



Zoning Administrator

Regular Meeting AGENDA

Civic Center ♦ 300 Seminary Ave., Conf. Rm. #3 ♦ Ukiah, CA 95482

February 18, 2020 - 10:30 AM

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- 2.a. a. Approval of December 18, 2019 Draft Minutes

Recommended Action: Review and approve the December 18, 2019 Zoning Administrator Hearing Minutes.

Attachments:

1. ZAM_ 12182019-Draft

3. SITE VISIT VERIFICATION

4. VERIFICATION OF NOTICE

5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

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

6. PUBLIC HEARING

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

Recommended Action: Staff recommends the Zoning Administrator 1) conduct a public hearing; 2) approve the Modification to the existing Cannabis Processing, Manufacturing, and Distribution Minor Use Permit, based on the facts and findings found in the Staff Report and Findings, and subject to the Conditions of Approval.

Attachments:

1. 1825 Airport Rd_Mod_MiUP_Staff Report
2. ATT 1 1825 Airport Rd_Mod_MiUP_Findings
3. ATT 2 1825 Airport Rd_Mod_MiUP_COA Draft
4. ATT 3 Application and Site Plans
5. ATT 4 Agency Comments

7. 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 February 28, 2020.

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.

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Civic Center Annex Conference Room #5
411 W. Clay St.
Ukiah, CA 95482
December 18, 2019
1:00 p.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Michele Irace, Planning Manager
Alicia Tlelo, Assistant Planner

OTHERS PRESENT

Hrant Ekmekjian

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 1:00 a.m. in Conference Room No. 5, Ukiah Civic Center Annex, 411 W. Clay St., Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter confirmed he had visited the site listed on today's agenda.

3. APPROVAL OF MINUTES – October 22, 2019

Zoning Administrator Craig Schlatter approved the Minutes of November 14, 2019 with no corrections.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is December 30, 2019 at 5:00 p.m.

6. VERIFICATION OF NOTICE

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

7. PUBLIC HEARING

- a. Request to renew an Existing Cannabis Dispensary Use Permit located at 1230 Airport Park Boulevard, Suite C. APN 180-080-81; File No. 19-4970.

Presenter: Planning Manager, Michelle Irace

PUBLIC HEARING OPENED: 1:06 p.m.

Commenters: Hrant Ekmekjian

PUBLIC HEARING CLOSED: 1:07 p.m.

Zoning Administrator Craig Schlatter approved the request to renew an Existing Cannabis Dispensary Use Permit located at 1230 Airport Park Boulevard, Suite C. APN 180-080-81; File No. 19-4970.

ATTACHMENT 1

FINAL USE PERMIT FINDINGS FOR RENEWAL OF AN EXISTING CANNABIS DISPENSARY USE PERMIT AT 1230 AIRPORT PARK BOULEVARD SUITE C, APN 180-080-81 FILE NO: 19-4970

The following findings are supported by and based on information contained in the approved Major Use Permit (# 17-2841), Minor Amendment (#18-3809), and Renewal (#18-4111), as well as information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Section 9262.

1. The project, as conditioned, is consistent with the goals and policies of the General Plan for commercial and economic development.
2. The project, as conditioned, is consistent with Division 6, Chapter 8, *Cannabis Retailers*, of the Ukiah City Code as described in the staff report.
3. Pursuant to City Code Sections 5704 and 5710, the proposed renewal was reviewed by Planning staff and the Police Department; it has been determined that the criteria for renewal of a dispensary Use Permit has been met.
4. The existing dispensary Use Permit and Minor Amendment were determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare. No changes to the dispensary or Use Permit are proposed.
5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1, Existing Facilities which consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing public or private structures. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the following, the proposed project is eligible to use this exemption.
 - The site is developed with an existing building and parking lot, and utilities and services are already available at the site.
 - The proposed renewal would continue operations of the existing dispensary; No expansion of the existing building footprint is proposed; and

- The location is not environmentally sensitive and does not include any drainage courses or bodies of water (such as creeks or streams).

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 December 5, 2019;
- Mailed to property owners within 300 feet of the project site on December 5, 2019;
- Published in the Ukiah Daily Journal on December 7, 2019; and
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing.

