous annual renewal (File No. 20-5398), shall be applicable to the renewal and will remain in effect.

The cannabis-related business Use Permit is valid for one-year, expiring on September 28, 2022, and 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.

City of Ukiah Special Conditions

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. 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.
4. No consumption of cannabis or cannabis-related products shall occur on-site.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.

City of Ukiah Standard Conditions

11. This approval is not effective until the 10-day appeal period applicable to this 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.
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. 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.

19. 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.
20. 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

21. 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.
22. 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.
23. 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.
24. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).
25. 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

26. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed.
27. 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.
28. 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:

29. 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.
30. 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.
31. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
32. 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.
33. 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.
34. 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.
35. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
36. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
37. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
38. 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.
39. Property shall be kept free of debris/garbage.
40. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
41. Height markers shall be installed on the interior doorways and front door entrance.

42. 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.
43. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
44. 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

45. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
46. Main entry door must swing in direction of egress travel "out".
47. Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
48. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
49. 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.
50. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
51. Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
52. Fire sprinkler system shall be maintained and modified as necessary.
53. 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.
54. 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.
55. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
56. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
57. 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

58. 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.
59. The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
60. Emergency contact information shall also be provided to the Fire Department.

Mendocino County Air Quality Management District Conditions

61. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.
62. 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.
63. 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.



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: 21-6387
 CID Number:
 Date Received (place CDD stamp below):

July 13, 2021

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: Dean@EmeraldSun.com		
APPLICANT/AUTHORIZED AGENT ADDRESS: 13601 OLD RIVER ROAD			CITY: Hopland		STATE/ZIP: CA
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 UP Renewal	\$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:		

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 SQFT	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	Processing ; Manufacturing ; Distribution	63,655.32 Sq. Ft.	1
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation: Monday - Friday ; 8:00am - 5:00pm			
Number of Shifts: 1	Days and Hours of Shifts: Monday - Friday ; 8:00am - 5:00pm		
Number of Employees/Shift: 40*			
Loading Facilities: ☒ Yes ☐ No	Type/Vehicle Size: Dodge Rams ; Transit Van		
Deliveries: ☒ Yes ☐ No	Type: Commercial	Number (day/week/month): Monday-Friday	Time(s) of Day: Business Hours
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:	Storage: ☒ Yes ☐ No Square Footage: 10,000
Noise Generating Use? ☐ Yes ☒ No	Description: Processing ; Manufacturing ; Distribution		

Submittal Requirements

1. Items marked (X) are required for a complete application unless their deletion is approved by staff.
2. Other information may be required at the discretion of staff in order to fully evaluate the project and/or to conduct required environmental review for the project.
3. Please review the application packet prior to submittal to the City. Application packets that do not include the required materials may not be accepted for processing or may be deemed "Incomplete."
4. For cannabis and telecommunication projects, please contact Staff for additional checklist and submittal requirements.

Submittal Document	Application Type									
	LLA/VM	GPA	PRELIM	REZ	REZ-PD	SDP	Sub/TM	UP	VAR	TEL
Written Project Description	X	X	X	X	X	X	X	X	X	X
Building Elevations			X		X	X		X	X	X
Floor Plan			X		X	X		X	X	
Grading and Drainage Plan and SUSMP (7)					X	X	X			
Landscape Plan			X CONCEPT		X	X			X	
Site Plan	X	X	X	X	X	X		X	X	X
Details – Structural/ Architectural						X				X
Details – Fence					X	X		X		
Details – Sign					X	X		X		
Site Contours					X	X	X			
Parking/Circulation Details	X				X	X	X	X		
Tentative Map (3)							X			
Preliminary Title Report	X			X			X			
Colors & Materials Board			X CONCEPT		X	X				
Number of Plan Sets – Initial Submittal (5)										

- (1) **Building Elevations.** Drawing must include all elevations (front, rear, and sides) and identify dimensions, materials and colors. One set of colored drawings is required.
- (2) **Landscape Plan.** Plan must show all proposed trees, shrubs, and ground covers. Location, size and species must be indicated. Include calculation of total square footage of landscaping.
- (3) **Site Plan.** Must be prepared to scale and include: a north arrow, all property lines, adjoining streets, creeks, ponds, drainage ditches, existing curb, gutter, and sidewalk, existing and proposed buildings (with square footage noted), parking spaces, all existing trees, existing and proposed fences, buildings on adjacent parcels, existing fire hydrants within 600- feet, access and utility easements (with widths), location and width of all easements (access, drainage, utility, etc.) location of existing and proposed trash enclosures, and the percentage of average slope of the property. Site contours may also be required (see table above).
- (4) **Site Contours.** When required, site contours should be indicated on the site plan and grading plan. A separate site contour plan is not required.
- (5) Staff will determine the number of plans needed for the initial submittal. Once the application is complete, the number of plans sets required for the public hearing will be determined by staff. Plans are required to be provided prior to the hearing.
- (6) See Minor Subdivision Submittal Requirements or Major Subdivision Submittal Requirements handout for Tentative Map requirements.
- (7) **SUSMP – Standard Urban Storm Water Mitigation Plan – Required unless specifically exempt (Consult with Public Works Staff)**

