



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**SEPTEMBER 13, 2018
U_2017-0040**

SUMMARY

OWNER: FAIZAN CORPORATION
390 E GOBBI ST
UKIAH, CA 95482

APPLICANT: COMPASSIONATE HEART
190 KUKI LN
UKIAH, CA 95482

AGENT: MICAH RUBINSTIEN
190 KUKI LN
UKIAH, CA 95482

REQUEST: Use Permit to allow for the manufacturing (Level 1; non-volatile) of cannabis products.

LOCATION: 1.4± miles north of Ukiah center, on the north side of Kuki Ln. (CR 250A), 0.1± west of its intersection with N. State St. (CR 104), located 190 Kuki Ln., Ukiah (APN: 170-120-12).

TOTAL ACREAGE: 4.32± acres

GENERAL PLAN: Mixed-Use General (MU-2)

ZONING: Commercial – General (C2:6K)

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Section 15301, Class I

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam 'Vandy' Vandewater

BACKGROUND

PROJECT DESCRIPTION: A Minor Use Permit to allow for the manufacturing (Level 1; non-volatile) of cannabis products. The manufacturing component of the business would operate in tangent to the existing retail store, which was granted an accessory distribution license to allow for cultivators to provide material to the business.

SITE CHARACTERISTICS: The proposed project is located roughly 1.4 miles north of Ukiah downtown, on the west side of North State Street, and gains access from Kuki Lane. The proposed project will be based from an existing structure whilst a new structure is built elsewhere on the parcel, as permitted by U_2015-0008. The parcel is also the location of the under construction (as of the writing of this report) travel plaza, also permitted by U_2015-0008. The parcel is entirely developed; multiple structures are scattered across the area and the remaining land being paved for vehicular use.

RELATED ON-SITE APPLICATIONS:

U_2015-0008: Renovations to existing gas station to develop a more contemporary gas station plaza. The project was also completed in tangent to R_2015-0001.

R_2015-0001: Rezone to bring parcel into conformity from I:1 to C2; this also established General Plan consistency with the Mixed Use (MU-2) General Plan zone adopted by the Ukiah Valley Area Plan.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (Acres)	USES
NORTH	Mixed Use (MU-2)	Industrial – Limited (I1)	3±	Vacant
EAST	Mixed Use (MU-2)	Industrial – Limited (I1)	0.62±, 2±	Commercial
SOUTH	Mixed Use (MU-2)	Commercial – General (C2)	0.5±, 0.25±	Commercial
WEST	Mixed Use (MU-2)	Industrial – Limited (I1)	0.55±, 1.5±	Industrial

PUBLIC SERVICES:

Access: Kuki Lane (CR 250A; primary access to existing retail store); Millview Road (CR 106); Lovers Lane (CR 222); Feed Lot Lane (private)
 Fire District: Ukiah Valley Fire Protection District
 Water District: Millview Water District
 Sewer District: Ukiah Valley Sanitation District
 School District: Ukiah Unified School District

AGENCY COMMENTS: On March 15, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health	No Response
Building Inspection	Comment
Assessor	No Response
Ukiah Valley Fire Protection District	Comment
Millview Water District	No Response
Russian River Flood Control	No Response
Ukiah City Planning	No Response
Mendocino County Sheriff’s Office	No Comment
California Highway Patrol	No Comment

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel is located within the Mixed Use (MU-2) General Plan Land Use Designation. The Mixed Use General Plan zone is intended to,

“allow two to three story mixed-use development with commercial uses encouraged at street level. Uses are encouraged to be mixed vertically (stacked or linearly) on the site. This classification is intended for the core of Community Planning Areas and along important transportation corridors near City boundaries, provided those areas have water and sewer service (or equivalent). The intent of this classification is to provide for true pedestrian and transit-capable urban development. Preference shall be given to those projects providing affordable housing, consistent with policies of the County’s Housing Element, and infill development.

New development shall only be permitted when provisions are made for construction or expansion of public service facilities, such as schools, recreation facilities, sidewalks, bike lanes or shared use paths, fire stations, water systems, sewer systems, storm drainage and solid waste disposal facilities. Shared

parking facilities that serve commercial areas during peak hours and residential uses at other times of day in mixed-use areas are encouraged.”

Mendocino County General Plan, pg. 3-72

The intent of the Mixed-Use General Plan Designation particularly focuses on new development, and as the proposed project is allowing for the expansion of an existing use, the project can be considered consistent with the General Plan. As noted in the intent, the Mixed-Use zoning is appropriate for such a location as this site provides access to major transportation corridors (US Highway 101 and State Street). While there are no residential aspects of the proposed project, the neighborhood is far more represented by commercial and industrial uses, further reflecting the appropriateness of the proposed project.

The proposed project is also consistent with the Commercial – General (C2:6K) zoning district, as defined by the Mendocino County Code. Chapter 20.092.005 of the Mendocino County Code defines Commercial – General as a district,

“intended to create and enhance commercial areas where complete retail sales and services are available and desirable for public service are available and desirable for public and convenience. Typically this district would be applied in the central core of community areas where central area commercial facilities were desired, or at major roadway intersections. Uses in this district are also intended to facilitate live/work convenience through multiple story construction and shared parking arrangements for a range of residential and commercial uses.”

While the proposed project is more representative of an industrial use type, it is consistent with the Mendocino County Code for various reasons. The project is subordinate to the primary use which is a cannabis retailer, a commercial use type, and is thus supporting the existing commercial use. Additionally, the location of the proposed project is appropriate as it nestled next to the North State Street, Highway 101 intersection, providing easy access to customers and those supplying the facility with manufacturing material. Thus the project is consistent with the Commercial – General zoning district.

2. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

A. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

As shown in the previous section, the proposed project is in conformity with the General Plan.

B. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The proposed project has connections to PG&E for electricity and is located within the Millview Water District. The parcel gains access from Kuki Lane. The parcel is located in the MS4 Stormwater area and thus has adequate drainage.

C. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed project was determined to be Categorical Exempt under CEQA, thus the project will not be a detriment to the wellbeing of surrounding neighbors or the environment.

D. That such use preserves the integrity of the zoning district.

Similarly to the General Plan conformity, compliance with the Mendocino County Code zoning district is discussed in the previous section; the proposed project is in conformity with the zoning district.

