



Planning Commission

Regular Meeting **AGENDA**

(to be held both at the physical and virtual locations below)

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating), go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: After being recognized, Enter *9
- To Speak after being recognized: enter *6 to unmute yourself

September 27, 2023 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

4.a. Approval of the Minutes of September 13, 2023, a Regular Meeting

Recommended Action: Approve the Minutes of September 13, 2023, a Regular Meeting

Attachments:

1. September 13, 2023, Planning Commission Meeting Minutes

5. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major 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 9, 2023.

6. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. 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.

7. **SITE VISIT VERIFICATION**

8. **VERIFICATION OF NOTICE**

9. **PLANNING COMMISSIONERS REPORT**

10. **DIRECTOR'S REPORT**

10.a. Receive Community Development Director's Report

Recommended Action: Receive Community Development Director's Report.

Attachments:

1. Planning Division Projects Report - 9-1-23

11. **CONSENT CALENDAR**

12. **UNFINISHED BUSINESS**

13. **NEW BUSINESS**

13.a. Modification to a previously approved Major Use Permit to allow for on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area - Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Section 9174.3(c)(5) at 1076 & 1078 Cunningham Street; APN 003-140-65; File No. 23-8481.

Recommended Action: Conditional Approval, based on the Findings in Attachment 1 and Conditions of Approval in Attachment 2.

Attachments:

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

14. **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. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

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.

Dated:09/20/2023

Stephanie Abba, Planning Commission Secretary

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR MEETING**
Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**September 13, 2023
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on September 13, 2023. The meeting was legally noticed on September 6, 2023. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Chair Mark Hilliker called the meeting to order at 6:01 p.m.

CHAIR M. HILLIKER PRESIDING.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Thao Phi, Alex deGrassi, , and Chair Mark Hilliker. **Commissioners Absent:** Rick Johnson **Staff Present:** Craig Schlatter, Community Development Director; Jesse Davis, Chief Planning Manager; and Stephanie Abba, Planning Commission Secretary.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. APPROVAL OF MINUTES

a. Approval of the Minutes of August 09, 2023, a Regular Meeting.

Motion/Second: A. de Grassi/T. Phi to approve the Minutes of August 09, 2023, a Regular Meeting as submitted. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, A. deGrassi, , and Chair M. Hilliker. **NOES:** None **ABSENT:** R. Johnson **ABSTAIN:** None

5. APPEAL PROCESS

Chair Hilliker stated that the appeals deadline date is September 25, 2023. No appeals were received.

6. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

No Comments from Audience

7. SITE VISIT VERIFICATION

Not necessary

8. VERIFICATION OF NOTICE

Verified by Staff

9. PLANNING COMMISSIONERS REPORTS

Commissioners A. de Grassi and M. Hilliker

10. DIRECTOR'S REPORT

Presenter: Craig Schlatter, Community Development Director and Jesse Davis, Chief Planning Manager.

Reports received

11. CONSENT CALENDAR

No items on the Consent Calendar

12. UNFINISHED BUSINESS

a. Receive Bi-Annual Status Update and Report regarding the Community Center and Winter Homeless Shelter at 1045 South Street.

Presenter: Craig Schlatter, Community Development Director

Public Comment: Sage Wolf, Director of Integrated Health for Redwood Community Services (RCS);

13. NEW BUSINESS

a. Ordinance Amendment to Ukiah City Code to update the City's Objective Design and Development Standards for New Multi-family Residential Construction.

Presenter: Jesse Davis, Chief Planning Manager

Motion/Second: A. de Grassi/T. Phi to Adopt a resolution making the Planning Commission's report and recommendation to the City Council on a proposed amendment to Ukiah City Code regarding previously adopted objective design and development standards as amended. Motion **carried** by the following Roll Call votes: AYES: T. Phi, A. deGrassi, , and Chair M. Hilliker. NOES: None ABSENT: R. Johnson ABSTAIN: None

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:31 p.m.

Stephanie Abba, Planning Commission Secretary



AGENDA SUMMARY REPORT

SUBJECT: Receive Community Development Director's Report

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning Division Projects Report - 9-1-23

Summary: Planning Commission will receive the Community Development Director's report.

Background: Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects of the Planning Division of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: This report is expected to provide updates in the following areas:

- September 2023 Planning Division Projects report (Attachment 1).
 - This is a monthly report produced on the first of each month. Updates that have occurred since the first of the month are provided to the Commission verbally during the report. The September 2023 report and previous monthly reports are also located on the Planning Division Services webpage, under "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services/>
- Status of in-progress advanced planning activities

Recommended Action: Receive Community Development Director's Report.



**City of Ukiah
Submitted Planning Applications**

As of 9/1/2023

Permit #	Site Address	Date of Submittal/ Resubmittal	Summary of Project	Status	Assigned Planner
23-8481	1076 Cunningham Rd.	7/31/2023	Major Use Permit to include outdoor consumption lounge at the existing Heritage Mendocino cannabis dispensary	Submitted: 7/31/23. Referred out on 8/30/23. Agency responses due by 9/12/23.	Jesse Davis
22-7956	162 Talmage Rd.	6/28/23	Major Site Development Permit for the Splash Express Car Wash #5 (dBA LUV Car Wash) facility. Includes demolition of the existing structures and redevelopment of a new 2,433 sf car wash facility, located within the Heavy Commercial (C2) zoning district.	Airport Land Use Commission Referral: 3/23/23 (ALUC Staff - Deemed Consistent) Design Review Board Hearing: 5/25/23 Item Approved by PC on 6/28/23; PC Decision Appealed by Eric Crane on 7/5/23; City Council Appeal Hearing: 9/20/23	Jesse Davis
n/a	600 Live Oak Ave.	2/27/23; 7/21/23	Todd Grove Public Art Mural Permit within the Public Facilities (PF).	Design Review Board Meeting: 5/25/23 (DRB recommended to PC with modifications); Planning Commission Hearing: Postponed to date uncertain	Jesse Davis
23-8069	218 Mason St.	1/20/23; 5/18/23	Minor Use Permit for conversion of use from commercial to mixed-use within the Community Commercial (C1) zoning district.	Scheduled for Zoning Administrator on 9/13/23	Michelle Irace

22-7977	101 S. Main St.	12/12/22; 2/13/23; 2/21/23; 4/16/23; 6/13/23; 7/5/23	Major Site Development Permit for construction of a new 4,715 sf Redwood Credit Union bank facility, located within the Urban Center (UC) zoning district.	Design Review Board Meeting: 3/23/23 Planning Commission Hearing: 5/10/23. Item Denied on 6/14/23 by PC; PC Decision Appealed by Applicant 6/23/23. City Council Appeal Hearing: 7/19/23; Council recommended project modifications and hearing continued to a time and date uncertain. Awaiting response from Applicant.	Michelle Irace
17-3069	1294 N. State St.	9/13/17; 9/14/21; 9/28/22; 5/12/23; 7/11/23	Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), located in the C-1 (Community Commercial) zoning district.	Incomplete 6/2/22; 9/29/22; 5/27/23; Design Review Board Meeting: Awaiting response from Applicant.	Michelle Irace
22-7483	734 S. State St.	8/15/22	Xpress Gas Station Major Use Permit-request to resume operation of the gas station within the Community Commercial (C1) Zoning District.	Applicant Withdrew Application on 8/20/23	Jesse Davis
23-8774	1104 S. State St.	8/24/2023	Green Advt 101/Cookies Cannabis Use Permit Annual Renewal	Submitted: 8/24/23. Referred out on 8/29/23. Agency responses due by 9/12/23.	Michelle Irace
23-8753	104 Echo Way	8/4/2023	104 Echo Way Minor Variance Setback Reduction	Submitted: 8/4/23; Referred out on 8/15/23; Scheduled for ZA on 9/13/23	Michelle Irace



City of Ukiah
Recently (Within Previous 90 Days) Approved Projects

As of 9/1/2023

Permit #	Site Address	Approval Date	Summary of Project	Comments	Assigned Planner
23-8376	441 N State St.	6/1/23	Renewal of a Cannabis Retail Facility. Per UCC Section 9174.2(D), cannabis-related business will be subject to review after the first year of operation by the Zoning Administrator.	Submitted: 04/24/23 Zoning Administrator Hearing: Approved on 6/1/23	Michelle Irace
23-8331	300 Seminary Ave.	6/1/23	Minor Site Development Permit for installation of a 39' training tower by the UVFA for roof operations, interior firefighting, confined space rescues, search and rescue operations, door breaching/forcible entry, high-angle descent and rescue.	Submitted: 04/18/23 Zoning Administrator Hearing: Approved on 6/1/23, but subsequently appealed and withdrawn by the UVFA on 06/14/23.	Jesse Davis
23-8466	960 N. State St.	6/27/23	Minor Use Permit for operation of Medstar Ambulance within existing structures, located within the Community Commercial (C1) Zoning District.	Submitted: 5/18/23 Zoning Administrator Hearing: Approved on 06/27/23	Michelle Irace
23-8552	1361 West Clay Street & 624 Mary Lane	6/28/2023	Lot Line Adjustment #23-8552; 624 Mary Lane (APN: 001-242-17); Parcel 2: 1361 West Clay Street (APN: 001-242-35)	Approved by City Engineer on 06/28/23	Jesse Davis