LLA – Lot Line Adjustment
 REZ – Rezoning
 TM – Tentative Map
 VAR – Variance

VM-Voluntary Merger
 REZ-PD- Rezoning to Planned Development
 Sub- Subdivision
 UP – Use Permit

Prelim – Preliminary Review
 SDP – Site Development Permit
 GPA- General Plan Amendment
 TEL-Telecommunications Permit

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).

PROPERTY OWNER SIGNATURE

DATE

I, Gary Breen, 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 : 07/07/21

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.

Gary Breen

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


☒ **PROPERTY OWNER** / ☐ **AUTHORIZED AGENT**
(SIGNATURE)

DATE : 07/07/21

Revised 09/03/2019



PROJECT REVIEW REFERRAL

Please provide comments by: July 28, 2021

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:			
	City Community Development Director		Mendocino County Planning and Building
	City Building Official		Mendocino County Surveyor/Assessor
	City Public Works Dept.		Mendocino Transit Authority
	Ukiah Valley Fire Authority		US Army Corps of Engineers
X	City Police Dept. Captain		Regional Water Quality Control Board
NAX	City Police Dept. Community Service Officer		CA Dept. of Fish and Wildlife
	City Electric Utility Dept.		CA Dept. of Transportation
	Ukiah Municipal Airport Operations Manager		Sonoma State Northwest Information Center
	Airport Land Use Commission		AT & T
	Mendocino County Air Quality		PG & E (gas)
	Mendocino County Environmental Health		PG & E (Land Rights)
	Military Review-Large Development Projects		
FROM PROJECT PLANNER: Michelle Irace, Planning Manager			

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun Cannabis UP Annual Renewal # 21-6387
Site Address & APN:	1825 Airport Rd., APN 180-110-07
General Plan:	Master Plan Area (MPA)
Zoning:	PDC-Industrial
Airport Compatibility Zone:	Zone 6: Traffic Pattern Zone
Date Filed:	07/13/21
Resubmittal:	n/a
Date Referred:	7/115/21
Prev. Projects on Site (include file #)	Emerald Sun MiUP #18-4173; Minor Mod #19-5062 & 20-5658; Annual Renewal # 20-5398; Minor Mod #21-6350
Applicant/Agent Name:	Gary Breen
Phone:	(510) 206-4500
Email:	gary@emeraldsun.com
Project Summary: Per the Ukiah City Code, cannabis Use Permits shall be renewed annually. No changes to the operation or Use Permit are proposed. This renewal application is intended to meet said City Code requirements.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) CAPT. NOBLE WANDLICH / POLICE DEPT.

☐ No Comment

☒ Comments / Conditions of Approval Attached



City of Ukiah

COMMUNITY DEVELOPMENT DEPARTMENT

Signature

Date

W. WINDLICH #29

7/26/2021

Comments / Conditions of Approval:

** SEE ATTACHED*



"Safety, Professionalism & Community Service"

Justin Wyatt
Chief of Police

To: Michelle Irace
CC: Chief Wyatt,
From: Captain Noble Waidelich
Subject: Emerald Sun, Renewal of Major Use Permit #18-4173

Date: 7/26/2021

In response to your email all employees highlighted in yellow on the "Employee List 2021" renewal have completed a background check (LiveScan). Per 9262 the responses are listed below under each section in bold;

B. That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department). **There are no significant crime issues related to this business/location.**

C. That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing dispensary location. **There has been no significant increase in police calls for service to this business/location.**

G. 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 dispensary operations. **There has been no significant nuisance issues or problems at this business/location.**

J. 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. **There has not been any significant change in calls for service as a result of this business.**

K. That the dispensary 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. **There has been a total of (19) calls for service at this location or immediate area, all of which do not appear to be a result of adverse impacts due to this business/location.**

M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana. **The police department has no reports**

300 Seminary Avenue | Ukiah, California 95482
Telephone: (707) 463-6262 | Fax: (707) 462-6068 | www.ukiahpolice.com



"Safety, Professionalism & Community Service"

Justin Wyatt
Chief of Police

of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business.