ATTACHMENT 2

FINAL CONDITIONS OF APPROVAL FOR RENEWAL OF AN EXISTING CANNABIS DISPENSARY USE PERMIT AT 1230 AIRPORT PARK BOULEVARD SUITE C, APN 180-080-81 FILE NO: 19-4970

This annual renewal of a dispensary Use Permit is granted to Green Wise Legal, agent for Ukiah Valley Holistics, Inc. dba Cannavine. The Conditions of Approval from the original approved Major Use Permit (# 17-2841), Minor Amendment (#18-3809), and Renewal (#18-4111) shall be applicable to the renewal and will remain in effect.

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

From the Planning Division

1. Approval is granted to allow the operation of a dispensary as described in the application and operational documents approved by the Planning Commission on September 27, 2017 and the Zoning Administrator on December 20, 2018. Any modifications to the plans contained within the previously approved documents may require an amendment to this dispensary Use Permit, as determined by the Community Development Director and the Chief of Police.
2. No special events are permitted on-site. If the applicant wishes to hold events, they must contact the Community Development Department; additional permits or approvals may be required.

Conditions of Approval from the original Use Permit(s) are listed below.

3. All operations of the dispensary shall be in conformance with Division 6, Chapter 8, *Cannabis Retailers*, of the Ukiah City Code.
4. Hours of operation are limited to 9:00 a.m. to 9:00 p.m. seven days a week. If the applicant wishes to hold special events at the site, they must submit a request in writing to the Community Development Department for approval.

5. The application along with supplemental exhibits, plans and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
6. Per Section 5704 of the UCC this Dispensary Use Permit is valid for one-year. Dispensary Use Permits may be renewed on an annual basis by the Zoning Administrator following the procedure described in Section 5704 of the UCC.
7. A copy of a valid State License to operate the dispensary shall be submitted to the Community Development Department.
8. On-site consumption is not permitted.
9. This Use Permit is valid for dispensary operations only. If the applicant wishes to include other operational components, they must contact the Community Development Department and obtain all required permits/approvals.

From the Fire Marshal

10. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
11. Main entry door must swing in direction of egress travel "out".
12. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.

From the Building Official

13. A building permit is required for any interior or exterior modifications to the building deemed necessary for operation of the facility.

From Police Department

14. In the event of a change in ownership or management of the business, the City shall be notified of the change in ownership/management. The new ownership/management shall meet with the Planning Department and Police Department to review the conditions of this Dispensary Use Permit. The new ownership shall indicate in writing of any modifications to the uses allowed by this Dispensary Use Permit and shall identify the proposed modifications. Any proposed modifications shall be reviewed by the Planning Department and Police Department. The Planning Director shall determine if the proposed modifications are consistent with the Dispensary Use Permit or require approval by the Planning Commission.
15. No minors are allowed on the premises.
16. The facility will be open to inspection at all times while the business is open and the Ukiah Police Department will not be denied access.

17. Prior to occupancy the applicant shall contact the Ukiah Police Department for a walk through the premises.
18. Per Section 5708 H 9 UCC of the Medical Marijuana Dispensaries Ordinance. Upon final approval of the project a prior to start of operations the police department shall be provided with the names, e-mail addresses, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary.
19. The applicant shall comply with the recommendations provided in the Crime Prevention through Environmental Design (CPTED) Site Survey dated August 20, 2018.
20. Upon final approval of project and prior to start of operations the police department shall be provided with the name, e-mail address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. This is required under 5708 H 9 UCC.
21. Onsite security personnel not be armed with any firearm unless applicant can identify an articulable reason for having armed security.

From Public Works

22. All applicable Ukiah Valley Sanitation District sewer connection fees shall be paid at the time of building permit issuance.

From the Electric Utility

23. The business will be served from the existing Main Switch Board and a 300 kva 3-phase transformer that serves multiple addresses within the same building location. Should the project need to upgrade to a larger panel or increase the electric load in the future, the applicant shall contact the Electric Utility Department.
24. All future site improvements shall be submitted to the Electric Utility Department for review and comment, at which time specific service requirements, service voltage and developer costs and requirements will be determined.
25. The developer shall provide EUSERC-approved electrical equipment that will be used on the project.
26. The developer shall provide projected load calculations to the EUD.
27. The developer/customer shall incur all costs of this future project to include labor, materials, and equipment.

Standard City Conditions of Approval

28. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finalized.

29. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
30. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
31. A copy of all conditions of this Dispensary Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
32. All conditions of approval that do not contain specific completion periods shall be completed prior to occupancy.
33. This Dispensary Use Permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
34. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions 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 the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. 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.
35. That the applicant must obtain and maintain any required licenses and any other regulatory licenses required to operate exactly as described by the applicant as submitted with the Dispensary Use Permit application. Copies of any licenses obtained be supplied to the City for inclusion in the use permit file with the City.

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 1:08 p.m.

**AGENDA ITEM NO. 6a**

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com
(707)463-6207

DATE: February 18, 2020
TO: Zoning Administrator
FROM: Mireya G. Turner, Associate Planner
SUBJECT: Request to Modify an Existing Minor Use Permit to Increase the Area of Use within the Existing Emerald Sun Cannabis Processing, Manufacturing, and Distribution facility at 1825 Airport Road; APN 180-110-07. File No. 19-5062

SUMMARY

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

APPLICANT / AGENT: Same as above

REQUEST: Modification to existing Cannabis Processor, Manufacturing and Distribution Minor Use Permit in a portion of an existing vacant commercial/manufacturing building of ±63,655 sq. ft. in area

DATE DEEMED COMPLETE: January 30, 2020

LOCATION: 0.82 mile south of Talmage Road and adjacent (east) of the Ukiah Municipal Airport; 1825 Airport Road; APN: 180-110-07

TOTAL ACREAGE: ±8.72 acres

GENERAL PLAN: Master Plan Area (MPA) - Industrial (I)

ZONING DISTRICT: Planned Development Commercial (PD-Commercial)

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

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

RECOMMENDATION: Conditional Approval

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Modification to Minor Use Permit
1825 Airport Road
File No. 19-5062



AGENDA ITEM NO. 6a

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com
(707)463-6207

BACKGROUND

On June 6, 2019, the Zoning Administrator approved Minor Use Permit (No. 18-4173) to allow operation of a cannabis non-volatile manufacturing, processing, and distribution facility in a partially vacant commercial/manufacturing structure located at 1825 Airport Road. Two portions of the structure were in ongoing use for a different purpose and were not included in the project. The Applicant now proposes extending the cannabis operation use into the Southern portion of the building, for storage of raw cannabis, and other packaging supplies for the manufacturing process.

Since approval of the Minor Use Permit, the applicant has obtained building permits and has been remodeling the building while in operation. The existing Minor Use Permit expires on June 6, 2020. An extension of this use permit is not included with this project.

PROJECT DESCRIPTION

An application has been received from Gary Breen, owner of the property, on behalf of Emerald Sun, LLC, the state Licensee, for approval of a modification to an existing Minor Use Permit to allow the non-volatile cannabis manufacturing and distribution facility to extend its use into a ±15,000 sf portion of the commercial/manufacturing structure located at 1825 Airport Road. The applicant proposes using this additional space for storage of raw cannabis, and other packaging materials used during the manufacturing process. No additional exterior building improvements or signage are proposed. No other changes to the existing minor use permit are proposed.

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 Road or 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.

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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. Figure 3. Aerial View



AGENCY COMMENTS

Project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project: Ukiah Valley Fire Authority, City of Ukiah Public Works Department, City of Ukiah Police Department, and City of Ukiah Electric Utility Department. The agencies' recommended

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File No. 18-4173

Conditions of Approval are included in **Attachment 2**, with strikethrough and italics to illustrate the modifications and additions. Agency comments received are included in **Attachment 4**.

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 existing 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. The proposed modification is a small extension of the already approved use and is also consistent with the General Plan goals and policies.

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. The existing use is consistent with the Industrial designation of the parcel. No change of use has been proposed. Approval of the requested modification will result in the same type of use within a larger portion of the existing structure, and remains consistent with the zoning district guidelines.

CANNABIS RELATED BUSINESSES ORDINANCE NO. 1186 CONSISTENCY. 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 (Ukiah City Code Section 9112 of Article 9, *Regulations in Manufacturing Districts*).

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.