**City of Ukiah
Advanced Planning Projects**

As of 8/1/2023

Permit #	Site Address	Approved Date	Summary of Project	Comments	Assigned Planner
n/a	Citywide	n/a	Ordinance Amendment for modifications to Objective Design and Development Standards for New Residential Construction (UCC 9055)	Proposed amendments reviewed by Design Review Board 7/27/23. Planning Commission Hearing: 9/13/23	Jesse Davis
n/a	Citywide	n/a	Ordinance Amendment for modifications to UCC 3016 for Demolition Permit procedures	Working with Rincon Consultants, Inc. to update/streamline Demolition Permit procedures. Funded by Local Early Action Planning (LEAP) Grant. Anticipate bringing proposed amendments forward Fall, 2023.	Michelle Irace
n/a	Citywide	n/a	2040 General Plan Implementation Programs	2040 General Plan adopted by City Council 12/7/22. Implementation efforts began January, 2023	Michelle Irace, Jesse Davis
n/a	Unincorporated Western Hills	n/a	Western Hills Open Land Acquisition and Limited Development Agreement Project - Annexation Application.	Annexation application submitted to LAFCo: 6/8/22. Incomplete letter from LAFCo received 6/29/22. Prezoning and application modifications to PC/CC anticipated Fall, 2023	Michelle Irace, Jesse Davis

n/a	Citywide	n/a	Annexation of City-owned parcels.	Submitted Annexation Application to LAFCo 2/23/22. Incomplete letter received 3/25/22. Updated application submitted in June 2022. Rezoning and application modifications to Planning Commission 3/22/23 City Council on 4/5/23. Application update submitted to LAFCo on 04/20/23. Application scheduled for LAFCo review on 09/11/2023.	Jesse Davis
n/a	Citywide	n/a	Ordinance Amendment for modifications to Lot Line Adjustment Requirements.	Proposed amendments to CC in October, 2023	Jesse Davis



DATE: September 27, 2023

TO: Planning Commission

FROM: Jesse Davis, Chief Planning Manager

SUBJECT: Request to modify a previously approved Major Use Permit to allow for on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area - Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Section 9174.3(c)(5); 1076 & 1078 Cunningham Street; APN 003-140-65; File No. 23-8481.

SUMMARY

OWNER: JBT Investments LLC

APPLICANT & AGENT: Heritage Mendocino (Kyle Greenhalgh)

LOCATION: 1076 & 1078 Cunningham Street, Ukiah (APN: 003-140-65)

TOTAL ACREAGE: ±1.14 acres

GENERAL PLAN: Industrial (I)

ZONING DISTRICT: Manufacturing (M)

CEQA DETERMINATION: Categorical Exemption pursuant to Section 15061 (b)(3)

RECOMMENDATION: Conditional Approval, based on the Findings in Attachment 1 and Conditions of Approval in Attachment 2.

PROJECT LOCATION

The ±1.14-acre project site is located within the City of Ukiah, ±0.4 miles west of U.S. Route 101 immediately northwest of the intersection of Talmage Road and Cunningham Street, addressed at 1076 & 1078 Cunningham Street, Ukiah, CA, 95482; APN 003-140-65. The subject property is a corner lot bounded by Rupe Street to the north, Cunningham Street to the east, and Talmage Road to the south. The project area will be within the existing fenced area directly south of the 'Cannabis-Related Business' at 1076 Cunningham Street, north of Doolin Creek.

EXISTING CONDITIONS

The project site is presently developed with a 'Cannabis-Related Business (Microbusiness)' within an existing structure approximately 2,480 square feet in size. This primary structure is addressed as 1076 Cunningham Street. The subject property also includes an associated on-site storage facility approximately 2,700 square feet in size addressed as 1078 Cunningham Street.

On February 19, 2019, a Major Use Permit and Site Development Permit was approved by the Planning Commission to allow adaptive reuse of the existing structure for the purpose of a

'Cannabis Microbusiness'. Since that time, the following improvements to the subject property and surrounding area have been facilitated:

- Provision of a 4,237 sf parking lot accessed with 12 parking spaces (10 standard, 1 ADA, and 1 loading space) via an encroachment from Rupe Street for the Cannabis Microbusiness;
- Curb and sidewalk improvements along Rupe and Cunningham Streets;
- Exterior lighting for 1076 Cunningham Street (down-shielded and dark sky compliant);
- Removal of detritus and automobiles from the project site, as well as adjacent and nearby parcels;
- Provision of 5,278 sf of landscaping and street trees along Cunningham and Rupe Streets;
- Replaced and improved fencing surrounding the premises of 1076 Cunningham Street.

RELATED PERMITS & APPLICATIONS

- **File No. 18-3631:** Major Use Permit and Site Development Permit to allow 'Cannabis Microbusiness' approved by the Planning Commission on February 19, 2019.
- **File No. 20-5112:** Annual renewal of Cannabis-related Business Use Permit for a 'Cannabis Microbusiness' approved by the Zoning Administrator on August 31, 2020.
- **File No. 21-6140:** Annual renewal of Cannabis-related Business Use Permit for a 'Cannabis Microbusiness' approved by the Zoning Administrator on November 16, 2021.
- **File No. 21-6503:** A Lot Line Adjustment to adjust three parcels. Lot 1 (Historical APN 003-140-53) decreased to .82 acres. Lot 2 (Historical APN 003-140-54) decreased to .51 acres. Lot 3 (Historical APN 003-140-52) increased to 1.14 acres approved by the City Engineer on October 5, 2021.
 - o The boundaries configured by this Lot Line Adjustment allowed for 1076 and 1078 Cunningham to be located on the same legal parcel.

SURROUNDING USES AND ZONING

The project site is located within the City of Ukiah, ±0.4 miles west of U.S. Route 101 immediately northwest of the intersection of Talmage Road and Cunningham Street at 1076 & 1078 Cunningham Street, Ukiah, CA, 95482; APN 003-140-65.

In general, the surrounding properties feature a mixture of vacant lots, as well as commercial and storage/warehouse facilities, which are overviewed in Table 1:

TABLE 1: SURROUNDING USES AND ZONING		
	ZONING:	USE:
NORTH	Manufacturing	Vacant – Fenced Site
EAST	Manufacturing	Manufacturing (Small Engine Repair; Construction Services); Commercial (Outdoor Fish Market)
SOUTH	Manufacturing and Public Facility	Commercial (Agricultural Sales & Services); Airport (Open-Space)
WEST	Manufacturing	Manufacturing (Biofuels; Outdoor Material Storage)

The project is consistent with the siting requirements below for a 'Cannabis Related-Business', as it is not within the restricted distance to residences, schools, youth-oriented facilities, or other cannabis related business. A 'Location Map' is included within Attachment 3. As detailed, below:

- The proposed consumption area is not within six hundred feet (600 ft) of a school, and;
- The proposed consumption area is not within two hundred fifty feet (250 ft) of a youth-oriented facility, and;
- The proposed consumption area is not within or proximate to any residential zoned parcel or primary land use, and;
- The proposed consumption area is not adjacent to or within 250' of another cannabis-related business.
 - While another 'Cannabis-Related Business' was approved at 902 Waugh Lane, in 2020, it does not appear that the business will become operational, as no correspondence has been received from the applicant since May 9, 2022.

Figure 1: Location Map



As conveyed, the 'Cannabis Consumption Area - Outdoor' will be approximately 60' to the west of the nearest off-site commercial structure, which is utilized for construction services and addressed at 1099 Cunningham Street. The proposed consumption area is approximately 500' to the southwest of the nearest residential structure, which is located immediately northwest of intersection of Perry & Rupe Street.

REGULATORY BACKGROUND

On September 7, 2022, written and oral comment was provided to the Ukiah City Council during Audience Comments on non-agenda Items requesting that the City Council evaluate an ordinance amendment to allow for on-site consumption. Thereafter, the City Council requested that the Cannabis Ad-Hoc Committee review considerations provided during public expression in conjunction with staff.

Subsequently, Community Development Staff facilitated a meeting of the Cannabis Ad-Hoc on October 19, 2022, and then addressed questions via email with members of the Ad-Hoc to develop a recommendation for modification of Ukiah City Code that addressed the public expression provided.