O. 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 the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant of being 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.**

P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices. **The police department has not been notified of the applicant engaging in unlawful, fraudulent, unfair, or deceptive business acts or practices.**

Noble Waidelich
Captain
Ukiah Police Department



AGENDA ITEM NO. 7B

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com

DATE: September 20, 2021
TO: Zoning Administrator
FROM: Michelle Irace, Planning Manager
SUBJECT: Request for Minor Modification to the Existing Emerald Sun Manufacturing, LLC Cannabis Business-Related Use Permit at 1825 Airport Road. APN 180-110-07. File No. 21-6350

SUMMARY

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

APPLICANT / AGENT: Gary Breen
Emerald Sun Manufacturing, LLC

REQUEST: Minor Modification of existing Cannabis Use Permit

DATE DEEMED COMPLETE: August 5, 2021

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: 6 (Traffic Pattern Zone) and 5 (Sideline Zone)

ENVIRONMENTAL DETERMINATION: Exempt, per California Environmental Quality Act (CEQA) Section 15303 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 (File No. 18-4173) to allow operation of a cannabis non-volatile manufacturing, processing, and distribution facility in an existing commercial/manufacturing structure located at 1825 Airport Road. Two portions of the structure were in ongoing use for a different purpose and were not included in the original project. 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. On August 27, 2020, the Zoning Administrator approved an application for annual renewal (File No. 20-5398). Additionally, an application for annual renewal was submitted for Zoning Administrator consideration on July 13, 2021 (File No. 21-6387). Two previous amendments to the Use Permit were approved by the Zoning Administrator: 1) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage and processing to 15,000 sf within the southern portion of the building; and 2) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage, drying and processing to ±9,990 sf into the northern portion of the existing building.

PROJECT DESCRIPTION

The applicant is seeking a minor modification to an existing Use Permit for expansion of cannabis processing area within the existing building. The additional area would be 4,000 sq.ft. in size and used for storage and processing purposes which includes drying, curing, sorting, and trimming. Although the footprint of activities would be expanded into other areas, the building footprint would not be expanded. No other changes to the existing Use Permit or operation is proposed. 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
 Emerald Sun Manufacturing, LLC
 Modification to a Cannabis Business-Related Use Permit
 File No. 21-6350

Figure 2. Zoning Designation-Airport Industrial Park Planned Development



AGENCY COMMENTS

The permit renewal application was sent to the Ukiah Police Department, City Department of Public Works, City Electric Utility Department, Ukiah Valley Fire Authority and County of Mendocino Air Quality Management District for review and comment. Comments received are included as **Attachment 4** and are incorporated in the Conditions of Approval (**Attachment 3**), as necessary.

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. 1213, adopted by the City Council on April 7, 2021, amended the AIP-PD to rezone specific parcels. Ordinance No. 1213 supersedes all past versions. However, changes adopted with Ordinance No. 1213 do not affect the Project parcels.

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.

The City Council adopted Ordinance No. 1186, *The Ordinance of the City Council of Ukiah Adding and Amending Various Sections of the Ukiah City Code to Regulate Cannabis Related Businesses*, which amended several sections of the zoning ordinance to allow various types of cannabis businesses including cultivation, retail, manufacturing, distribution, etc. as permitted uses within several zoning districts. Commercial Cannabis Processor, Cannabis Manufacturing-Level 1 and Cannabis Distribution were added as permitted uses in the Airport Industrial Park Industrial Zoning District with approval of a Use Permit.

No change of use has been requested with this project. Approval of the minor modification will allow the existing approved use to expand into an additional portion of the existing structure. The modification is consistent with all local cannabis regulations. Findings for approval can be found in **Attachment 1**. All original conditions of approval remain in effect; see **Attachment 2**.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 1, Existing Facilities which “*Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.*

- (a) *Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.”*



The alterations or repairs also must not involve significant amounts of hazardous materials, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. 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.
- No expansion of the existing building footprint is proposed as part of the project; 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 September 13, 2021;
- Mailed to property owners within 300 feet of the project site on August 13, 2021;
- Published in the Ukiah Daily Journal on August 18, 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 minor modification to the Emerald Sun Manufacturing, LLC Cannabis Related- Business Use Permit, based on the Findings, and subject to the Draft Conditions of Approval included in the Staff Report.

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials
4. Agency Comments

**DRAFT USE PERMIT FINDINGS FOR
MODIFICATION OF THE EXISTING EMERALD SUN MANUFACTURING, LLC
CANNABIS RELATED- BUSINESS USE PERMIT
AT 1825 AIRPORT ROAD; APN 180-110-07
FILE NO. 21-6350**

The following findings are supported by and based on information contained in the approved Use Permit (File No.18-4173), Minor Amendments (File No.19-5062 and 20-5650), previous annual renewal (File No. 20-5398), as well as information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262 and 9174.