3. Environmental Protection Findings: The project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption finds that

“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 proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, be exempt from the provisions of CEQA. The project will not have any adverse impact on the environment within the meaning of CEQA.

4. Ukiah Valley Area Plan Findings: The proposed project is subject to the Ukiah Valley Area Plan (UVAP) and has been found to be consistent with the policies of the Plan. In particular, Policy LU 5.2 seeks to “facilitate investment in ‘value added’ industries” (UVAP pg. 3-18). The proposed project supports this policy by providing more opportunity for industrial development along the North State Street development corridor. Additionally, Policy LU 5.3 promotes support of small business development. While the proposed project has components that are already existing (the retail of cannabis and cannabis products), the use permit will help a small, local business develop into a more diverse operation.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Categorical Exemption and grant U_2017-0040 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

8/14/18

DATE



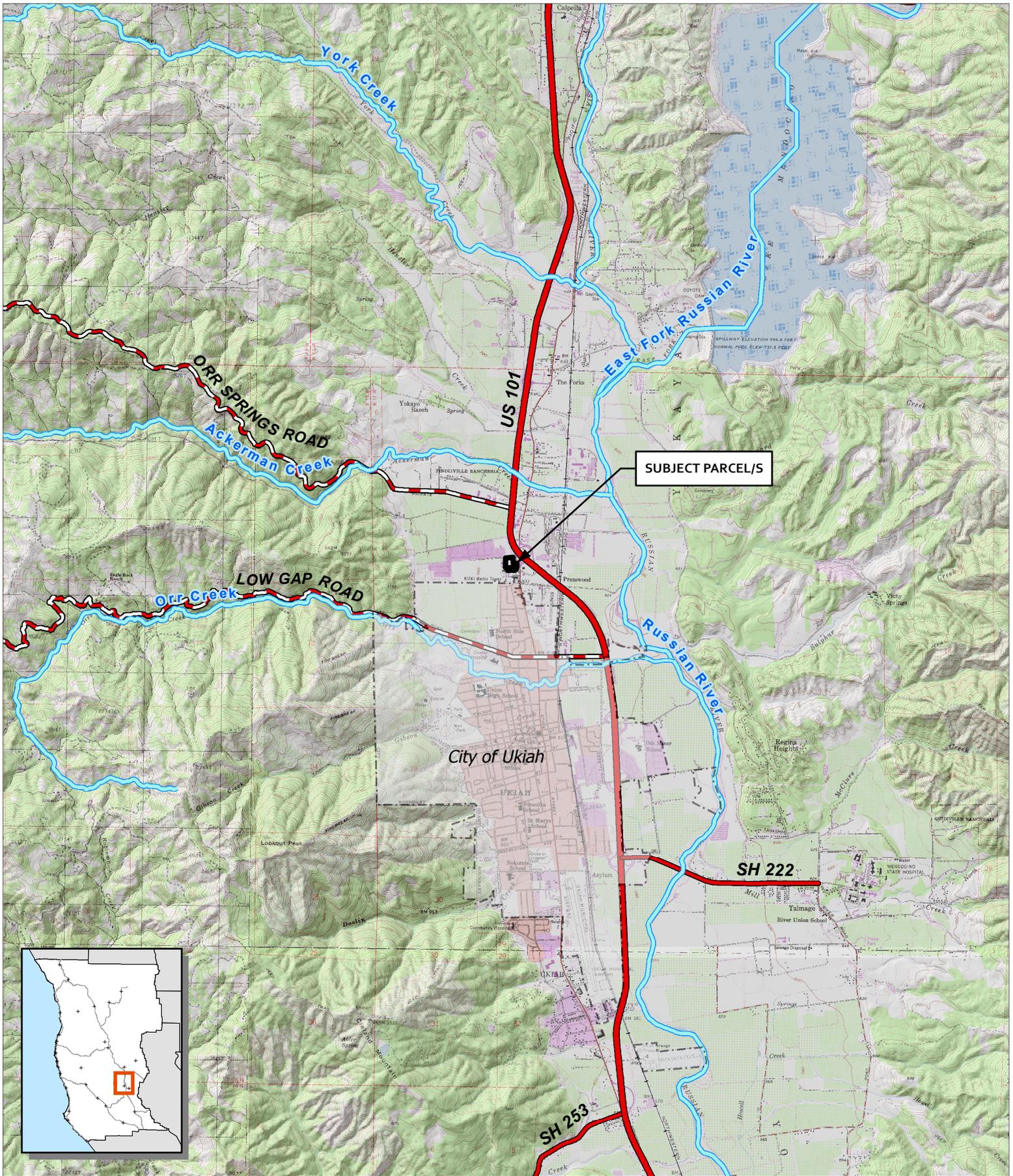
SAM VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

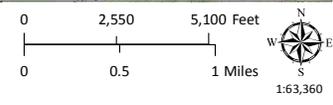
- A. Location Map
- B. Aerial Map
- C. Site Map
- D. Floor Plans
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Water Districts Map
- J. Dam Inundation Map
- K. Stormwater Map
- L. Miscellaneous Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