On February 6, 2023, the Planning Commission unanimously adopted a resolution making the report and recommendation that the City Council adopt a proposed amendment to the City's

Municipal Code, finding that the actions to allow on-site consumption were categorically exempt pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

On March 15, after consideration of public input, the City Council voted 4-0-1 to introduce an Ordinance Amending various sections of Ukiah City Code to permit on-site consumption at cannabis dispensaries and microbusinesses featuring retail.

On April 5, 2023, the City Council voted 3-1 to adopt an ordinance amending various sections of Ukiah City Code to permit onsite consumption at cannabis dispensaries and microbusinesses featuring retail.

Since 2018, the State of California has allowed for on-site consumption where locally authorized. To facilitate on-site consumption of cannabis products on a non-event basis, a State Retail license is required from the Department of Cannabis Control (DCC), even if the primary undertaking is not commercial retail, but an associated activity, such as a hotel that wants to facilitate an on-site consumption area. As a Cannabis Microbusiness, Heritage Mendocino maintains a license to operate a Commercial Microbusiness (Lic. No. C12-0000258-LIC), which includes manufacturing (Level-1), distribution, and retail activities.

Pursuant to California Business and Professions Code Section 26200, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness per the following requirements:

- (1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.*
- (2) Cannabis consumption is not visible from any public place or non-age-restricted area.*
- (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.*

PROJECT DESCRIPTION

The Applicant requests a 'Cannabis Consumption Area - Outdoor' as detailed in Attachment 3 in accordance with Ukiah City Code Section 9174.3(c)(5). This designated area will allow for the consumption of 'Cannabis Products' by smoking, vaping, and ingesting edibles under the supervision of staff. The Applicant has responded to the additional application requirements identified by Staff, including updates to the Security Plan, which is also included in Attachment 3.

The proposed 'Cannabis Consumption Area - Outdoor' will be located to the south of existing microbusiness within the fenced area that was replaced and improved by the Applicant in 2020. No structures are proposed, but the Applicant intends to place chairs, picnic tables and other seating with umbrellas to improve the usability of the space. The fenced area creates a boundary for the 'Cannabis Consumption Area – Outdoor'. Customers would be encouraged to use the seating areas located in the center of the fenced area and prohibited from use of cannabis products on the rear porch or near the fence line of the subject property.

As required by the California Business and Professions Code Section 26200, the Applicant will ensure that the 'Cannabis Consumption Area - Outdoor' will not be visible from any public place by placing vertical privacy slats made of redwood within the existing chain-link fence.

The 'Cannabis Consumption Area - Outdoor' will be restricted to persons 21 years of age or older, as the area will be accessed through the existing security check at the front-entrance of the structure. The customer would then walk through the store to the 'Cannabis Consumption Area - Outdoor'. Alternative paths of travel could be made available to those with accessibility or mobility limitations.

As conditioned, only cannabis purchased from the retailer can be utilized within the 'Cannabis Consumption Area - Outdoor.' Sale or consumption of alcohol or tobacco is prohibited on the premises.

No structures, grading or other improvement is proposed in conjunction with the requested 'Consumption Area – Outdoor.'

AGENCY CONSIDERATIONS & REFERRAL

On August 30, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (See Table 2). Comments received by responding departments and agencies are included in Attachment 4, and comments reflected within the Conditions of Approval, as appropriate.

TABLE 2: AGENCY COMMENTS	
Agency	Comment
City Building Official	No Response
City Public Works Department	No Response
Ukiah Valley Fire Authority	No Response
City Policy Department	No Comment
City Electrical Utility Department	No Comment
Ukiah Municipal Airport Manager	No Response
Airport Land Use Commission Staff	Response – Voluntary Referral
Mendocino County Planning & Building Services	No Response

STAFF ANALYSIS

Facilitating an on-site consumption ordinance could address reasonable concerns that without designated areas, increased consumption will occur in public places or multi-unit housing where it is prohibited. This increase in consumption, especially in multi-unit housing, presents risks to vulnerable groups such as children and the elderly from second-hand smoke. It also increases risks related to unnecessary policing and displacement of low-income and minority residents for cannabis use in their rental units or other public situations, which engenders potential criminal justice disparities.

General Plan Consistency: The Economic Development Element of the City's 2040 General Plan contains the following goals and policies that would support consideration of an ordinance amendment to facilitate on-site consumption at cannabis-retailers upon modification or approval of their associated Use Permit:

- **Goal ED-4:** To attract visitors and provide them with the amenities and services to make their stay in Ukiah enjoyable.
- **Goal ED-6:** To maintain a supportive business climate and a healthy economy that leads to the expansion of existing businesses and the attraction of new ones.

- **Policy ED-6.1: Regulatory Environment:** The City shall promote business-friendliness in the regulatory and permitting process through collaboration, innovation, exchange of ideas and best practices.
- **Goal ED-10:** To foster a robust and diversified local economy that provides quality employment and attracts stable businesses.
- **Policy ED-10.4: Local-Serving Retail:** The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Ukiah and provide needed goods and services to residents and businesses.

The proposed project aligns with the City's intention to encourage and facilitate the development of local-serving retail that is more resilient, in this case from the market fluctuations associated with the cannabis industry, while offering visitors with the amenities and services that makes their stay in Ukiah more enjoyable. Accordingly, Visit Mendocino has identified the cannabis tourism sector as an important area for future tourism and growth.

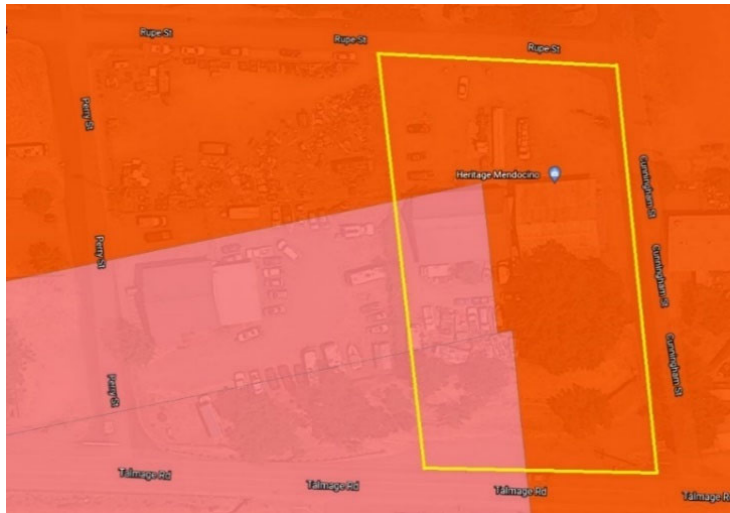
Finally, it is recognized that on-site consumption considerations are increasingly common across California, and that the County of Mendocino has allowed for on-site consumption with associated retail entities since 2018 with no notable issues, nuisances or concerns. Presently, within the City of Ukiah's Sphere of Influence (SOI), five (5) cannabis retailers or microbusiness facilitate on-site consumption in conjunction with their business. County regulations do not require the discretionary review of cannabis retail or on-site consumption on commercial properties, but rather a Cannabis Facility Business License (CFBL) via a Zoning Clearance from the Departments of Planning and Building Services (PBS) and Environmental Health (EH), as well as conformance with the State's Business and Professions Code 26200.

Airport Compatibility: Prior to the adoption of the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), the entirety of the subject parcels were located within Zone A*. Within Zone A*, site-wide average and single-acre intensities of up to 10 people per acre were permitted, but allowed uses were otherwise constrained. It was the intention of the City of Ukiah to provide long-term control of the uses within Zone A* by either acquiring property in fee simple or obtaining easements restricting the type and density of land uses permitted. On February 6th, 2019 to complete the airport land use review process for this project, the City Council passed and adopted a resolution (2019-05) to overrule a previous consistency determination of the Mendocino County Airport Land Use Commission.

Per Table 3A of the UKIALUCP, 'Outdoor Non-Group Recreation' (Small/Low-Intensity) is a conditionally compatible use within Zone 2, so long as the intensity criteria are met, and no airspace obstructions are facilitated. 'Outdoor Non-Group Recreation' would be considered accessory to the 'Non-Conforming Use' of the property as a 'Cannabis-Related Business' which was formalized upon adoption of the UKIALUCP on May 20, 2021. The Major Use Permit and Site Development Permit to allow this 'Cannabis Microbusiness' was approved by the Planning Commission on February 19, 2019.

Given the size of the parcel (1.14 acres), the fact that no physical improvements are proposed, and the associated airport compatibility designations, the project is consistent with the UKIALUCP, as most of the site is within Zone 2, which allows for a maximum sitewide average intensity of 60 people/acre. Approximately .75 acres of the subject property is within Zone 2 (as detailed in Figure 2), therefore up to 45 people can be on the premises at any given time, which is well within the normal operations of the Cannabis Microbusiness.