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, Sections 9174 through 9174.2, *Cannabis-Related Businesses*, of the Ukiah City Code as described in the staff report.
3. The existing cannabis-related business Use Permit, and subsequent amendments and renewal, 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 approved operation or security plan are proposed.
4. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 1, Existing Facilities.
5. A notice of public hearing was provided in accordance with UCC §9262.

**DRAFT CONDITIONS OF APPROVAL FOR
MODIFICATION OF THE EXISTING EMERALD SUN MANUFACTURING, LLC
CANNABIS RELATED- BUSINESS USE PERMIT
AT 1825 AIRPORT ROAD; APN 180-110-07
FILE NO. 21-6350**

This minor modification 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 Use Permit (File No.18-4173), Minor Amendments (File No. 19-5062 and 20-5650), and previous annual renewal (File No. 20-5398), shall be applicable to the renewal and will remain in effect.

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 at subsequent hearings for the two modifications noted above. 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.

City of Ukiah Special Conditions

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. 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.
4. No consumption of cannabis or cannabis-related products shall occur on-site.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.

City of Ukiah Standard Conditions

10. This approval is not effective until the 10-day appeal period applicable to this 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.
11. 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.
12. 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.
13. 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.
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.
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 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

17. 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.
18. 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.

19. 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

20. 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 and provide load calculations.
21. 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.
22. 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.
23. In the event that the existing Electric Main Service Panel need to be upgraded to a larger size, the applicant shall provide project load calculations to EUD.
24. 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

25. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed.
26. 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.
27. 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:

28. 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.
29. 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.
30. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
31. 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.
32. 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.
33. 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.
34. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
35. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
36. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
37. 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.
38. Property shall be kept free of debris/garbage.
39. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
40. Height markers shall be installed on the interior doorways and front door entrance.

41. 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.
42. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
43. 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

44. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
45. Main entry door must swing in direction of egress travel "out".
46. Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
47. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
48. 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.
49. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
50. Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
51. Fire sprinkler system shall be maintained and modified as necessary.
52. 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.
53. 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.
54. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
55. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
56. 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

57. 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.
58. The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
59. Emergency contact information shall also be provided to the Fire Department.
60. The portion of the building being expanded into is required to meet standards for an F-1 occupancy.

Mendocino County Air Quality Management District Conditions

61. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.
62. 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.
63. 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.

DRAFT



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: 21-6350
 CID Number:
 Date Received (place CDD stamp below):
June 30, 2021

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: 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	\$

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:		

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 SQFT	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	PROCESSING/STORAGE	4,000 SQ.FT.	1
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation: Monday-Friday 8:00am - 5:00pm			
Number of Shifts: 1	Days and Hours of Shifts: Monday - Friday ; 8:00-5:00pm		
Number of Employees/Shift: 30+			
Loading Facilities: ☐ Yes ☒ No		Type/Vehicle Size:	
Deliveries: ☐ Yes ☒ No		Type:	Number (day/week/month):
Outdoor areas associated with use? (check all that apply) ☐ Yes ☒ No		Unloading of deliveries: ☐ Yes ☒ No Square Footage:	Storage: ☒ Yes ☐ No Square Footage: 4,000
Noise Generating Use? ☐ Yes ☒ No		Description: Processing + Storage	

Submittal Requirements

1. Items marked (X) are required for a complete application unless their deletion is approved by staff.
2. Other information may be required at the discretion of staff in order to fully evaluate the project and/or to conduct required environmental review for the project.
3. Please review the application packet prior to submittal to the City. Application packets that do not include the required materials may not be accepted for processing or may be deemed "Incomplete."
4. For cannabis and telecommunication projects, please contact Staff for additional checklist and submittal requirements.

Submittal Document	Application Type									
	LLA/VM	GPA	PRELIM	REZ	REZ-PD	SDP	Sub/TM	UP	VAR	TEL
Written Project Description	X	X	X	X	X	X	X	X	X	X
Building Elevations			X		X	X		X	X	X
Floor Plan			X		X	X		X	X	
Grading and Drainage Plan and SUSMP (7)					X	X	X			
Landscape Plan			X CONCEPT		X	X			X	
Site Plan	X	X	X	X	X	X		X	X	X
Details – Structural/ Architectural						X				X
Details – Fence					X	X		X		
Details – Sign					X	X		X		
Site Contours					X	X	X			
Parking/Circulation Details	X				X	X	X	X		
Tentative Map (3)							X			
Preliminary Title Report	X			X			X			
Colors & Materials Board			X CONCEPT		X	X				
Number of Plan Sets – Initial Submittal (5)										