AIRPORT COMPATIBILITY. The project site is located approximately 335 feet west of the Ukiah Municipal Airport property, partially within the B1 Compatibility Zone (Approach/Departure Zone and Adjacent to the Runway) of the Ukiah Municipal Airport Master Plan and the County's Airport Comprehensive Land Use Plan (ACLUP). A portion of the site is also located within the C Compatibility Zone (Common Traffic Pattern). Per ACLUP Policy 2.1.3 parcels less than two acres which are intersected by airport compatibility zones shall be considered to be entirely within the less restrictive zone. Because the site is larger than two acres it has been analyzed using zone B1 compatibility criteria. The B1 Compatibility Zone is identified as having of some risk, with aircraft approaching the runway. Normally acceptable uses within the B1 Compatibility Zone include single-story offices and low intensity retail, manufacturing and food processing.

This project will not change the footprint of the existing structure. The approved use, cannabis processing, manufacturing (non-volatile) of cannabis infused beverages, and distribution, with research and development and office and conference space, is consistent with the normally acceptable uses described in the Ukiah Municipal Airport Master Plan. Consistent with the Interim Referral Procedure, adopted as Resolution No. 2018-39, on February 5, 2018, this minor use permit, without significant alteration from the previous use, and with no question of its compatibility from staff, was not forwarded to the Airport Land Use Commission for their review.

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).

DECISION TIMELINE

The proposed project is subject to the requirements of the Permit Streamlining Act (PSA). The PSA requires that a decision be made on the project within 60 days of the application being deemed complete. This application was submitted to the Community Development Department on December 26, 2019 and was deemed complete on January 30, 2020. As such, a decision must be made on the project no later than March 27, 2020. The applicant may request a one-time extension of the decision timeline.

NOTICE

Notice of the Public Hearing was provided in the following manner, as required by UCC §9262(C):

- Published in the Ukiah Daily Journal February 7, 2020
- Posted on the Project site February 10, 2020
- Posted at the Civic Center (glass case) 72 hours prior to hearing; and,

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File No. 18-4173

- Mailed to property owners within 300 feet of the parcels included in the Project on February 10, 2020.

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

RECOMMENDATION

Staff recommends the Zoning Administrator 1) conduct a public hearing; 2) approve the Modification to the existing Cannabis Processing, Manufacturing and Distribution Minor Use Permit based on the facts and findings found in the Staff Report and Findings, and subject to the Draft Conditions of Approval.

ATTACHMENTS

1. Draft Use Permit Findings
2. Draft Conditions of Approval
3. Application, Project Description and Plans
4. Project comments from other departments and agencies

**FINDINGS TO ADOPT A MINOR MODIFICATION TO MINOR USE PERMIT TO ALLOW THE
EXPANSION OF OPERATION OF THE EMERALD SUN CANNABIS PROCESSING,
MANUFACTURING AND DISTRIBUTION FACILITY INTO AN ADDITIONAL PORTION OF
AN EXISTING BUILDING AT 1825 AIRPORT ROAD (APN 180-110-07);
FILE NO. 19-5062**

The following findings are supported by and based on information contained in this staff report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262 and 9263.

1. The proposed land use is consistent with the provisions of the Ukiah City Code as well as the goals and policies of the City General Plan.

The proposed project is consistent with the General Plan goals and policies related to commercial and industrial/manufacturing development. The project also complies with all requirements of the Airport Industrial Park Industrial Zoning District. The applicant requests a Minor Modification to the existing Minor Use Permit/Site Development Permit, in compliance with the Ukiah City Code. In addition, the project is consistent with Ordinance Numbers 1176, 1182, 1186, 1188, 1190 for cannabis related businesses.

2. The proposed land use is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare

The proposed project will not alter the use and intensity currently approved at the project site. The existing project includes a comprehensive Security Plan and odor control measures to ensure that the project will not be detrimental to the public's health and safety. This project has modified the Security Plan slightly, to add additional internal video surveillance. In addition, the project has been reviewed by the following agencies to ensure compliance with the Ukiah City Code and other codes and regulations relating to health and safety: Ukiah Valley Fire Authority, City of Ukiah Public Works Department, City of Ukiah Police Department, City of Ukiah Electric Utility Department, City of Ukiah Building Division. Comments have been included as Conditions of Approval, as appropriate.

Based on the above analysis, the findings required for the Minor Modification to the existing Minor Use Permit can be made.