Figure 2: Airport Compatibility Zones



ENVIRONMENTAL DOCUMENTATION

The proposed project is subject to the California Environmental Quality Act (CEQA). The project has been reviewed by City staff in accordance with CEQA Guidelines to determine if implementation would create significant environmental impacts. The City has determined that the establishment on-site consumption at this commercial cannabis businesses does not meet any of the thresholds that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061 (b)(3) of the CEQA Guidelines, no further environmental analysis is required.

As described, the proposed project does not create any new land use considerations beyond partial utilization of a Cannabis Microbusiness premises to engage in the consumption of cannabis. As proposed the cannabis retailer must comply with existing regulations related to the City's Anti-Smoking Ordinance (Division 5, Chapter 7, Article 4), similar to businesses that allow for the consumption of tobacco products.

NOTICE

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9264:

- Published in the Ukiah Daily Journal on September 17, 2023;
- Posted on the Project site on September 17, 2023;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the Project parcels, as well as emailed to public agencies having jurisdiction on September 17, 2023.

RECOMMENDATION

Staff recommends that the City of Ukiah Planning Commission:

- 1) Conduct a public hearing; and

2) Approve the modification to the Major Use Permit to allow for on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area - Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Section 9174.3(c)(5); 1076 & 1078 Cunningham Street; APN 003-140-65; File No. 23-8481.

ATTACHMENTS

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

**DRAFT FINDINGS
FOR MODIFICATION OF THE EXISTING USE PERMIT
AT 1076 & 1078 CUNNINGHAM ST; APN 003-140-65;
FILE NO. 23-8481**

The following findings are supported by and based on 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 9174.3(c)(5) of the Ukiah City Code as described in the staff report.
3. Pursuant to City Code Section 9174.3(c)(5), the proposed modification was reviewed by Planning staff and the Police Department; it has been determined that the criteria for modification of the cannabis-related business permit has been met.
4. The existing Use Permit, and subsequent amendment are determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare. Changes to the approved operation or security plan have been considered and reviewed.
5. The proposed project is subject to the California Environmental Quality Act (CEQA). The project has been reviewed by City staff in accordance with CEQA Guidelines to determine if implementation would create significant environmental impacts. The City has determined that the establishment on-site consumption at this commercial cannabis businesses does not meet any of the thresholds that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061 (b)(3) of the CEQA Guidelines, no further environmental analysis is required.
6. A notice of public hearing was provided in accordance with UCC §9262.

**DRAFT CONDITIONS OF APPROVAL
FOR MODIFICATION OF THE EXISTING USE PERMIT
AT 1076 & 1078 CUNNINGHAM ST; APN 003-140-65
FILE NO. 23-8481**

The following Conditions of Approval shall be made a permanent part of the Major Use & Site Development Permit; shall remain in force regardless of property ownership and shall be implemented for this entitlement to remain valid.

Approved Project Description. The Applicant proposed to modify a previously approved Major Use Permit to allow for on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area - Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Section 9174.3(c)(5) at 1076 Cunningham Street; APN 003-140-65; File No. 23-8481

CITY OF UKIAH SPECIAL CONDITIONS

1. The Applicant shall maintain proof of State license to operate the cannabis related business, and after one (1) year of operation submit a renewal to the City of Ukiah Zoning Administrator to evaluate the 'Cannabis Consumption - Outdoor' per UCC Section 9174.3(C)(5)(b).
2. The applicant shall restrict the use of 1078 Cunningham to only identified employees, and all entrants shall wear appropriate Personal Protective Equipment. No employee will be stationed or assigned within the warehouse. The General Public shall not be allowed entry into 1078 Cunningham.
3. Sale or consumption of alcohol or tobacco is not allowed on the premises of Assessor Parcel Number (APN) 003-140-65.
4. Only cannabis products purchased on-site can be consumed within the designated 'Cannabis Consumption Area – Outdoor'.
5. Access to the area where cannabis consumption is allowed shall be restricted to persons 21 years of age or older.
6. Prior to operation, the Applicant shall install vertical privacy slats within the existing chain-link fence to ensure that the 'Cannabis Consumption Area – Outdoor' is not visible from any public place or non-age-restricted area.
7. Consumption of 'Cannabis Products' is prohibited indoors, or in any place visible to the public, including the raised decks attached to 1076 Cunningham Street. Customers are discouraged from consuming cannabis in proximity to the premises boundaries.

CITY OF UKIAH STANDARD CONDITIONS

8. This approval is not effective until the 10-day appeal period applicable to this Use Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
9. All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the multi-family project and ancillary site improvements approved by the Use Permit.

10. 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.
11. 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.
12. Building permits shall be issued within two years after the effective date of the Site Development Permit or same shall be null and void.
13. 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.
14. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.
15. The Applicant shall submit a Landscaping and Irrigation Plan for approval prior to Building Permit issuance.
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. In accordance with street improvement plans prepared by a Civil Engineer and approved by the Department of Public Works, applicant shall construct curb, gutter and accessible 5-ft wide sidewalk along the subject property frontages, including a curb ramp at the intersection of Cunningham Street and Rupe Street. Face of curb shall be located 20 feet from the street centerlines, with public access and utility easements granted to the City as required. Improvement plans shall include provisions for proper drainage improvements, and sidewalk and pavement transitions. Existing utilities shall be relocated as necessary.
18. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work within this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated construction costs.
19. Prior to construction of site improvements, a final grading and drainage plan, and an erosion and sediment control plan, prepared by a Civil Engineer, shall be submitted for review and approval by the Department of Public Works.
20. Should improvements exceed 10,000 square feet of new or replaced impervious surface, post-construction storm water mitigation measures may be required.
21. Sewer connection fees shall be paid at the time of building permit issuance.

ELECTRIC UTILITY DEPARTMENT CONDITIONS

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 DEPARTMENT CONDITIONS

26. As necessary, 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 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2016 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

UKIAH POLICE DEPARTMENT CONDITIONS

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

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. Electronic "point of sale" age verification system is required which scans and authenticates

ID, identifies fake ID's, records dates and times of transactions, has the ability to create a "banned patron" list.

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 @ (707) 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 "Knock 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. 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 sprinkler system shall be maintained and modified as necessary.
51. Carbon Monoxide cylinders must be secured and restricted from falling. Amount of cylinders shall be verified and properly stored at all times. If stored in a closed room, room must be vented and alarmed.
52. It is highly recommended that all exists 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. An "Knock Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshal.
56. Emergency contact information shall also be provided to the Fire Department.

DRAFT



JUL 31 2023

CITY OF UKIAH
COMMUNITY DEVELOPMENT

City of Ukiah

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

Planning Permit Application

23-8481

PROJECT NAME: Heritage Mendocino Outdoor Consumption Lounge			
PROJECT ADDRESS/CROSS STREETS: 1076 Cunningham St.			AP NUMBER(S):
APPLICANT/AUTHORIZED AGENT: Kyle Greenhalgh	PHONE NO: 510-919-6743	FAX NO:	E-MAIL ADDRESS: kyle@heritage-mendocino.com
APPLICANT/AUTHORIZED AGENT ADDRESS: 7300 East Rd		CITY: Redwood Valley	STATE/ZIP: CA 95470
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Joe Thomas		PHONE NO: 707-367-3296	E-MAIL ADDRESS: joethomas8@yahoo.com
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT: PO Box 171		CITY: Ukiah	STATE/ZIP: CA 95482
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☐ YES ☒ NO			

☐ AIRPORT LAND USE COMBINATION DETERMINATION REFERRAL 100.0800.611.003	\$	☐ REZONING - PLANNED DISTRICT 100.0800.611.001	\$	☒ USE PERMIT - AMENDMENT 100.0400.449.001	\$ 1000
☐ ANNEXATION 100.0500.611.001	\$	☐ 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	\$
☐ LOCAL PERMIT 100.0300.449.001	\$	☐ 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 COPY) 100.23100.411.53	\$	☐ MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	☐ REZONING 100.0800.611.001	\$
☐ LOT LINE ADJUSTMENT OR MERGER 100.0300.610.001	\$	☐ OTHER	\$	☐ OTHER	\$

CITY CEQA FILING FEE:	\$	MAJOR PERMIT DEPOSIT:	\$ 1000	FILING DATE:	7/31/23
CITY CEQA (NEG DEC) FEE:	\$	MINOR PERMIT FEE:	\$	TOTAL AMOUNT PAID:	\$ 1,000 deposit (cash)
CITY CEQA (EIR) FEE:	\$	TOTAL FEE:	\$	RECEIPT NUMBER:	
CITY CEQA PAYABLE TO MENDOCINO CO.					