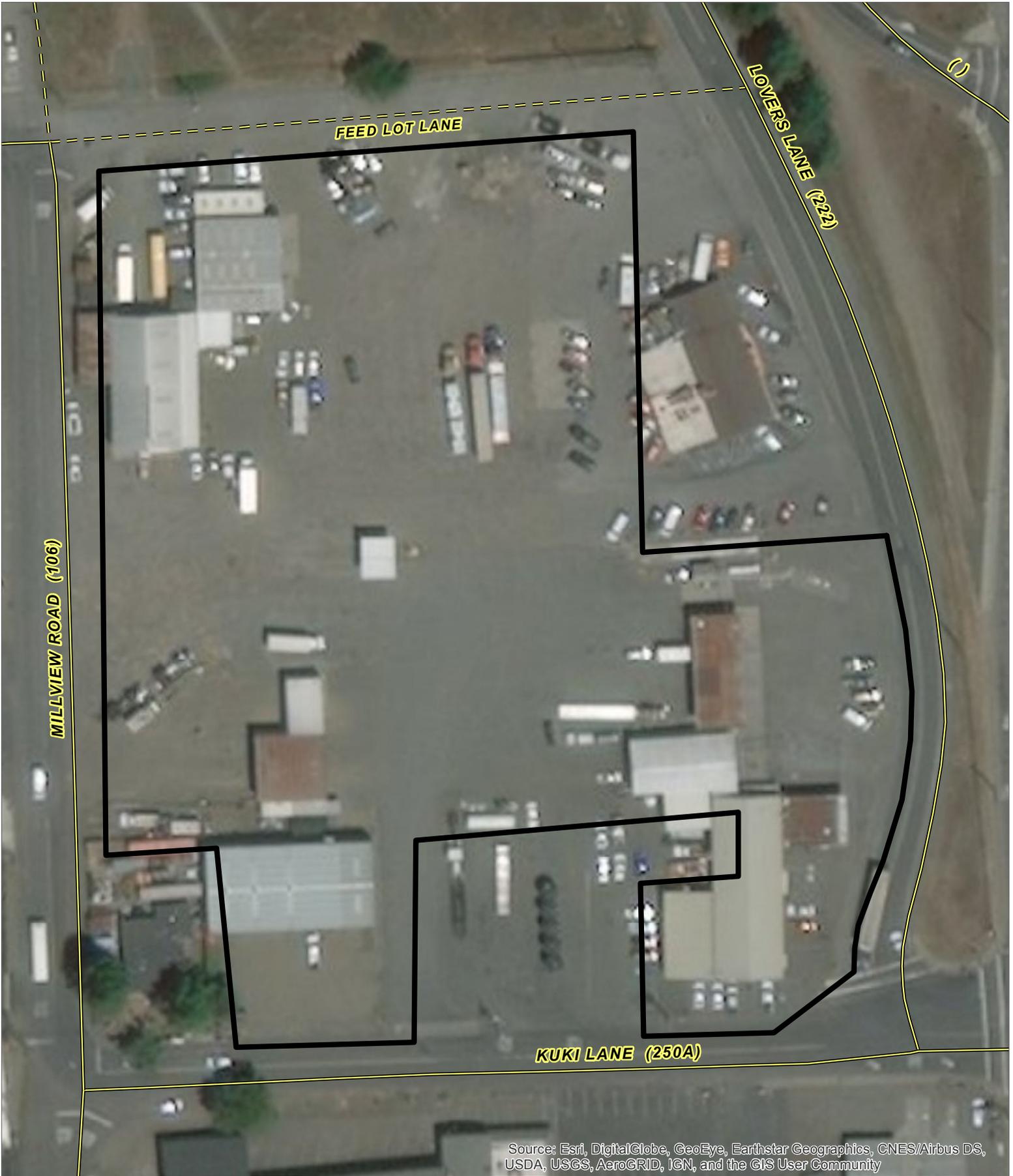
CASE: U 2017-0040
 OWNER: Faizan Corporation
 APN: 170-120-12
 APLCT:
 AGENT:
 ADDRESS: 190 KUKI Lane, Ukiah

- Incorporated City Limits
- Major Roads
- ~ Major Rivers
- ++ Railroads
- Highways



LOCATION MAP

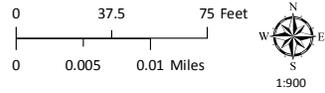
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: U 2017-0040
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— Public Roads
- - - Private Roads



AERIAL IMAGERY

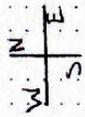
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PREMISES DIAGRAM

The premises diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows and doorways. The activities in each room and the location of all cameras must be identified on the diagram. For more detailed information see the instructions on the back.

Full Name of Applicant Compassionate Heart Mutual Benefit Association		License Type Applied For Retailer	
Proposed Premises Street Address 190 Kuki Ln	City Ukiah	State CA	ZIP 95482
		Nearest Cross Street N Lovers Ln	

Diagram

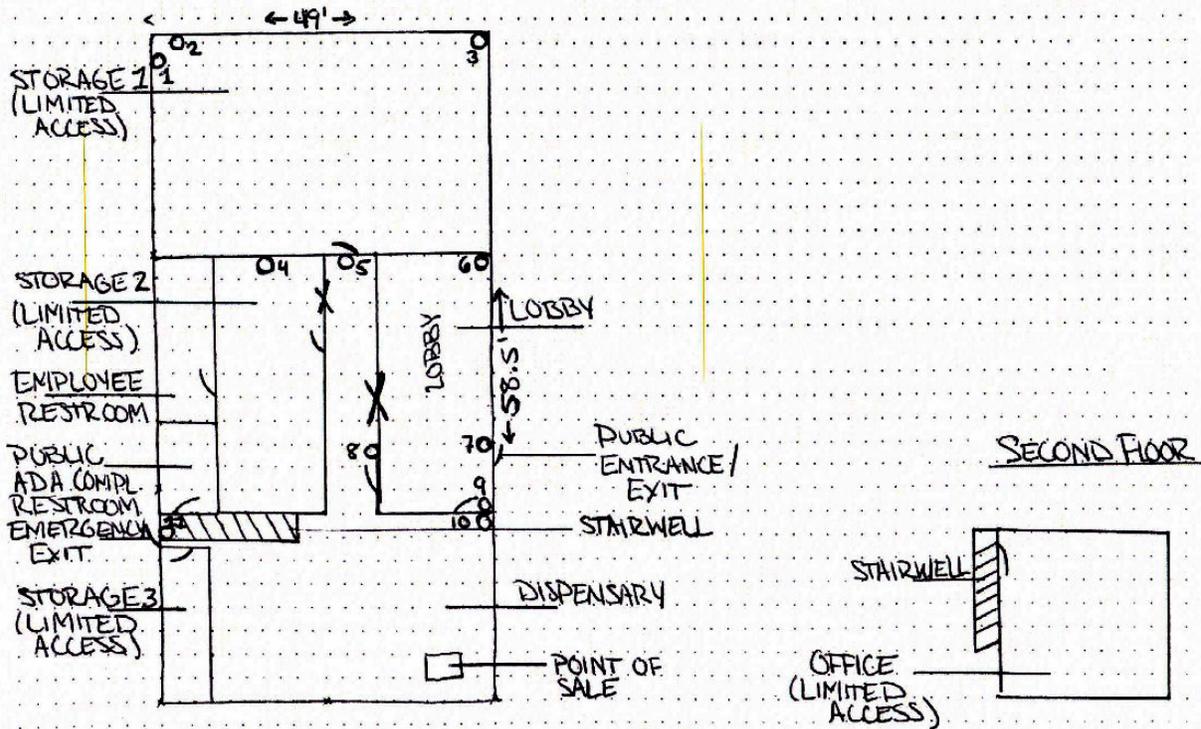


SCALE = □ = 2"