- (1) **Building Elevations.** Drawing must include all elevations (front, rear, and sides) and identify dimensions, materials and colors. One set of colored drawings is required.
- (2) **Landscape Plan.** Plan must show all proposed trees, shrubs, and ground covers. Location, size and species must be indicated. Include calculation of total square footage of landscaping.
- (3) **Site Plan.** Must be prepared to scale and include: a north arrow, all property lines, adjoining streets, creeks, ponds, drainage ditches, existing curb, gutter, and sidewalk, existing and proposed buildings (with square footage noted), parking spaces, all existing trees, existing and proposed fences, buildings on adjacent parcels, existing fire hydrants within 600- feet, access and utility easements (with widths), location and width of all easements (access, drainage, utility, etc.) location of existing and proposed trash enclosures, and the percentage of average slope of the property. Site contours may also be required (see table above).
- (4) **Site Contours.** When required, site contours should be indicated on the site plan and grading plan. A separate site contour plan is not required.
- (5) Staff will determine the number of plans needed for the initial submittal. Once the application is complete, the number of plans sets required for the public hearing will be determined by staff. Plans are required to be provided prior to the hearing.
- (6) See Minor Subdivision Submittal Requirements or Major Subdivision Submittal Requirements handout for Tentative Map requirements.
- (7) **SUSMP** – Standard Urban Storm Water Mitigation Plan – Required unless specifically exempt (Consult with Public Works Staff)

LLA – Lot Line Adjustment
 REZ – Rezoning
 TM – Tentative Map
 VAR – Variance

VM-Voluntary Merger
 REZ-PD- Rezoning to Planned Development
 Sub- Subdivision
 UP – Use Permit

Prelim – Preliminary Review
 SDP – Site Development Permit
 GPA- General Plan Amendment
 TEL-Telecommunications Permit

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).

PROPERTY OWNER SIGNATURE

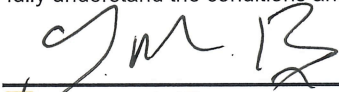
DATE

I, _____ GARY BREEN _____, 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.



6/21/21

☒ 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.

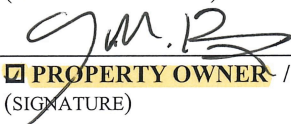
The City of Ukiah shall have the right to appear and defend its interests in any action through its City Attorney or outside counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney of the City's outside counsel if the City chooses to appear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

I have read and agree to all of the above.

GARY BREEN

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(PLEASE PRINT NAME)



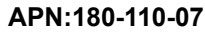
6/21/21

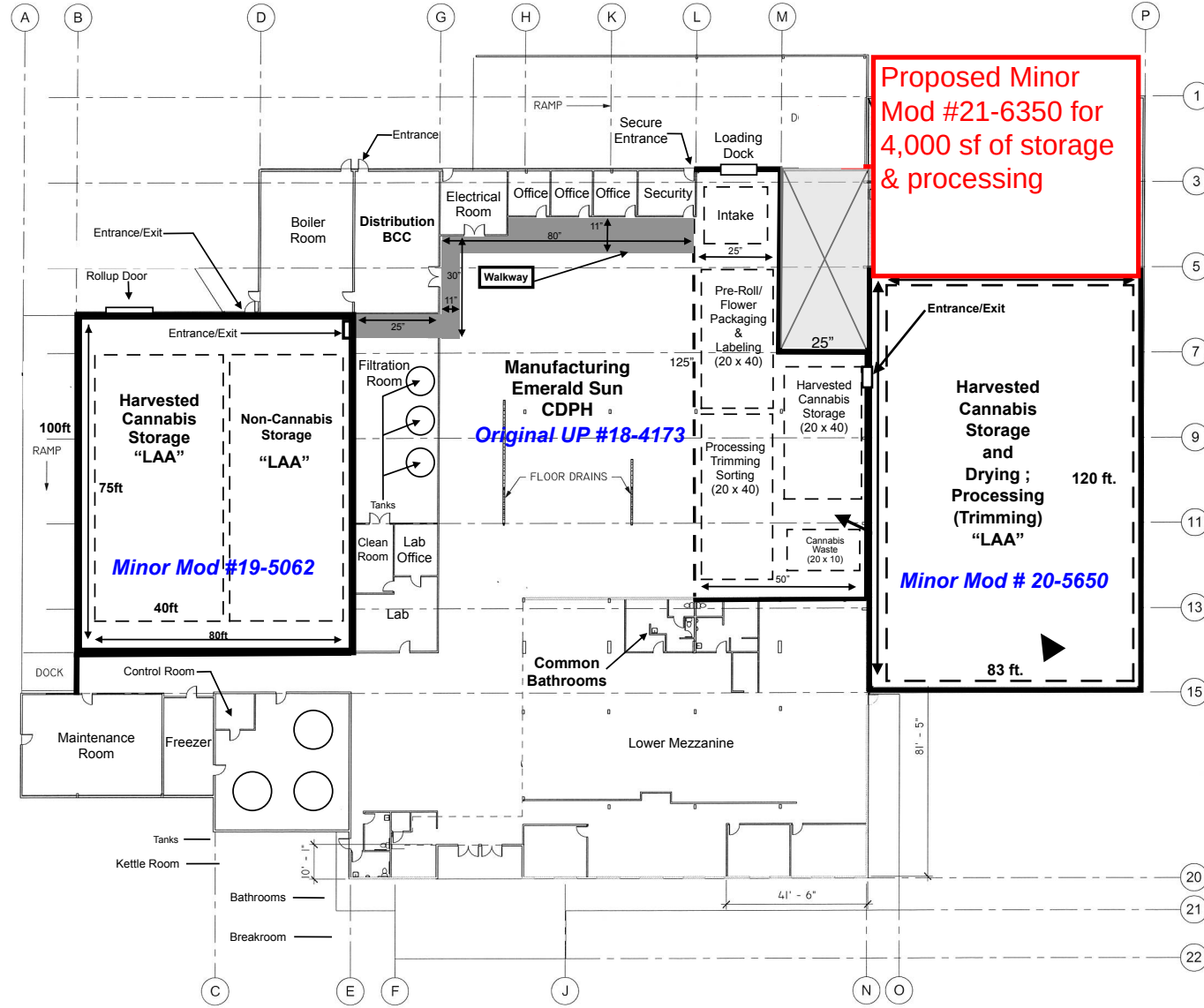
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(SIGNATURE)