APPLICATION NUMBER(S): Orig. MAP # 3631

Recommendation: Prior to submitting an application, discuss your project with Staff to discover what fees (sewer, water, in-lieu park fees, traffic impact fees, etc.) may be required for your project. Also, ask about street tree requirements, required sidewalk repairs, drainage issues, storm water mitigation requirements, frontage improvements, etc.

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

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

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

To Be Completed by Staff

General Plan Designation: Industrial	Zoning District: Manufacturing	Airport Land Use Designation: Zone 2
City's Architectural & Historic Inventory: ☐ YES ☒ NO	Age of Building: N/A	Demolition Policy: N/A
Hillside: ☐ YES ☒ NO	Flood Designation FIRM Map: Yes	Flood Designation Floodway Map: Yes

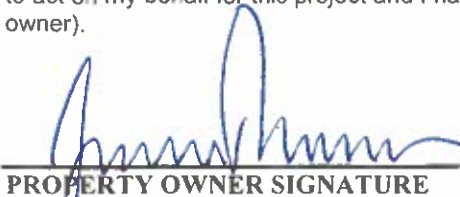
Tree Policies

General Plan Open Space Conservation ☒ NO ☐ YES GOAL/POLICY #:	Community Forest Management Plan ☒ NO ☐ YES GOAL/POLICY #:
Landscaping and Streetscape Design Guidelines ☒ NO ☐ YES GUIDELINE #:	Commercial Development Design Guidelines ☒ NO ☐ YES GUIDELINE #:
Tree Protection and Enhancement Policy ☒ NO ☐ YES NOTES:	Tree Planting and Maintenance Policy ☒ NO ☐ YES NOTES:
UCC: Street Tree Policy, Purpose and Intent ☒ NO ☐ YES NOTES:	Other:

Notes

--

I, Joseph Thomas, owner authorize Heritage Mendocino to act on my behalf for this project and I have read and agree with all of the above. (Applicant must be signed owner).

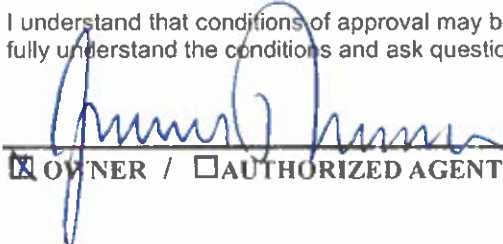

PROPERTY OWNER SIGNATURE

5/30/23
DATE

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

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

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


☒ OWNER / ☐ AUTHORIZED AGENT

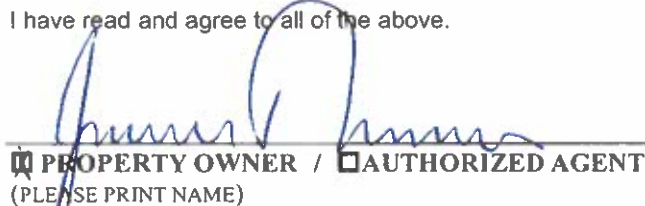
5/30/23
DATE

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 its own 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 or 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.


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

5/30/23

☐ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(SIGNATURE)

DATE

Supplemental Application Materials – Cannabis Consumption Area

If onsite consumption (including smoking, vaping, and ingestion of edible cannabis products) is a planned part of the business, provide an onsite consumption plan. The onsite consumption plan must include:

1. Visualization of the cannabis consumption area as part of the associated site plan, as well as a detailed floor plan demonstrating how the proposal conforms to the standards identified in UCC §9174.3(C)(5)(b). The consumption area shall be limited to the following:
 - a. Outdoor: Consumption of cannabis by smoking, vaping, and ingestion; or
 - b. Indoor: Consumption by ingestion only;

PLEASE SEE ATTACHED SITE PLAN

2. A detailed description on visibility considerations from any public place or non-age-restricted area (e.g. types of windows used, and/or example elevations as seen from the public right-of-way); and

The elevated walkway along the South Side of the building is visible from Cunningham St. Access to this area is restricted to employees only and no smoking/consumption will be permitted. The rest of the site will be behind the 6ft privacy fence and not visible from any of the surrounding public streets or sidewalks.

3. If smoking and vaping of cannabis products is proposed, a detailed description of compliance with City's Anti-Smoking Ordinance (Division 5, Chapter 7, Article 4), and considerations for ventilation, if applicable; and

Division 5, Chapter 7, Article 4 Section 4504 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT, A: Smoking will only occur outdoors in a non-enclosed area which would constitute a smoke-free work place for all employees. Division 5, Chapter 7, Article 5 Section 4506 POSTING OF SIGNS: Signage indicating "No Smoking" areas will be clearly posted.

4. A security plan that addresses considerations that may arise with onsite consumption by patrons;

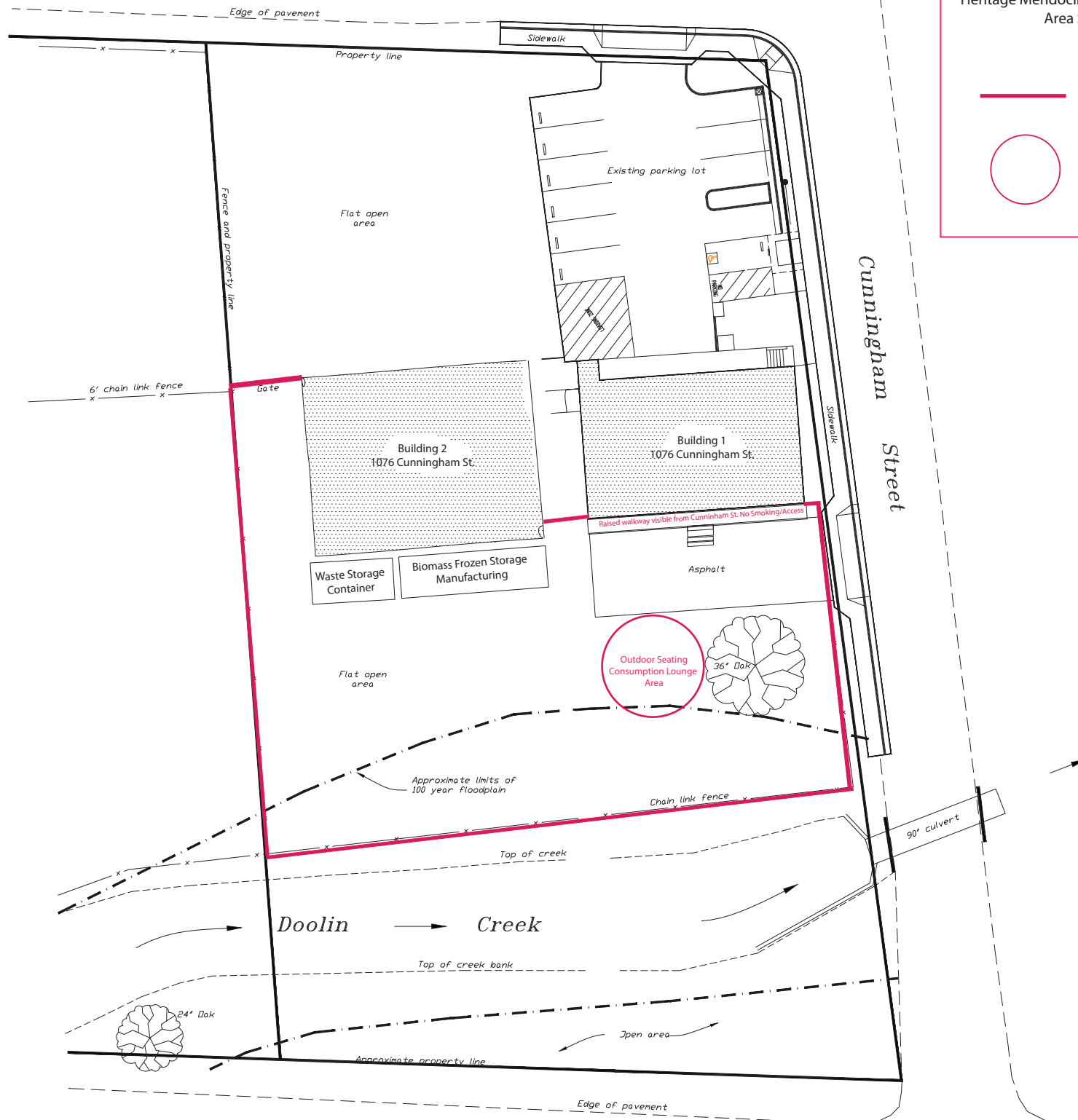
PLEASE SEE ATTACHED REVISED SECURITY PLAN; Appendix F- Outdoor Consumption Lounge, PG 41.