LEGEND

- O - SECURITY CAMERA (11 TOTAL)
- X - WINDOW
- ∩ - DOOR

GROUND FLOOR



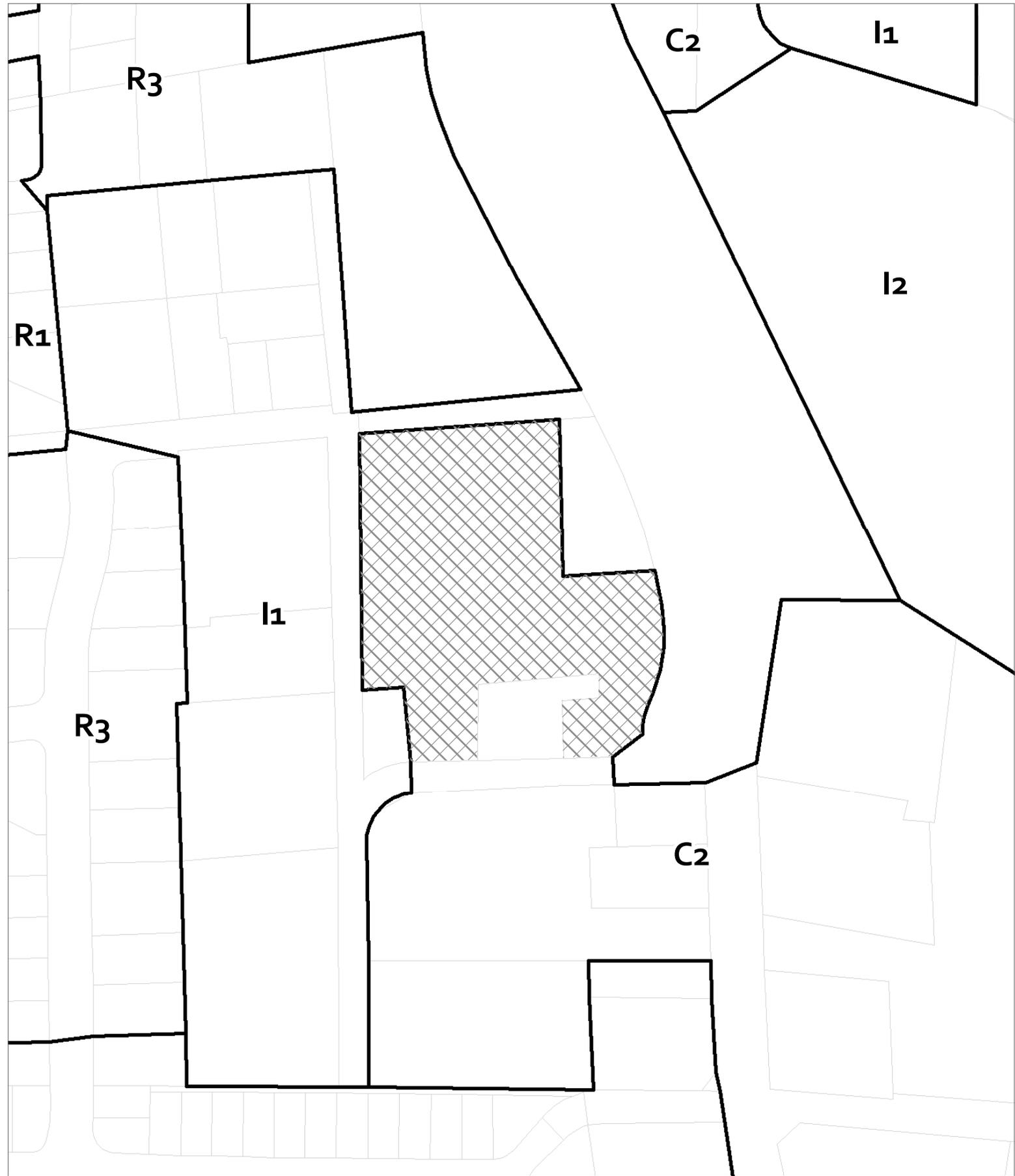
Maia Felina A
 Applicant Signature

BCC Use Only (Signature/Certified Correct)