DATE

Revised 09/03/2019





① ENTIRE FLOOR PLAN
1/16" = 1'-0"

Proposed Minor
Mod #21-6350 for
4,000 sf of storage
& processing

Minor Mod #19-5062

Original UP #18-4173

Minor Mod # 20-5650

DATE BY	
REVISIONS	
#	
RUFF + ASSOCIATES ARCHITECTURE PLANNING DEVELOPMENT 100 WEST STANLEY STREET, UPLAND, CA 91782 PHONE: 707-472-0525 FAX: 707-472-0527 E-MAIL: RICHARD@RUFFARCHITECT.COM COPYRIGHT © BY RUFF + ASSOCIATES. ALL RIGHTS RESERVED.	
CA LICENSE # C0779-BS91207	
EMERALD SUN, LLC	
SHEET TITLE ENTIRE FLOOR PLAN	
DRAWN BY JTB CHECKED BY RPR DATE CREATED DATE REVISED SCALE AS NOTED PAGE A-4 SHEET OF	



PROJECT REVIEW REFERRAL

Please provide comments by: July 26, 2021

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:			
	City Planning Director		Mendocino County Planning and Building
X	City Building Official		Mendocino County Surveyor/Assessor
X	City Public Works Dept.		Mendocino Transit Authority
X	Ukiah Valley Fire Authority		US Army Corps of Engineers
X	City Police Dept. Captain		Regional Water Quality Control Board
N/A	City Police Dept. Community Service Officer		CA Dept. of Fish and Wildlife
X	City Electric Utility Dept.		CA Dept. of Transportation
X	Ukiah Municipal Airport Operations Manager		Sonoma State Northwest Information Center
	Airport Land Use Commission		AT & T
X	Mendocino County Air Quality		PG & E (gas)
	Mendocino County Environmental Health		PG & E (Land Rights)
	Military Review-Large Development Projects		
FROM PROJECT PLANNER: Michelle Irace, Planning Manager			

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun Cannabis UP Minor Modification # 21-6350
Site Address & APN:	1825 Airport Rd., APN 180-110-07
General Plan:	Master Plan Area (MPA)
Zoning:	PDC-Industrial
Airport Compatibility Zone:	Zone 6: Traffic Pattern Zone
Date Filed:	06/30/21
Resubmittal:	07/09/21
Date Referred:	7/13/21
Prev. Projects on Site (include file #)	Emerald Sun MiUP #18-4173; Minor Mod #19-5062 & 20-5658; Annual Renewal # 20-5398
Applicant/Agent Name:	Gary Breen
Phone:	(510) 206-4500
Email:	gary@emeraldsun.com
Project Summary: The applicant is seeking a minor amendment to an existing Use Permit for expansion of cannabis processing area within an existing building. The additional processing area would be 4,000 sq.ft. in size and used for processing purposes which includes drying, curing, sorting, and trimming. Although the footprint of activities would be expanded into other areas, the building footprint would not be expanded. No other changes to the existing Use Permit are proposed.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) CAPT. NOBLE WANDELICH / POLICE DEPT.