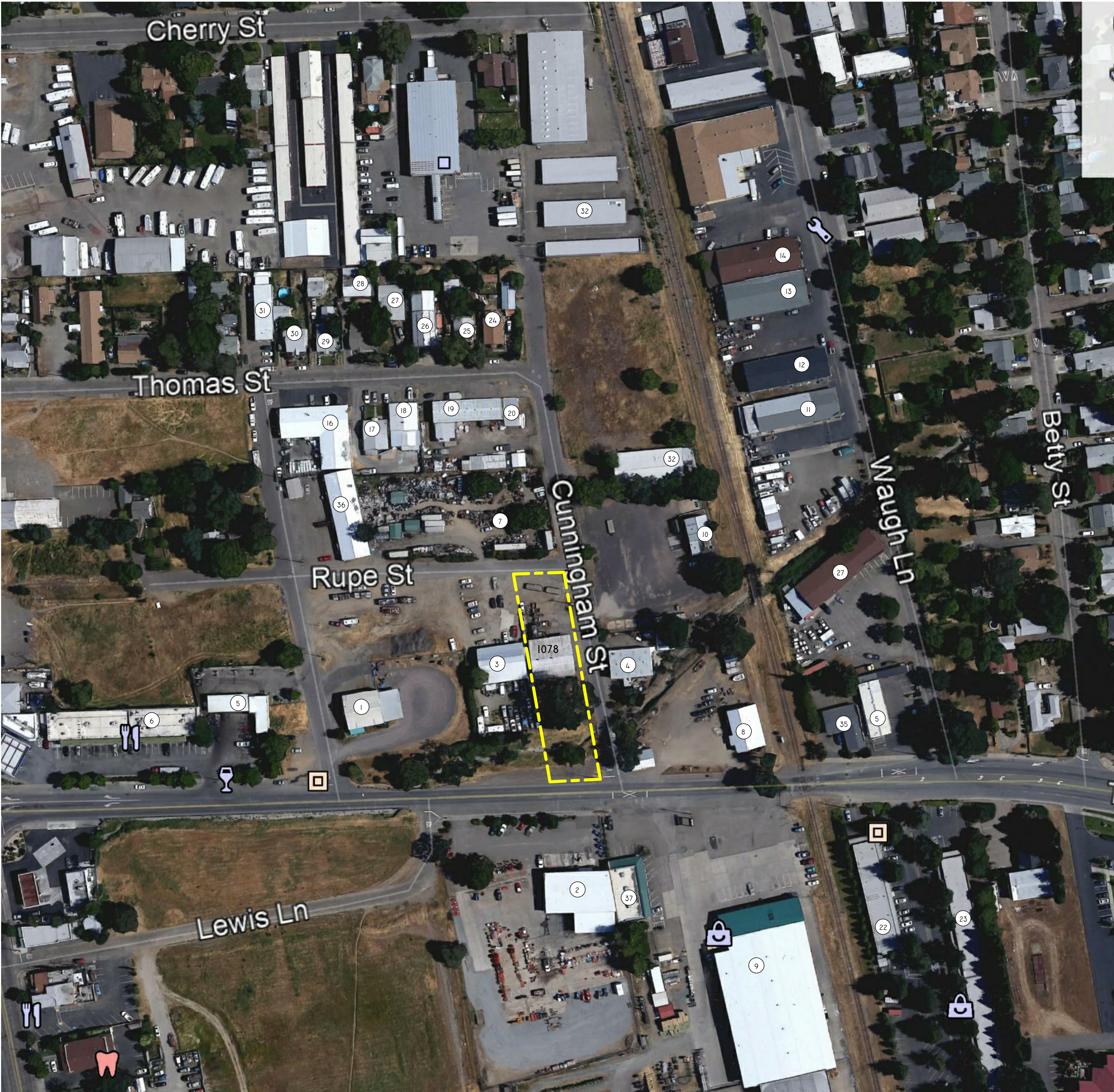
5. Employee Training, Notification, and Customer Education: Information on how the business shall train their employees about the various products available for consumption, including potency of the products, absorption time, and effects of the products.

Staff is trained and knowledgeable about consumption methods, potency, absorption time, and effects of all of the products that we carry in the store. Each product also contains State Regulated labeling with the Certificate of Analysis results which indicate the dosage and potency of the product. All edible and manufactured products also contain labeling which indicates the specific directions for use of the product.

Heritage Mendocino Outdoor Consumption Area Site Plan KEY

- ==== Redwood Slat and Chainlink Privacy Fencing
- ==== Outdoor Seating Area

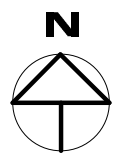


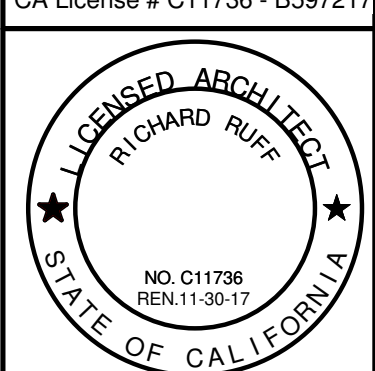


NEIGHBORHOOD MAP

- 1. AFFORDABLE AUTOMOTIVE 150 PERRY ST.
- 2. 205 TALMAGE RD. GRATON TRACTOR
- 3. KENS AUTO CARE
- 4. 1009 CUNNINGHAM RD. MY CUSTOM DESIGN
- 5. REDWOOD PLAZA CAR WASH
- 6. 150 TALMAGE RD. BOTTLE SHOP/ MARINOS PIZZA
- 7. UKIAH RECYCLE
- 8. SMALL ENGINE REPAIR
- 9. 303 TALMAGE AG. UNLIMITED
- 10. 1051 CUNNINGHAM ROAD FISH PEDDELER
- 11. 940 WAUGH LANE PRICELESSRENT A CAR
- 12. 930 WAUGH GLASS WORKS
- 13. 920 WAUGH LANE BUSINESS
- 14. 910 WAUGH LANE CHRIS FURNITURE & UPHOLSTERY
- 15. UNLIMITED WHEAK & TIRES
- 16. 201 THOMAS CROP PRODUCTIONS
- 17. 233 THOMAS RESIDENCE
- 18. 235 THOMAS DUNN RIGHT PAINTING\
- 19. 265 THOMAS BUSINESS
- 20. WOOD BUSINESS
- 21. 950 WAUGH LANE EMPIRE MOTOR SERVICES
- 22 & 23 415/419 TALMAGE RD. TALMAGE OFFICE PARK
- 24. 290 THOMAS RESIDENCE
- 25. 260 THOMAS RESIDENCE
- 27. 240 THOMAS RESIDENCE
- 28. 332 THOMAS RESIDENCE
- 29. 188 THOMAS RESIDENCE
- 30. 184 THOMAS RESIDENCE
- 31. 182 THOMAS BUSINESS
- 32. VACANT PARCEL
- 33. STORE IT RENTAL
- 34. 290-1/2 CUNNINGHAM RD. RESIDENCE
- 35. 180 THOMAS RESIDENCE
- 36. 200 PERRY ST. BUSINESS
- 37. 203 TALMAGE COIN STOP/BERTZ INCOME TAX MENDOCINO FARM BUREAU
- 38.400 TALMAGE GUIDVILLE INDIAN RANCHERIA

1 NEIGHBORHOOD CONTEX MAP
1/4" = 1'-0"



REVISIONS		DATE BY
#		
		
RUFF + ASSOCIATES		
RUFF + ASSOCIATES Architecture Planning Development		
100 West Standley Street, Ukiah, CA 95482 Phone: 707-472-0525 Fax: 707-472-0527 e-mail: richard@ruffarchitect.com		
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CA License # C11736 - B597217		
		