Printed Name

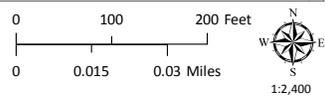
Date Signed
 1/9/2018

Inspection Date



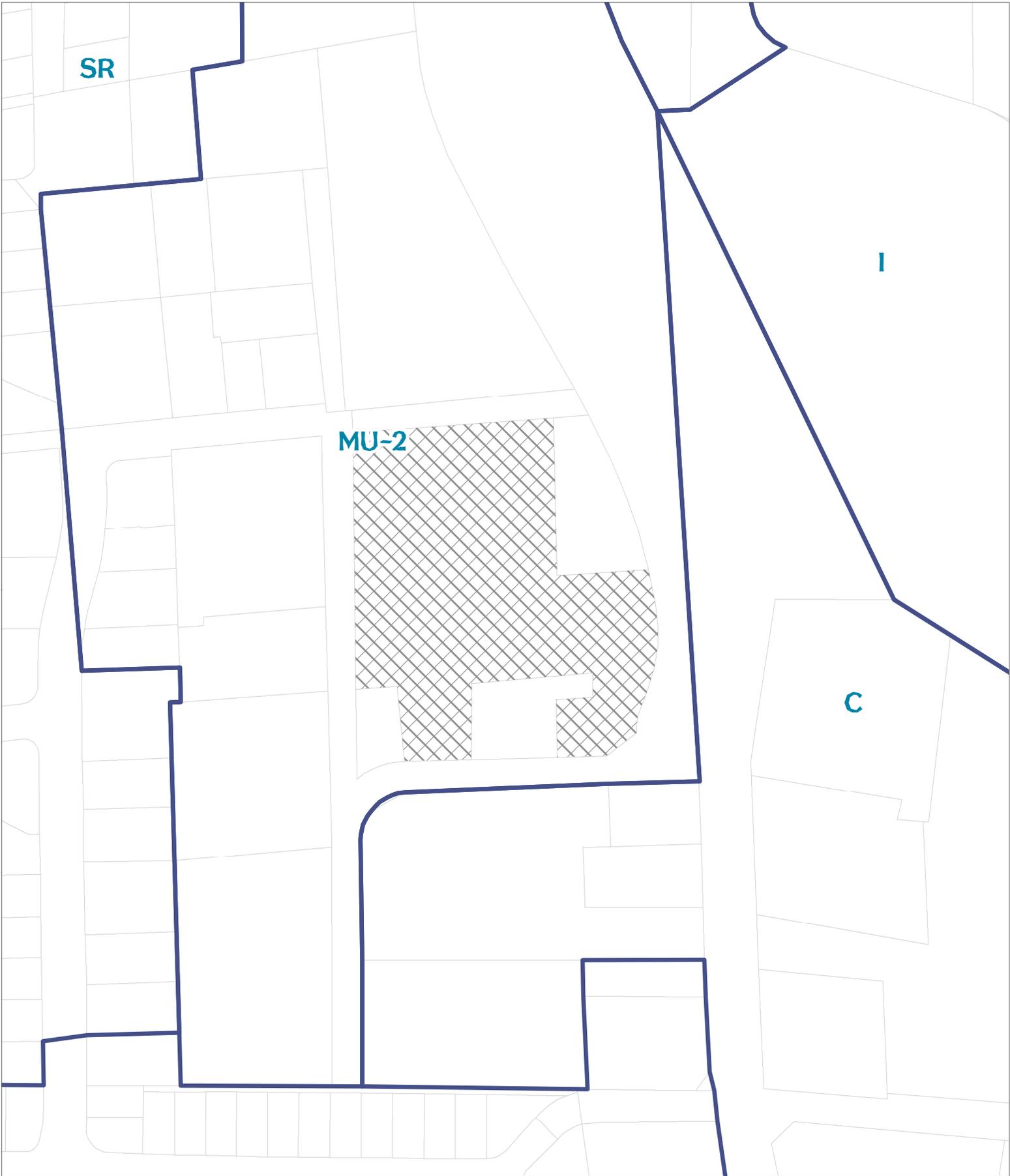
CASE: U 2017-0040
 OWNER: Faizan Corporation
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 APLCT:
 AGENT:
 ADDRESS: 190 KUKI Lane, Ukiah

 Zoning Districts



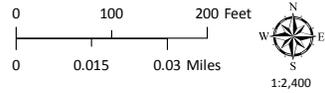
ZONING DISPLAY MAP

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CASE: U 2017-0040
 OWNER: Faizan Corporation
 APN: 170-120-12
 APLCT:
 AGENT:
 ADDRESS: 190 KUKI Lane, Ukiah

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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170-100-38
ROBERT FRANZEN
I1 12K 0 A±

170-100-30
T A
I1 12K 0 A±

170-100-10
INVESTMENT HUNTSTONEFIELD
R3 6K 3 A±

170-100-45
ARTHUR MCCHESENEY
I1 12K 0 A±

170-120-07
INVESTMENT HUNTSTONEFIELD
I1 6K 0 A±

170-120-11
SPIROS VLACHOS
I1 6K 0.62 A±

170-120-08
NORMAN JOHNSON
I1 6K 1.53 A±

170-120-12
CORPORATIO FAIZAN
I1 6K 4.32 A±

170-120-03
LISA BRENNAN
I1 6K 0.55 A±

170-140-03
FRANCISCO CASTRO
I1 6K 0 A±

170-120-09
CORPORATIO FAIZAN
I1 6K 0 A±

170-190-31
BROTHERS ERICKSON
C2 6K 2.04 A±

170-140-02
PROPERTIES LEONARDI
I1 6K 0 A±

170-140-07
RICHARD RINEHART
C2 6K 0 A±

170-140-08
BENJAMIN DUNCAN
C2 6K 0 A±

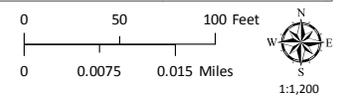
170-190-30
N IN
C2 6K 1.41 A±

170-140-18
HOSPITALIT JIVAN
C2 6K 2.73 A±

170-140-01
BROADCASTI UKIAH
I1 6K 2.45 A±

170-140-20
HOSPITALIT JIVAN
C2 6K 0.44 A±

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ADJACENT PARCELS

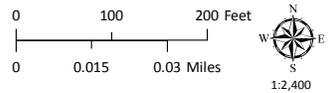
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**UKIAH VALLEY FIRE PROTECTION DISTRICT
LOCAL**