☐ No Comment

☒ Comments / Conditions of Approval Attached

M. WAIDELICH #29
Signature

7/26/2021
Date

Comments / Conditions of Approval:

* SEE ATTACHED



"Safety, Professionalism & Community Service"

Justin Wyatt
Chief of Police

To: Michelle Irace
CC: Chief Wyatt,
From: Captain Noble Waidelich
Subject: Emerald Sun, Minor Modification #21-6350

Date: 7/26/2021

On or about 7/26/2021, I reviewed the Minor Modification Permit #21-6350, for the facility DBA: Emerald Sun. In reviewing the purposed modification, I did not find that it requires any additional comments or provisions other than previously established in their original major use permit.

A handwritten signature in blue ink that reads "M. WAIDELICH" followed by a stylized "dk9".

Noble Waidelich
Captain
Ukiah Police Department

PROJECT REVIEW REFERRAL

Please provide comments by: July 26, 2021

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:			
	City Planning Director		Mendocino County Planning and Building
X	City Building Official		Mendocino County Surveyor/Assessor
X	City Public Works Dept.		Mendocino Transit Authority
X	Ukiah Valley Fire Authority		US Army Corps of Engineers
X	City Police Dept. Captain		Regional Water Quality Control Board
X	City Police Dept. Community Service Officer		CA Dept. of Fish and Wildlife
X	City Electric Utility Dept.		CA Dept. of Transportation
X	Ukiah Municipal Airport Operations Manager		Sonoma State Northwest Information Center
	Airport Land Use Commission		AT & T
X	Mendocino County Air Quality		PG & E (gas)
	Mendocino County Environmental Health		PG & E (Land Rights)
	Military Review-Large Development Projects		
FROM PROJECT PLANNER: Michelle Irace, Planning Manager			

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun Cannabis UP Minor Modification # 21-6350
Site Address & APN:	1825 Airport Rd., APN 180-110-07
General Plan:	Master Plan Area (MPA)
Zoning:	PDC-Industrial
Airport Compatibility Zone:	Zone 6: Traffic Pattern Zone
Date Filed:	06/30/21
Resubmittal:	07/09/21
Date Referred:	7/13/21
Prev. Projects on Site (include file #)	Emerald Sun MiUP #18-4173; Minor Mod #19-5062 & 20-5658; Annual Renewal # 20-5398
Applicant/Agent Name:	Gary Breen
Phone:	(510) 206-4500
Email:	gary@emeraldsun.com
Project Summary: The applicant is seeking a minor amendment to an existing Use Permit for expansion of cannabis processing area within an existing building. The additional processing area would be 4,000 sq.ft. in size and used for processing purposes which includes drying, curing, sorting, and trimming. Although the footprint of activities would be expanded into other areas, the building footprint would not be expanded. No other changes to the existing Use Permit are proposed.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) Jimmy Lozano COU Electric Utility Department

- ☐ No Comment
- ☒ Comments / Conditions of Approval Attached

Jimmy Lozano

7/13/2021

Signature

Date

Comments / Conditions of Approval:

Hi Michelle,

Regarding Project Review Referral for Emerald Sun UP Minor Modification # 21-6350 (1825 Airport Road),

The Electric Utility Department offers the following comments/conditions:

- 1) Should the applicants decide to upgrade to a larger panel or increase the electric load in the future, they will need to contact the Electric Utility Office.
- 2) All future site improvements shall be submitted to the Electric Utility Department for review and comment. At this time, specific service requirements, service Voltage and developer costs and requirements will be determined.
- 3) Developer will need to provide EUSERC approved electrical equipment that is to be used on this project.
- 4) In the event that the existing Electric Main Service Panel/s need to be upgraded to a larger size, applicant shall provide projected load calculations to the COUEUD for their project.
- 5) Developer/customer shall incur all costs of this future project to include (labor, materials, equipment).

Should they have any questions please call Jim Lozano at 467-5774 or Scott Bozzoli at 707-467-5775 Thank you,
Jimmy

From: [Mireya Turner](#)
To: [Michelle Irace](#)
Subject: City View Trail - DPW - no comment
Date: Monday, July 19, 2021 4:08:20 PM
Attachments: [image001.png](#)

Jason just handed me their packet with No Comment checked. I will leave it on your chair.