Notice of Public Hearing

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9262(C):

- Published in the Ukiah Daily Journal on February 7, 2020
- Posted on the Project site on February 10, 2020
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing
- Mailed to property owners within 300 feet of the project parcels on February 10, 2020

CONDITIONS OF APPROVAL TO MODIFY AN EXISTING MINOR USE PERMIT TO ALLOW EXPANSION OF AREA OF USE FOR THE PURPOSE OF STORAGE IN THE ONGOING OPERATION OF THE EMERALD SUN CANNABIS PROCESSING, MANUFACTURING, AND DISTRIBUTION FACILITY IN AN EXISTING BUILDING AT 1825 AIRPORT ROAD (APN 180-110-07); FILE NO. 18-4173

Approved Description of Modification. Approval is granted to allow the use of the ±15,000 sf room at the south end of the facility, for the storage of raw materials (cannabis), and packaging supplies for the manufacturing process, including cardboard boxes, jars, plastic containers, caps and closures. All other aspects of the project remain the same and are listed below. All Conditions of Approval from the original Use Permit still apply and are listed below. Conditions altered or added as a result of the Modification are included within their respective department sections (Electric Utility Department and Building Division).

Approved Project Description. An application was received from Gary Michael Breen of Emerald Sun for approval of a Minor Use Permit to allow a cannabis operation that would include the following components:

The project includes interior improvements to the building, including adding an upper mezzanine with office and conference room space, manufacturing equipment, and downstairs office and reception space. No exterior building improvements or signage are proposed. The existing parking lot will be improved to allow for 40 marked parking spaces on pervious decomposed granite and including concrete ADA parking stalls. Portions of the structure are currently used as wine storage rooms, and are not included in the project. The facility will manufacture and distribute cannabis infused flavored, non-alcoholic beverages.

The subject property comprises ±8.72 acres, and includes an existing, partially vacant 63,355 sf, two-story (50-foot high) structure, 9,324 sf water treatment plant, 150 sf trash enclosure, and parking lot. The project comprises the following main components (See **Attachment 3**, Application and Project Description, as well as **Attachment 4**, Plans):

- 1st floor ±20,000 sf manufacturing area; ±4,500 sf for processing, labeling and packaging; ±1,000 sf for distribution activities; five offices, laboratory, maintenance room, freezer, boiler room, electrical room, staff breakroom, administrative offices and client reception area, and a security office. The remaining area is to be used for storage, and restrooms.
- 2nd Floor: ±630 sf of office space, conference rooms, and open space.
- Carbon-based odor and air quality purification filters placed throughout the building.
- 40 parking spaces including ADA parking stalls are proposed.
- Security measures include an entrance gate to the delivery dock and perimeter fencing, as well as 41 internal security cameras, 28 external security cameras and 6 outdoor audio speakers.
- Product pick-ups & deliveries are expected to occur multiple times per day, during normal business hours, 7 a.m. to 5 p.m.
- Cultivation, consumption and retail sale of cannabis will not occur on-site.

Conditions of Approval
Emerald Sun Processing, Manufacturing, and Distribution Facility
Minor Modification to Minor Use Permit
1825 Airport Road
File No.: 19-5062

- Public access is limited to the Reception area and Upper Mezzanine, separated from the manufacturing and distribution areas by a locked, two-hour fire wall.
- The operation will be staffed with between 10-25 employees total.

The following Conditions of Approval shall be made a permanent part of the Minor Use Permit, shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

City of Ukiah Special Conditions

1. 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.
2. 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.
3. No consumption of cannabis or cannabis-related products shall occur on-site.
4. 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.
5. 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.
6. 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.
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.
10. The business is required to obtain a City of Ukiah business license prior to occupancy.

City of Ukiah Standard Conditions

11. This approval is not effective until the 10-day appeal period applicable to this Minor Use Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
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 will be served from Overhead power lines.~~ *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.

Conditions of Approval
Emerald Sun Processing, Manufacturing, and Distribution Facility
Minor Modification to Minor Use Permit
1825 Airport Road
File No.: 19-5062

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.

Conditions of Approval
Emerald Sun Processing, Manufacturing, and Distribution Facility
Minor Modification to Minor Use Permit
1825 Airport Road
File No.: 19-5062

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.

Conditions of Approval
Emerald Sun Processing, Manufacturing, and Distribution Facility
Minor Modification to Minor Use Permit
1825 Airport Road
File No.: 19-5062

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.