CITY OF UKIAH

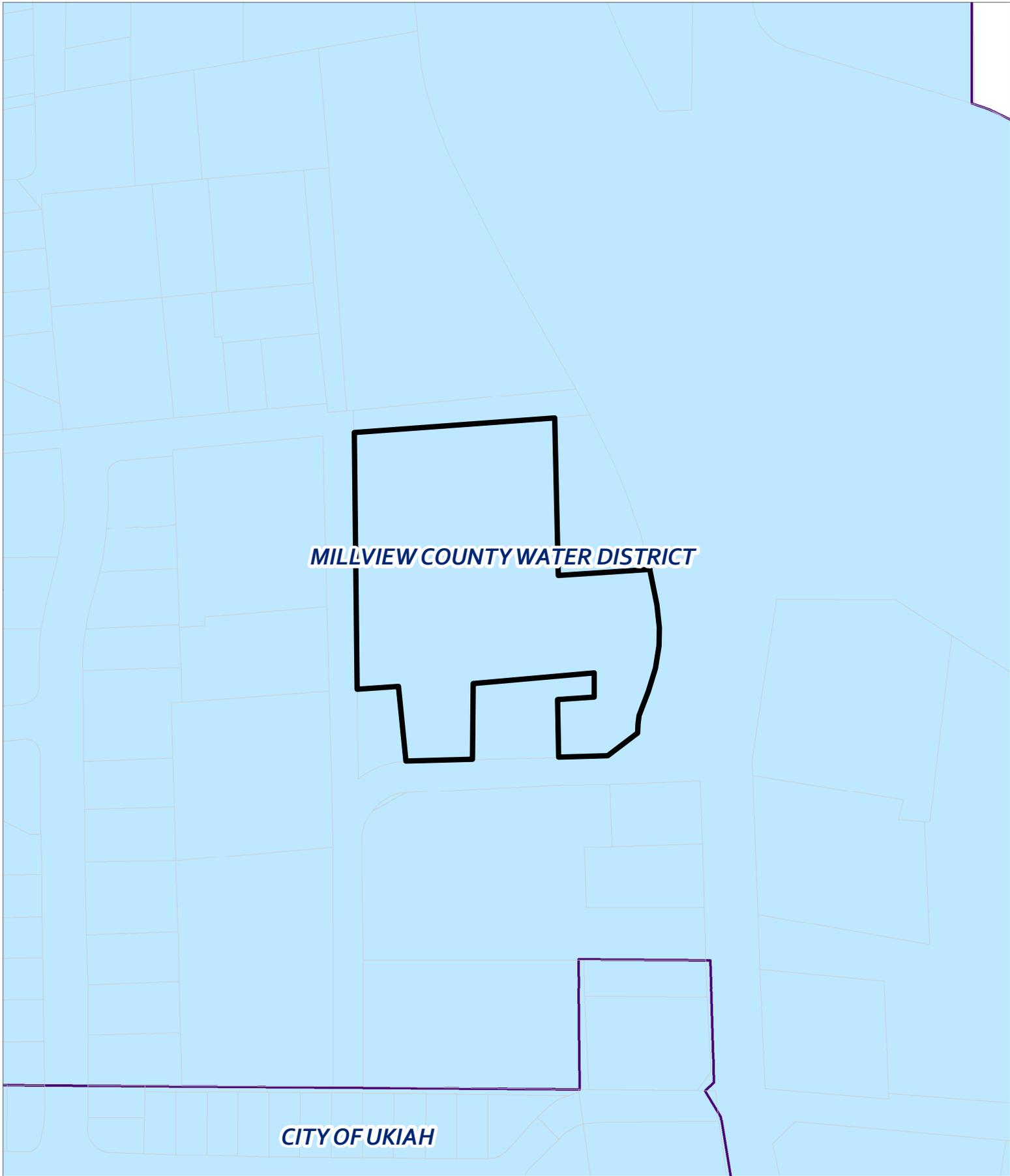
CASE: U 2017-0040
OWNER: Faizan Corporation
APN: 170-120-12
APLCT:
AGENT:
ADDRESS: 190 KUKI Lane, Ukiah

-  County Fire Districts
-  Local Responsibility Areas



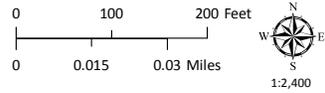
FIRE RESPONSIBILITY AREAS

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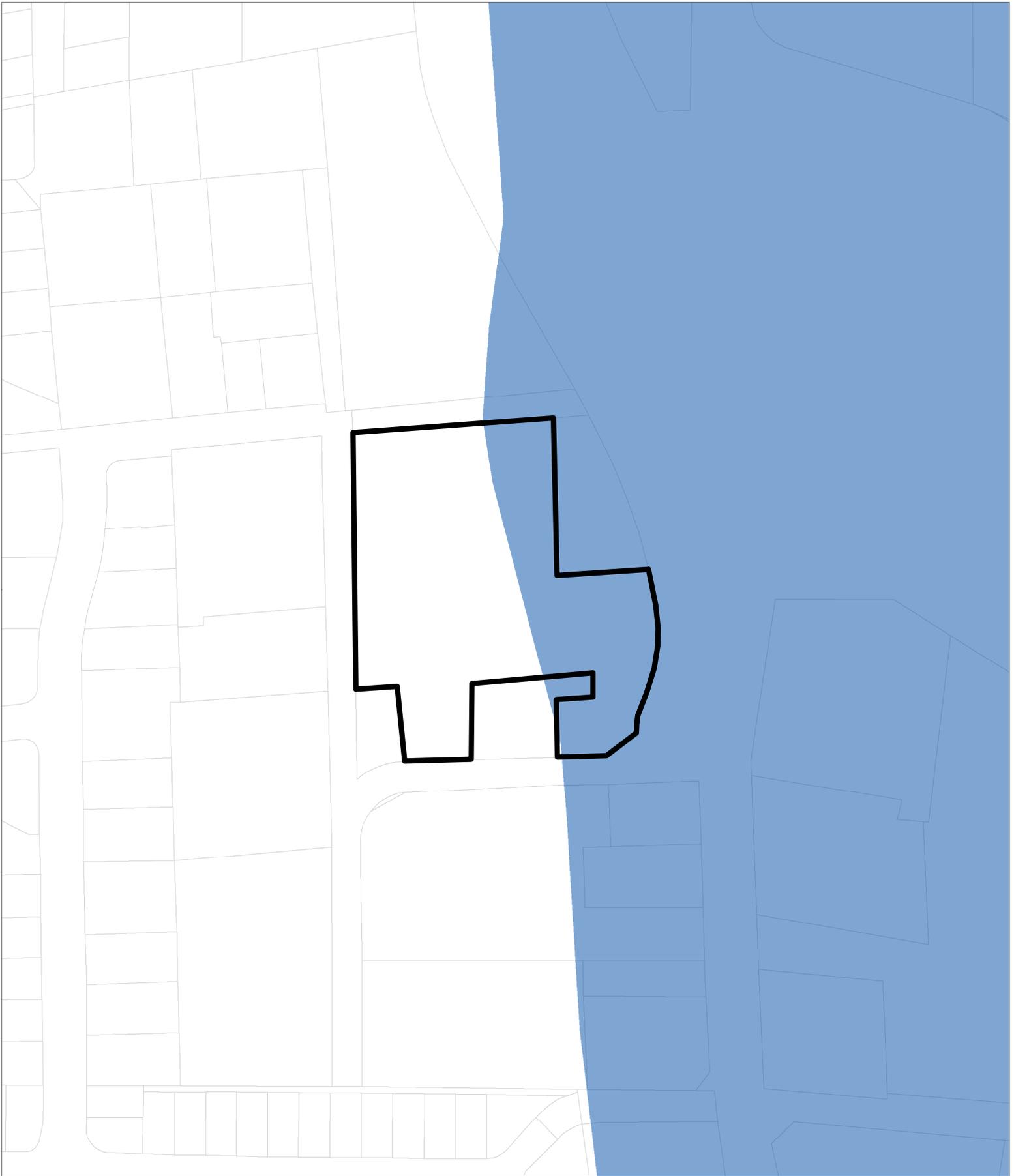
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 County Water Districts



