

**DRAFT CONDITIONS OF APPROVAL FOR  
~~RENEWAL OF THE EXISTING OPERATION OF THE~~ EMERALD SUN MANUFACTURING,  
LLC  
CANNABIS RELATED- BUSINESS USE PERMIT  
AT 1825 AIRPORT ROAD; APN 180-110-07  
FILE NO. 24-00017721-6387**

This ~~Major Use Permit annual renewal~~ of a cannabis-related business ~~Use Permit~~ is granted to ~~Dean Schlesinger Gary Breen~~, dba Emerald Sun Manufacturing, LLC. The Conditions of Approval from the original approved Use Permit (File No.18-4173), Minor Amendment (File No.19-5062 and 20-5650), and previous annual renewals (File No. 20-5398 and No. 21-6387), shall be applicable to this Major Use Permit the renewal and will remain in effect.

The Use Permit shall be subject to renewal one year after the 'Cannabis Consumption Areas' have become operational per UCC Section 9174.3(c)(5)(b).

**From the Planning Division**

1. Approval is granted to allow the operation of a manufacturing (non-volatile), processing, and distribution operation as described in the application and operational documents approved by the Zoning Administrator on June 6, 2019 and February 18, 2020. Approval is additionally granted to allow "Non-Storefront Retail" (Type 9) of 'Cannabis Products' and "On-Site Consumption" of 'Cannabis Products' as described in the application and operational documents approved by the Planning Commission on September 25, 2024. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.

**City of Ukiah Special Conditions**

2. 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 "On-Site Consumption" per UCC Section 9174.3(c)(5)(b).
3. Access to the area where cannabis consumption is allowed shall be restricted to persons 21 years of age or older.
- 2.4. No cultivation shall occur on-site. If the applicant wishes to include it at a later date, the applicant shall contact the Community Development Department to determine which planning permits are required.
- 3.5. Only cannabis products purchased on-site can be consumed within the designated 'Cannabis Consumption Areas'. This permit restricts the sale of cannabis and cannabis products on site. If the applicant wishes to include retail at a later date, the

~~applicant shall contact the Community Development Department and obtain all required permits.~~

~~4.6. Consumption of cannabis and cannabis-related products shall occur within the existing indoor and outdoor facilities as approved by the Planning Commission on September 25, 2024. No consumption of cannabis or cannabis-related products shall occur on-site.~~

~~5.7. No special events are permitted on-site. If the applicant wishes to host events, they must contact the Community Development Department, and obtain any necessary permits.~~

~~6.8. The facility shall operate in compliance with City Ordinance Numbers 1176, 1182, 1188 and 1190, and is subject to annual review, inspection, and revocation as outlined therein.~~

~~7.9. Wine storage is limited to the areas specified on the approved Site Plan and must be separate and distinct from the cannabis activity areas, in compliance with state regulations.~~ Alcohol consumption and sales are prohibited on site.

~~8.10. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate each of the cannabis related businesses.~~

~~9.11. 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.~~

~~12. 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.~~

### City of Ukiah Standard Conditions

~~11.13. This approval is not effective until the 10-day appeal period applicable to this Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.~~

~~12.14. 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.~~

~~13.15. 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.~~

~~14-16.~~ 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.

~~15-17.~~ 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.

~~16-18.~~ The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.

~~17-19.~~ 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**

~~18-20.~~ 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.

~~19-21.~~ 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.

~~20-22.~~ 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**

~~21-23.~~ 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.

~~22-24.~~ 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.

~~23-25.~~ 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.

~~24-26.~~ Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).

~~25-27.~~ 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**

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

~~27-29.~~ The design and construction of all site alterations shall comply with the 20~~22~~~~19~~~~6~~ California Building Code, 20~~22~~~~19~~~~6~~ Plumbing Code, 20~~22~~~~19~~~~6~~ Electrical Code, 20~~22~~~~19~~~~6~~ California Mechanical Code, 20~~22~~~~19~~~~6~~ California Fire Code, 20~~22~~~~19~~~~6~~ California Energy Code, 20~~22~~~~19~~~~6~~ Title 24 California Energy Efficiency Standards, 20~~22~~~~19~~~~6~~ California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

~~28-30.~~ 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:

~~29-31.~~ 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.

~~30-32.~~ 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.

~~31-33.~~ The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.

~~32-34.~~ 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.

~~33-35.~~ 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.

- ~~34.36.~~ 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.
- ~~35.37.~~ All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
- ~~36.38.~~ All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- ~~37.39.~~ Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
- ~~38.40.~~ 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.
- ~~39.41.~~ Property shall be kept free of debris/garbage.
- ~~40.42.~~ Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
- ~~41.43.~~ Height markers shall be installed on the interior doorways and front door entrance.
- ~~42.44.~~ 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.
- ~~43.45.~~ Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
- ~~44.46.~~ 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

47. Within one year after the 'Cannabis Consumption Areas' have become operational per UCC Section 9174.3(c)(5)(b):

- All Fire operational permits shall be obtained.
- An annual inspection for the Fire Prevention Division shall be scheduled.
- All Building and Fire permits for construction shall be completed.
- All final inspections shall be completed.

- ~~45-48.~~ All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
- ~~46-49.~~ Main entry door must swing in direction of egress travel “out”.
- ~~47-50.~~ Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
- ~~48-51.~~ There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
- ~~49-52.~~ New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.
- ~~50-53.~~ Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
- ~~51-54.~~ Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
- ~~52-55.~~ Fire sprinkler system shall be maintained and modified as necessary.
- ~~53-56.~~ It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2.
- ~~54-57.~~ Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
- ~~55-58.~~ In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
- ~~56-59.~~ A “Knox Box” key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
- ~~57-60.~~ Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible. CFC 509.1
- ~~58-61.~~ The use of a third-party Engineer shall be utilized/required to assure compliance with code requirements of the California Fire Code and NFPA 1.
- ~~59-62.~~ The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
- ~~60-63.~~ Emergency contact information shall also be provided to the Fire Department.

## **Mendocino County Air Quality Management District Conditions**



~~61.64.~~ The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.

~~62.65.~~ Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:

- Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
- Portable diesel-powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
- Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
- Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.

~~63.66.~~ Demolition/Renovation Projects- All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject to the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.

- Prior to receiving a Demolition / Renovation Permit from the Planning & Building Agency the applicant is required to:
  - 1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
  - 2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,
  - 3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
  - 4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.