DRAFT



City of Ukiah

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

Planning Permit Application #5062

Application Number:
 CID Number:
 Date Received (place CDD stamp below):

RECEIVED

DEC 26 2019

CITY OF UKIAH
 COMMUNITY DEVELOPMENT
 STATE/ZIP:

PROJECT NAME:
EMERALD SUN

PROJECT ADDRESS/CROSS STREETS:
1825 AIRPORT RD

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 RD

CITY:
HOPLAND

CA 95449

PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT:

Marina Bay Crossing LLC

PHONE NO:
510.206.4500

FAX NO:

E-MAIL ADDRESS:

gary@smbrecohy.com

PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT

1825 Airport Road

CITY:
UKIAH

STATE/ZIP:

CA. 94582

☐ AIRPORT LAND USE COMM.
 DETERMINATION REFERRAL
 100.0800.611.003

\$

☐ REZONING - PLANNED
 DISTRICT
 100.0800.611.001

\$

☒ USE PERMIT - AMENDMENT
 100.0400.449.001

\$

600

☐ 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 sq. ft.	Number of Floors: 2	
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:	PROCESSING	8,000 (ADDITION)	1
Operating Characteristics			
Days and Hours of Operation: 8:00 AM - 9:00 PM			
Number of Shifts: 1	Days and Hours of Shifts: Monday - Friday; 8:000-8:000pm		
Number of Employees/Shift: 15-20			
Loading Facilities: ☒ Yes ☐ No	Type/Vehicle Size: Small Vans		
Deliveries: ☒ Yes ☐ No	Type: Deliveries	Number (day/week/month): Monday - Friday	Time(s) of Day: 8:00am-5:00pm
Outdoor areas associated with use? (check all that apply) ☐ Yes ☒ No	Sales area: ☐ Yes ☒ No Square Footage:	Unloading of deliveries: ☒ Yes ☐ No Square Footage: 200	Storage: ☒ Yes ☐ No Square Footage: 4000
Noise Generating Use? ☐ Yes ☒ No		Description:	

AUTHORIZED AGENT

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

PROPERTY OWNER SIGNATURE

DATE

I, GARY M. 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

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 or 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.

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(PLEASE PRINT NAME)

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(SIGNATURE)

DATE

Revised 09/03/2019

Mireya Turner

From: Michelle Irace
Sent: Thursday, December 26, 2019 7:44 AM
To: Mireya Turner
Subject: FW: City of Ukiah Planning Permit Application

FYI

From: Gary Breen [mailto:gary@gmbrealty.com]
Sent: Monday, December 23, 2019 7:50 AM
To: Michelle Irace <mirace@cityofukiah.com>
Cc: Dean Schlesinger <dean@emeraldsun.com>
Subject: Re: City of Ukiah Planning Permit Application

Michelle: Thanks for the email. I will drop-off the check today for \$600.00.

Project Description: The expansion space noted on the plan is the current stainless area on the south end of the facility. This space is secure from the balance of the space (locked interior roll-up door) and has exterior access via a exterior roll-up door to the exterior yard area. The expansion space is approximately 15,000 SF and has a clear height of 26 feet.

Planned Use: Emerald Sun plans to use the space for storage of raw materials (cannabis) and other packaging supplies for the manufacturing process. Packaging supplies would include cardboard boxes, jars, plastic containers, caps and closures.

Storage of cannabis is in air tight plastic bags, within cardboard boxes.

As discussed this space is covered by our previous security and operational plan.

Gary

Gary M. Breen
Managing Partner
GMB Realty Partners
gary@gmbrealty.com
office: 510.550.7337
cell: 510.206.4500
www.gmbrealty.com



On Dec 18, 2019, at 7:44 AM, Michelle Irace <mirace@cityofukiah.com> wrote:

Hi Gary,

Your application has been received but I did not see the \$600 fee come in (?). It would also be helpful to have a paragraph for the Project Description, summarizing the proposed expansion request (with square footage) and activities that would occur in that area. We use the Project Description for the referral and staff report, and to ensure everything is accurate and correct this needs to come from the applicant.

PROJECT REVIEW REFERRAL

Please provide comments by: January 17, 2020

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. You are invited to comment on any aspect of the proposed project, including information required before you can finalize your comments and recommended conditions of approval for the project.