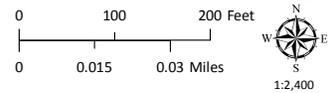
WATER DISTRICTS

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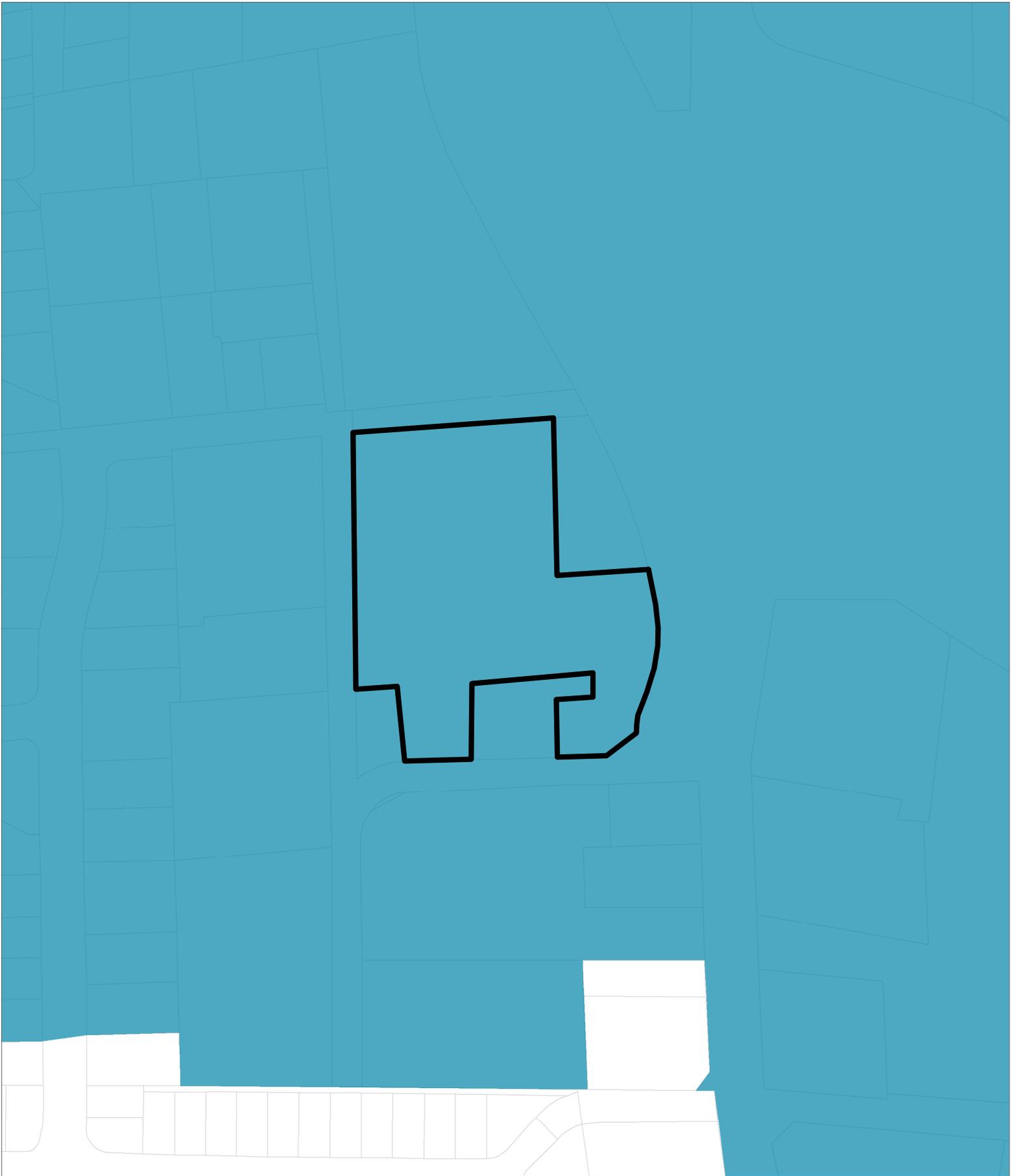
CASE: U 2017-0040
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 Estimated Inundation Zones