TENNANT IMPROVEMENT FOR: KYLE GREENHALGH 1076 CUNNINGHAM & TALMAGE RD. UKIAH, CA, 95482		
SHEET TITLE		
NEIGHBORHOOD CONTEXT MAP		
DRAWN BY ROBFON		
CHECKED BY RPR		
DATE CREATED 3/10/18		
DATE ISSUED --		
SCALE AS NOTED		
PAGE		
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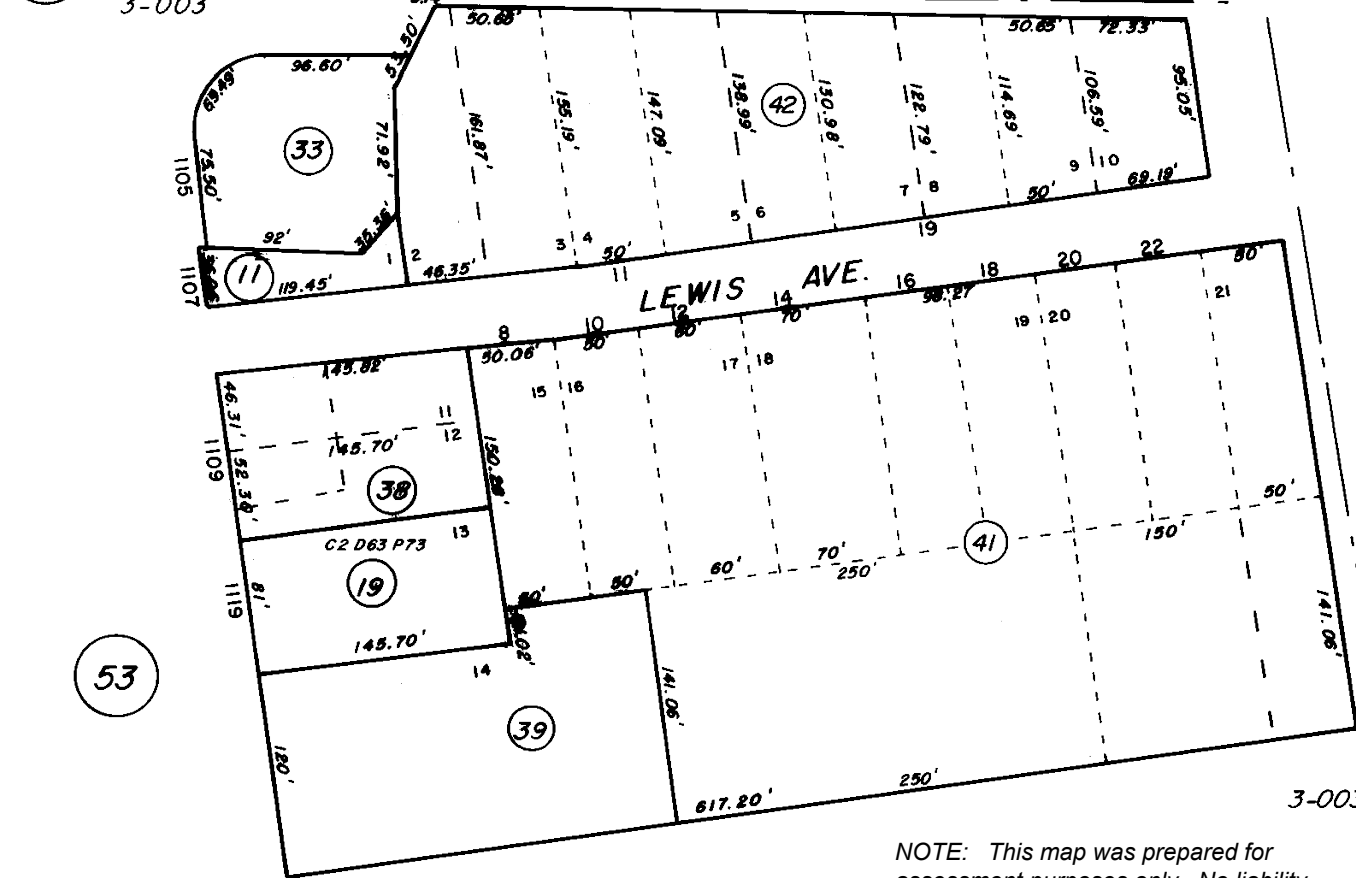
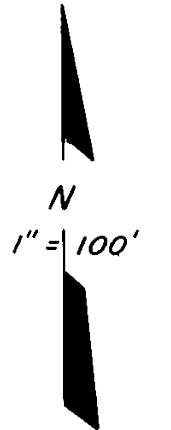
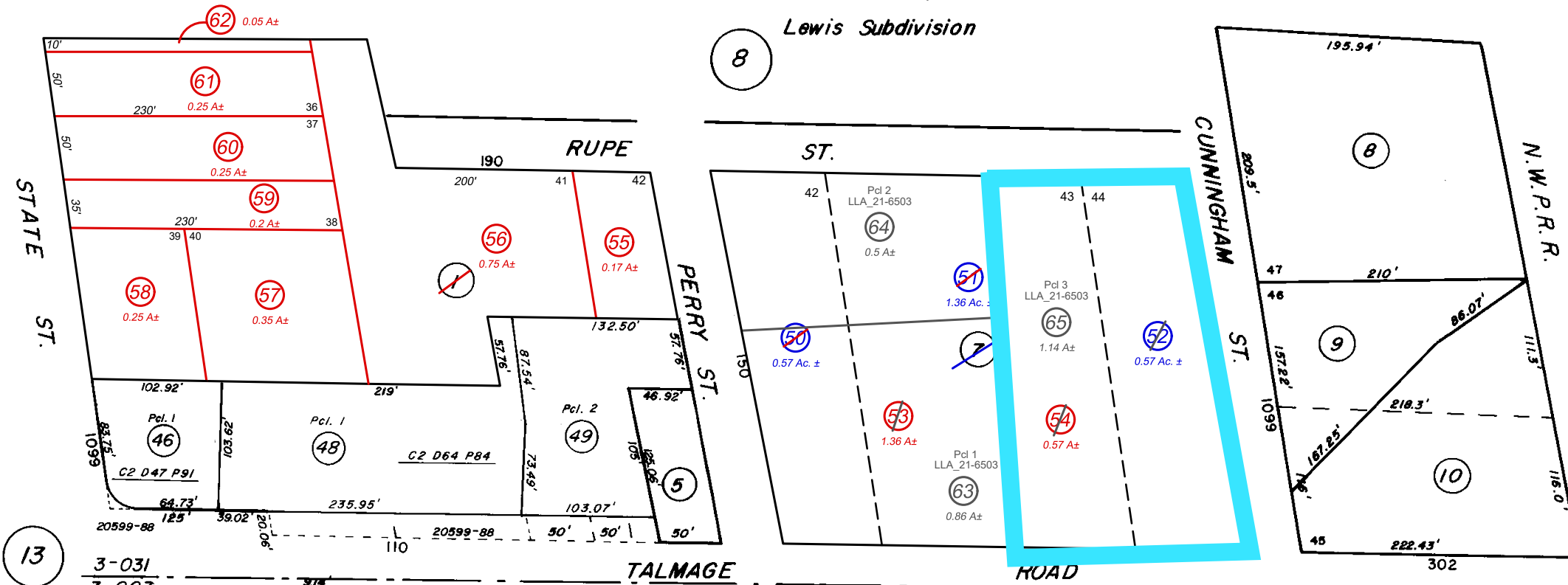
UKIAH CITY

Lots 36 to 47 Cunningham & Thomas Subdivision

Lewis Subdivision

3-14

3-003
3-031



NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

Assessor's Map
County of Mendocino, Calif.
April 19, 2022

Comprehensive Security Plan For Heritage Mendocino

Amended: May 12, 2023 Version 5

Located at 1076 and 1078 Cunningham
ST. Ukiah, CA 95482

Hours Of Operation

Monday – Saturday 9am-7pm

Sunday 11am – 5pm

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Introduction

This Security Plan describes the policies, procedures, engineering and physical controls, and other measures that will be implemented to ensure a safe and secure environment for employees, customers, and the community, as well as to comply with local and state security requirements.

A primary goal is to prevent unauthorized entry to the premises, deter theft, burglary and diversion of cannabis products or other valuables, and prevent access to these products by individuals under 21 years of age. State and local laws supersede any item in the Plan that does not meet regulatory requirements.

Within this plan THC- or CBD-containing material is referred to as “the product.”

Where an “employee” is referred to in this plan, it also includes other individuals involved with Heritage Mendocino, including owners, officers, agents, and others representing the company.

Roles and Responsibilities

Security Manager

The Security Manager will be responsible for ensuring that this Security Plan is properly implemented.

As relates to the hiring of personnel to staff positions listed in this plan, the CEO or a designee will ensure that the qualifications are met for each employee that requires experience or training above a nominal level, including checking prior employment, degrees or training received, and other references.

Security Personnel

Security Personnel will be hired by Heritage Mendocino. The security personnel will maintain a safe and secure environment for customers and employees by patrolling and monitoring premises and personnel.

The Security Personnel secures premises and personnel by patrolling property; monitoring surveillance equipment; inspecting buildings, equipment, and access points; permitting entry and obtains help by sounding alarms.

Security will prevent losses and damage by reporting irregularities; informing violators of policy and procedures; restraining trespassers.

They will complete reports by recording observations, information, occurrences, and surveillance activities; interviewing witnesses; obtaining signatures.

It is one of their responsibilities to maintain environment by monitoring and setting building and equipment controls, as well as maintain organization's stability and reputation by complying with legal requirements.

The security personnel is to ensure operation of equipment by completing preventive maintenance requirements; following manufacturer's instructions; troubleshooting malfunctions; calling for repairs; evaluating new equipment and techniques.