TO:

X Craig Schlatter, Director	Mendocino County Planning and Building
X Michelle Irace, Planning Manager	Mendocino County Public Health
X Matt Keiser, City Building Official	Mendocino Transit Authority
X Jason Benson & Jarrod Thiele, Public Works	US Army Corps of Engineers
X Justin Buckingham, Fire Marshall	Regional Water Quality Control Board
X Sean Kaeser, Ukiah Police Dept.	CA Dept. of Fish and Wildlife
X Nancy Sawyer, Community Service Officer	CA Dept. of Transportation
X Jimmy Lozano & Scott Bozzoli, Electrical	Sonoma State Northwest Information Center
Ukiah Municipal Airport Operations Manager,	AT & T
Greg Owen	
Airport Land Use Commission	PG & E (gas)
Mendocino County Air Quality	PG & E (Land Rights)

FROM PROJECT PLANNER:

Mireya G. Turner, Associate Planner
Mturner@cityofukiah.com

PROJECT INFORMATION:

Date Filed:	12/26/2019	Date Referred:	1/3/2020
Prev. Projects on Site:	Cannabis Manuf/Distrib/Process; Brewery	Resubmittal:	N/A
File #(s)	19-5063	Agent:	Gary Breen
Project Name:	Emerald Sun	Address:	13601 Old River Road
Site Location:	1825 Airport Road		Hopland, CA 95449
APN:	180-110-07	Phone:	(510) 206-4500
Zoning:	PDC-Industrial	Email:	Gary@gmbrealty.com
General Plan:	Master Plan Area (MPA)		

DESCRIPTION: Modification to existing use permit for cannabis processing, manufacturing, and distribution. Applicant proposes expansion into southern portion of existing building, to be used for storage of cannabis and packaging supplies, such as cardboard, jars, plastic containers, caps and closures.

ATTACHMENTS: Application and Description, Site Plan, updated Floor Plan, updated Lighting Plan, and updated Security Floor Plan

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

1/6/2020

Signature

Date

Comments / Conditions of Approval:

Hi Mireya,

At this time, the City of Ukiah Electric Utility has the following comments/requirements for the project:

- 1) 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.
- 2) All future site improvements shall be submitted to the COU Building Department and 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) If applicable, Developer will need to provide EUSERC approved electrical equipment that is to be used on this project.
- 4) If applicable, Developer shall provide projected load calculations to the COUEUD
- 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 467-5775.

Thank you, Jimmy

Mireya Turner

From: Matthew Keizer
Sent: Wednesday, January 8, 2020 7:25 AM
To: Mireya Turner
Subject: RE: Review Request - 1825 Airport Rd - Modification to Emerald Sun Minor Use Permit

Good Morning

The applicant has already submitted plans for this and is already operation in the capacity of the attached request, but I put some comments for their COAs.



Matt Keizer, CBO
City Of Ukiah Building Official
Email: mkeizer@cityofukiah.com
300 Seminary Ave
Ukiah, CA 95482
Office 707-467-5718
Fax 707-463-6204

1. A permit will be required for T.I. (Tenant Improvements) Please submit plans, building permit application, and hardship form see links below. Please submit four complete plan sets, two wet stamped and signed.

Useful City Hand outs and submittal documents links below.

<http://www.cityofukiah.com/NewWeb/wp-content/uploads/2012/07/HANDOUT-Tenant-Improvements.pdf>

<http://www.cityofukiah.com/NewWeb/wp-content/uploads/2012/07/Application-for-Unreasonable-Hardship-Determination-for-Accessibility.pdf>

<http://www.cityofukiah.com/NewWeb/wp-content/uploads/2019/02/Building-Permit-Application-02102014-fillable.pdf>

http://www.co.mendocino.ca.us/agmd/pdf_files/ADRN-2791-revised.pdf

[http://www.cityofukiah.com/NewWeb/wp-content/uploads/2019/02/Special-Inspection-Agreement-2016-](http://www.cityofukiah.com/NewWeb/wp-content/uploads/2019/02/Special-Inspection-Agreement-2016-CBC-complete-fillable.pdf)

[CBC complete-fillable.pdf](http://www.cityofukiah.com/NewWeb/wp-content/uploads/2019/02/Special-Inspection-Agreement-2016-CBC-complete-fillable.pdf)

<http://www.cityofukiah.com/NewWeb/wp-content/uploads/2012/07/AB3002Notice.pdf>

<http://www.cityofukiah.com/NewWeb/wp-content/uploads/2012/07/Commercial-Building-Permit-Submittal-Documents1.pdf>

1. The design and construction of all site alterations shall comply with the 2019 California Building Code, 2019 Plumbing Code, 2019 Electrical Code, 2019 California Mechanical Code, 2019 California Fire Code, 2019 California Energy Code, 2019 Title 24 California Energy Efficiency Standards, 2019 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

2. 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 comment to a change of occupancy.