Cordially,



Mireya G. Turner, MPA (*she, her*)

Planning Manager

Department of Community Development

300 Seminary Avenue, Ukiah, CA 95482

P: 707.463.6203

www.cityofukiah.com/community-development

From: [Ian Broeske](#)
To: [Michelle Irace](#)
Subject: Re: Project Referral for Emerald Sun Use Permit Minor Amendment
Date: Tuesday, July 13, 2021 1:15:34 PM
Attachments: [image001.png](#)

Michelle,

My one question is: What is the occupancy type in that portion of the building? It would need to meet the standards for an F-1 occupancy. Any work being done to this section would require a building and fire permit.

Thank you,

Ian Broeske
Acting Fire Marshal

Ukiah Valley Fire Authority
1500 South State Street
Ukiah, CA 95482-6709
C) 707-380-4811
P) 707-462-7921
F) 707-462-2938
ibroeske@cityofukiah.com
<http://www.cityofukiah.com/uvfa-who-we-are/>

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From: Michelle Irace <mirace@cityofukiah.com>
Sent: Tuesday, July 13, 2021 12:47 PM
To: Matthew Keizer <mkeizer@cityofukiah.com>; Douglas Hutchison <dhutchison@cityofukiah.com>; Ian Broeske <ibroeske@cityofukiah.onmicrosoft.com>; Noble Waidelich <nwaidelich@cityofukiah.com>; Justin Wyatt <jwyatt@cityofukiah.com>; mcaqmd@mendocinocounty.org <mcaqmd@mendocinocounty.org>; Greg Owen <gowen@cityofukiah.com>; Jason Benson <jbenson@cityofukiah.com>; Tim Eriksen <teriksen@cityofukiah.com>; Jimmy Lozano <jlozano@cityofukiah.com>; Scott Bozzoli <sbozzoli@cityofukiah.com>
Subject: Project Referral for Emerald Sun Use Permit Minor Amendment

Hello,
The City of Ukiah Planning Division has received an application for a minor amendment to an existing

Use Permit for Emerald Sun cannabis processing located at 1825 Airport Road. The request includes expansion of existing processing operations in a 4,000 sf area of the existing building. Please note that in google it will show that address incorrectly as a part of Costco. See below/attached and let me know if you have any questions. Comments are appreciated by July 26, 2021.

Thank you,



Michelle Irace , Planning Manager
Department of Community Development
300 Seminary Avenue, Ukiah, CA 95482
www.cityofukiah.com/community-development

PROJECT REVIEW REFERRAL**Please provide comments by: July 26, 2021**

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:			
	City Planning Director		Mendocino County Planning and Building
X	City Building Official		Mendocino County Surveyor/Assessor
X	City Public Works Dept.		Mendocino Transit Authority
X	Ukiah Valley Fire Authority		US Army Corps of Engineers
X	City Police Dept. Captain		Regional Water Quality Control Board
X	City Police Dept. Community Service Officer		CA Dept. of Fish and Wildlife
X	City Electric Utility Dept.		CA Dept. of Transportation
X	Ukiah Municipal Airport Operations Manager		Sonoma State Northwest Information Center
	Airport Land Use Commission		AT & T
X	Mendocino County Air Quality		PG & E (gas)
	Mendocino County Environmental Health		PG & E (Land Rights)
	Military Review-Large Development Projects		
FROM PROJECT PLANNER: Michelle Irace, Planning Manager			

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun Cannabis UP Minor Modification # 21-6350
Site Address & APN:	1825 Airport Rd., APN 180-110-07
General Plan:	Master Plan Area (MPA)
Zoning:	PDC-Industrial
Airport Compatibility Zone:	Zone 6: Traffic Pattern Zone
Date Filed:	06/30/21
Resubmittal:	07/09/21
Date Referred:	7/13/21
Prev. Projects on Site (include file #)	Emerald Sun MiUP #18-4173; Minor Mod #19-5062 & 20-5658; Annual Renewal # 20-5398
Applicant/Agent Name:	Gary Breen
Phone:	(510) 206-4500
Email:	gary@emeraldsun.com
Project Summary: The applicant is seeking a minor amendment to an existing Use Permit for expansion of cannabis processing area within an existing building. The additional processing area would be 4,000 sq.ft. in size and used for processing purposes which includes drying, curing, sorting, and trimming. Although the footprint of activities would be expanded into other areas, the building footprint would not be expanded. No other changes to the existing Use Permit are proposed.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) Ronda Gott, AQT Mendocino County Air Quality

☐ No Comment

☒ Comments / Conditions of Approval Attached



Ronda Gott

Air Quality Technician

July 26, 2021

Signature

Date

Comments / Conditions of Approval:

State and federal law require air quality permits for any operation or equipment that has the potential to emit, reduce, control, or eliminate the emissions of air contaminants.

The project applicant may contact the District at any time.