Security Personnel contributes to team effort by accomplishing related results as needed.

Compliance Officer

The Chief Executive Officer (CEO) will designate a Chief Compliance Officer (CCO), who will be responsible for implementing the Plan, or managing a designee who will be responsible for a subset of tasks.

The CCO will ensure that all security procedures are followed related to facility access, emergency response, transportation, training, hiring and supervising security officers, background checks, prohibiting the access of minors to the premises, and other procedures specified in this document.

The CCO is responsible for clearly designating who will serve as a senior security officer in an emergency if both the CEO and CCO are not present.

The CCO will regularly report to the CEO on the status and efficacy of the Security Plan. The CCO will review the Plan annually and recommend changes or amendments to the CEO to improve security features or processes.

The CCO will be the primary contact for all security equipment vendors.

Inventory Control Manager

Under the direction of the CCO, the Inventory Control Manager (ICM) will be responsible for the implementation and operation of the inventory control or track-and-trace system and for ensuring compliance with portions of this Plan related to diversion prevention.

Computing Security Officer

Under the direction of the CCO, the Computing Security Officer (CSO) with appropriate experience and training will manage the security related to data and technology will be responsible for ensuring compliance with the Computing Security portion of this Plan.

Employee Involvement

Staff will be asked to review security procedures related to their specific tasks at least once per year and give recommendations for improvements.

Emergency Procedures

Heritage Mendocino will invite first responders to visit the premises for a walk-through prior to receiving the first shipment of product and request suggestions to the CO to improve the security layout.

During an emergency, if the CCO is on the premises, he/she will serve as the senior security officer and manage activities until the CEO is present. If the CCO is not present, a designated senior security officer will call 911 and interact with Emergency Response personnel. If there is no safety risk to staying on the premises and emergency responders do not direct otherwise, other employees will immediately monitor entrances and exits to prevent unauthorized access, and monitor products that are accessible to customers, contractors, or visitors.

Heritage Mendocino will install a “Knox Box” which will allow the police and fire departments access in the case of an emergency. The “Knox Box” will allow access to the interior and exterior portions of the property during non-business hours.

Emergency Contacts

CEO/President: Kyle Greenhalgh (510) 919-6743

Vice President: Joe Thomas (707) 367-3296

Secretary: Coral Jacobson (503) 724-7418

Engineering Controls for Emergency Response

1. A silent alarm for use during an armed robbery.
2. An audible panic alarm to indicate the need for evacuation and a call to 911.
3. A notification system generating a sound, text, or visual signal when the alarm/surveillance system malfunctions.
4. These engineering controls will remain operational during a power outage.

Pages 8 - 41 Omitted
By Community
Development Staff

APPENDIX F

Outdoor Consumption Lounge

1. The cannabis consumption area will include adequate security cameras and lighting on-site to ensure the safety of persons and protect the premises from theft at all times.
2. The elevated walkway along the South Side of the building is visible from Cunningham St. Access to this area is restricted to employees only and no smoking/consumption will be permitted. The rest of the site will be behind the 6ft privacy fence and not visible from any of the surrounding public streets or sidewalks.
3. On Site security guards will monitor cameras and conduct walkthroughs of the cannabis consumption area, as well as regular perimeter checks. Security guards will hold an active guard card and will not possess firearms or tasers.
4. Patrons will be ID'd and notified of the following verbally and through posting of a sign in a conspicuous location readily visible to persons entering the premises:
 - A. Entry into the premises by persons under the age of twenty-one is prohibited.
 - B. Smoking/No Smoking Area
5. All operations will be in compliance with City's Anti-Smoking Ordinance (Division 5, Chapter 7, Article 4} as follows:
 - A. Division 5, Chapter 7, Article 4 Section 4504 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT, A: Smoking will only occur outdoors in a non-enclosed area which would constitute a smoke-free workplace for all employees.
 - B. Division 5, Chapter 7, Article 5 Section 4506 POSTING OF SIGNS: Signage indicating "No Smoking" areas will be clearly posted.
6. Cannabis consumption areas shall only provide cannabis to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by the state. Staff is trained and knowledgeable about consumption methods, potency, absorption time, and effects of all of the products that we carry in the store. Each product also contains State Regulated labeling with the Certificate of Analysis results which indicate the dosage and potency of the

product. All edible and manufactured products also contain labeling which indicates the specific directions for use of the product.

7. Staff will be trained to identify over-intoxication and will take necessary measures to ensure public safety and the safety of patrons.

I.E.) Calling taxis for intoxicated patrons, cutting off consumption before a patron becomes over-intoxicated, providing drinking water and a safe space for patrons to sober up if they are starting to get too intoxicated.



PROJECT REVIEW REFERRAL

Please provide comments by: September 12, 2023

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 Manager	☒	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
☒	City Police Dept. Captain	☐	Regional Water Quality Control Board
☒	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 county staff planner	☐	AT & T
☐	Mendocino County Air Quality	☐	PG & E (gas)
☐	Mendocino County Environmental Health	☐	PG & E (Land Rights)
☐	California Military Land Use Office	☐	Other:
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager jdavis@cityofukiah.com 707 463-6207			

PROJECT INFORMATION:	
Project Name & Permit #:	Heritage Mendocino Cannabis Consumption Lounge MaUP #23-8481
Site Address & APN:	1076 Cunningham St. APN 003-140-52
General Plan:	Industrial
Zoning:	Manufacturing
Airport Compatibility Zone:	Zone 1, Zone 1*, & Zone 2
Date Filed:	07/31/23
Resubmittal:	8/23/23
Date Referred:	8/30/23
Prev. Projects on Site (include file #)	LLAs # 18-3221; 19-4787; 21-6503; Use Permits # 18-3631; #20-5112
Applicant/Agent Name:	Kyle Greenhalgh (applicant)
Phone:	
Email:	kyle@heritage-mendocino.com
Project Summary: Addition of outdoor cannabis consumption lounge to existing dispensary	

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) _____



No Comment



Comments / Conditions of Approval Attached

Digitally signed by Scott Bozzoli

Date: 2023.08.31 06:26:34 -07'00'

8-31-2023

Signature

Date

Comments / Conditions of Approval:

Currently the Electric Department has “No Comment” on the Heritage Mendocino Cannabis Consumption Lounge MaUP #23-8481. All the electrical design on our end was completed during original construction.

If the customer will need to upgrade their panel in the future, the Electric Department will need to be made aware of it.

PROJECT REVIEW REFERRAL

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☐	Mendocino County Environmental Health	☐	PG & E (Land Rights)
☐	California Military Land Use Office	☐	Other:
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager jdavis@cityofukiah.com 707 463-6207			

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Date Referred:	8/30/23
Prev. Projects on Site (include file #)	LLAs # 18-3221; 19-4787; 21-6503; Use Permits # 18-3631; #20-5112
Applicant/Agent Name:	Kyle Greenhalgh (applicant)
Phone:	
Email:	kyle@heritage-mendocino.com
Project Summary: Addition of outdoor cannabis consumption lounge to existing dispensary	

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) Lt. Rick Pintane Ukiah Police Dept.

- ☒ No Comment
☐ Comments / Conditions of Approval Attached

Signature

08/31/23

Date

Jesse Davis

From: Steven Switzer <switzers@mendocinocounty.gov>
Sent: Friday, September 1, 2023 2:47 PM
To: Michelle Irace
Cc: Julia Krog; Jesse Davis
Subject: RE: Project Referral- Heritage Mendocino Cannabis Consumption Lounge MaUP

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Michelle-

Thanks for the additional information.

I also would like to clarify that the proposed project would only be captured by the **Voluntary Referral of Land Use Actions**.

As the local agency you may choose to voluntarily refer the project for an informal review and/or consultation for compatibility with airport activities. A formal Airport Land Use Consistency Determination would not be required. My apologies for any confusion on that end.

Since this would be a voluntary referral, as the local agency you are not required to adhere to the ALUC review period or overrule process if you elect to approve the project without incorporating design changes or recommended conditions.

It is worth noting that the project should be considered with the following four compatibility factors in mind:

- (1) Noise: Locations exposed to potentially disruptive levels of aircraft noise.
- (2) Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
- (3) Airspace Protection: Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the Airport.
- (4) Overflight: Locations beneath where aircraft in flight are distinctly visible and audible even if not necessarily directly overhead.

Should the City want a further review of the project's compatibility, the County can prepare some additional comments.

After speaking with Julia, we both agree that it would be worthwhile to set up a time to have a conversation regarding the voluntary referral process. A large majority of the development within Ukiah would be captured on a voluntary referral basis since the City's General Plan was deemed consistent with the UKIALUCP.

Looking forward to hearing back from you.