From: Mireya Turner <mturner@cityofukiah.com>

Sent: Friday, January 3, 2020 1:30 PM

To: Michelle Irace <mirace@cityofukiah.com>; Matthew Keizer <mkeizer@cityofukiah.com>; Jason Benson <jbenson@cityofukiah.com>; Jarod Thiele <jthiele@cityofukiah.com>; Justin Buckingham <jbuckingham@cityofukiah.com>; Sean Kaeser <skaeser@cityofukiah.com>; Nancy Sawyer <nsawyer@cityofukiah.com>; Jimmy Lozano <jlozano@cityofukiah.com>; Scott Bozzoli <sbozzoli@cityofukiah.com>

Subject: Review Request - 1825 Airport Rd - Modification to Emerald Sun Minor Use Permit

Good afternoon,

Attached please find a request for review for the modification to the Emerald Sun Minor Use Permit for cannabis manufacturing, distribution, and processing; located at 1825 Airport Road.

The Applicant, Gary Breen, proposes to expand the use into the southern portion of the existing building, to be used for storage of cannabis and packaging materials.

Also attached please find the updated Floor Plan, Lighting Plan and Security Camera Floor Plan.

All conditions previously approved will remain in effect with this modification.

Your consideration and comments no later than January 17, 2020, are greatly appreciated.

Cordially,



City of Ukiah

Mireya G. Turner, MPA

Associate Planner

300 Seminary Avenue

Ukiah, CA. 95482

Tel: (707) 463-6203

Fax: (707) 463-6204

Mireya Turner

From: Ian Broeske
Sent: Wednesday, January 22, 2020 9:57 AM
To: Mireya Turner
Subject: Re: Review Request - 1825 Airport Rd - Modification to Emerald Sun Minor Use Permit

Mireya,

I apologize for the late response. I know it is pasted the due date...

Here are a couple of my concerns with this project.

I would need to know the new fire flow requirements for the new storage.

What fire separation and protect there will be between the deferent type of occupancy.

A differed submittal for sprinklers for new heads being place in proper places.

Will this qualify as high pile storage?

Ian Broeske
Engineer

Ukiah Valley Fire Authority

1500 South State Street

Ukiah, CA 95482-6709

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From: Mireya Turner <mturner@cityofukiah.com>
Sent: Monday, January 6, 2020 2:41 PM
To: Ian Broeske <ibroeske@cityofukiah.onmicrosoft.com>; Eric Singleton <esingleton@cityofukiah.com>
Subject: FW: Review Request - 1825 Airport Rd - Modification to Emerald Sun Minor Use Permit

Good afternoon Ian and Eric,

Michele and Steven mentioned that you might both be in the loop for our review referrals, so please find the one I sent out last week, for Emerald Sun, at 1825 Airport Road.

Cordially,



Ukiah Police Department

Safety, Professionalism, Community Service

Justin Wyatt
Chief of Police

To: Mireya Turner/ Associate Planner
CC: Chief J. Wyatt, Captain S. Kaeser, Lt. N. Waidelich
From: N. Sawyer, Community Service Officer
Subject: **Emerald Sun, 1825 Airport Rd., File #19-5063-Modification to existing Use Permit**
Date: 1/16/20

On 1/16/20, I inspected the site with Captain S. Kaeser for site security plan details and UCC's related to security plan compliance for the expansion into the southern portion of existing building. Warehouse area is to be used for cannabis and packaging supply intake and storage. We found Emerald Sun met the minimum standards.

In attendance for Emerald Sun, as follows: Brett Schlesinger/ Founder & CEO, Dean Schlesinger/ Chief Compliance Officer, Elian Schlesinger/ Advisory Board member.

Respectfully submitted,

Nancy Sawyer, ICPS, CPD
Community Service Officer
Ukiah Police Department
Phone: 707-467-5708
nsawyer@cityofukiah.com
1/16/20: njs