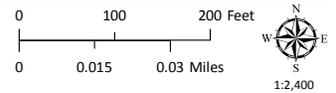
INUNDATION ZONES

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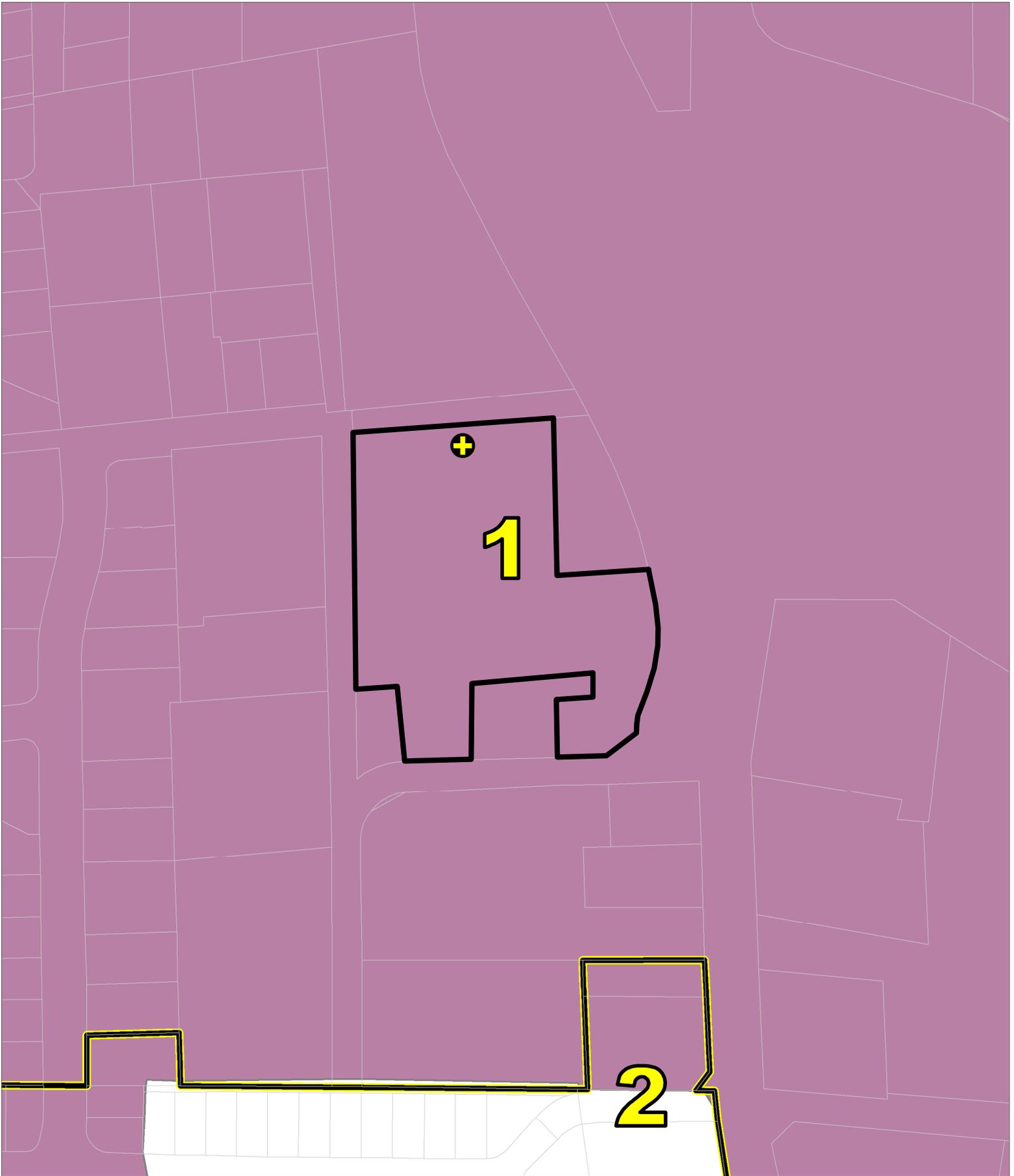
CASE: U 2017-0040
OWNER: Faizan Corporation
APN: 170-120-12
APLCT:
AGENT:
ADDRESS: 190 KUKI Lane, Ukiah

 Ukiah Stormwater Areas



STORMWATER PERMITTING ZONES

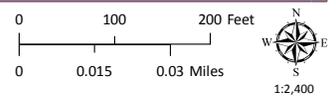
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CASE: U 2017-0040
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 AGENT:
 ADDRESS: 190 KUKI Lane, Ukiah

 UVAP Boundary
 Supervisorial Districts 2010
 Existing Wireless Sites

 Ukiah Valley Sanitation Dist.



MISC DISTRICTS

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Resolution Number _____

County of Mendocino
Ukiah, California
September 13, 2018

U_2017-0040 - FAIZAN CORPORATION

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT FOR A NON-VOLATILE MANUFACTURER OF CANNABIS PRODUCTS.

WHEREAS, the applicant, COMPASSIONATE HEART, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services to allow for the non-volatile manufacturing of cannabis products, 1.4± miles north of Ukiah center, on the north side of Kuki Lane (CR 250A), 0.1± west of its intersection with N. State St. (CR 104). 190 Kuki Lane, Ukiah (APN: 170-120-12); General Plan MU-2; Zoning C2:6K; Supervisorial District 1; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, September 13, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Mixed Use (MU-2) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Commercial – General (C2:6K) and the Project is consistent with the zoning district per MCC Section 20.092.
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per Section 20.196.020 of the Mendocino County Code; and
3. **Environmental Protection Findings:** The Project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption; and
4. **Ukiah Valley Area Plan Findings:** The Project is consistent with the Ukiah Valley Area Plan and supports policies LU 5.2 and LU 5.3.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Use Permit subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL U_2017-0040 – FAIZAN SEPTEMBER 13, 2018

APPROVED PROJECT DESCRIPTION: Use Permit to allow for the manufacturing (Level 1; non-volatile) of cannabis products.

CONDITIONS OF APPROVAL:

A. Conditions which must be met prior to use and/or occupancy and complied with for the duration of this permit:

1. The permit shall become effective on the 11th day after Zoning Administrator approval and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Zoning Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 8:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (24 hour security lighting)

would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion sensor activation). All lighting along the property boundaries shall be setback a minimum of 50 feet from all property lines.

9. Prior to the use and/or occupancy of the facility, the applicant shall submit any necessary permit(s) required by the Mendocino County Air Quality Management District.
10. The cannabis facility shall avoid or minimize odor and light impact on residential uses.
11. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code "Discovery" relating to archaeological discoveries have been satisfied.
12. No public events are authorized by this permit. Any public event shall require an Administrative Permit from the Mendocino County Department of Planning & Building Services.
13. Prior to commencement of operations the applicant shall submit a copy of their Mendocino County Cannabis Facilities Business License to the Mendocino County Treasurer – Tax Collector. This license shall be kept active and if in the event that the license is inactive for a period of 1 year or longer, the use permit and business will automatically expire.
14. All state regulations regarding cannabis-related facilities shall be adhered.
15. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 6.36, Section 10A.17, Section 20.242, and Section 20.243 of the Mendocino County Code.
16. Prior to the issuance of a Cannabis Facilities Business License, the applicant shall submit a clearance and/or approval letter from the Ukiah Valley Fire Protection District.
17. Should the operation move premises on the subject parcel (i.e. within the same building or to a different building), it shall be the applicant's responsibility to work with the Building Division to ensure the structure is suitable for the manufacturing of cannabis products.
18. Should the operation move premises on the subject parcel (i.e. within the same building or to a different building), a new site plan shall be submitted to the Mendocino County Department of Planning & Building Services.