

MEETING DATE: February 14, 2018

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 2-17 (U 1-17)

OWNER/APPLICANT: Jon McColley

REQUEST: Use Permit to convert three existing and vacant industrial buildings to a cannabis manufacturing use.

LOCATION: 845 North Franklin Street

ASSESSOR'S PARCEL NO.: 008-035-14

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.

SURROUNDING LAND USES:

NORTH:	Industrial (Overtime Brewing)
EAST:	Industrial Warehouse (Mendocino Coast Express)
SOUTH:	Visitor Serving (Oceanside Inn & Suites)
WEST:	Visitor Serving (Oceanside Inn & Suites)

APPEALABLE PROJECT: ☒ Can be appealed to City Council

PROJECT BACKGROUND AND DESCRIPTION

Permit History

The property at 845 North Franklin Street (**Attachment 1: Location Map**) has been the subject of the multiple planning permits summarized below:

SA 1-90/V 7-90: Architectural review for a proposed 7,200 square foot industrial building, and variance request to reduce the front setback. This application was approved, but the project was never constructed.

SA 2-93/V 17-93: Architectural review for a proposed 6,000 square foot industrial building. This application was approved, but the project was never constructed.

SA 1-95: Revision of a previously-approved architectural review (SA 2-93). This application was approved, but the project was never constructed

SA 7-01: Architectural review for three proposed industrial buildings (two of 2,400 square feet and one of 1,000 square feet). This application was approved and constructed, and reflects the existing development on the parcel.

U 7-04: Use Permit for the manufacturing and sale of ceramics, molds and supplies in the existing industrial buildings. This application was approved.

Most recently, the property was operated as a “Vehicle services – maintenance/repair” use. This use requires no planning permit, and was operated by-right.

Project Description

The applicant proposes to convert three existing industrial buildings to a cannabis manufacturing facility. The three buildings would be operated as follows:

- Building A (1,000 SF): Storage and solid waste
- Building B (2,400 SF): Two processing rooms, storage, gowning/sanitizing areas and restrooms
- Building C (2,400 SF): Packaging/fulfillment, storage, offices and restrooms

The project would include interior tenant improvements, construction of a covered walkway between Building C and Building B, fencing and other site improvements. Project plans, including a site plan and floor plan, is included as **Attachment 2**.

ANALYSIS

Land Use Consistency

The Inland Land Use and Development Code (ILUDC) classifies and regulates the uses of land and structures within the City. The ILUDC considers the proposed use “cannabis manufacturing,” and specifically defines the use as follows:

ILUDC Section 18.100.020

Cannabis Manufacturing. A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textiles, etc.), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

The subject parcel is zoned Heavy Industrial (IH). ILUDC Section 18.24.030 identifies the uses of land permitted in the industrial zoning districts, and the planning permit required to establish particular uses. Cannabis manufacturing is an allowable use in the IH district with an approved Use Permit. The ILUDC references Section 18.42.055 and Municipal Code Chapter 9.33 as containing standards and requirements necessary for the approval of a Use Permit for cannabis manufacturing. These referenced regulations are discussed in greater detail later in this report.

In addition to regulating uses, the ILUDC includes multiple site planning and project design standards applicable to this project. Since the project proposes to develop a cannabis manufacturing facility within existing structures and there is limited new construction, many site design requirements are not applicable. Other requirements, however, warrant consideration by the Planning Commission and require approval conditions in order to be consistent with the code. The following table reviews the general site design standards of the ILUDC, and the existing development's consistency with the regulations.

General ILUDC Site Development Standards – Heavy Industrial District		
Ordinance Requirement	Existing Development	Meets Requirement
Setbacks Front: 10 feet Side: 10 feet Rear: 10 feet	Setbacks Front: 10 feet Side: 5 feet Rear: 10 feet	✓ ✓ (existing nonconforming) ✓
Height Maximum: 40 feet	Height Existing: ±25 feet	✓
Floor Area Ratio Maximum: 0.40	Floor Area Ratio Existing: 0.41	✓ (existing nonconforming)

The application proposes limited exterior development (fencing, waste bins, covered walkway, etc.) that does not affect the development's consistency with the standards in the table above. The following analysis addresses site design requirements applicable to the proposed development.

Fencing: The site plan included with the project application identifies a fence with two gates around the perimeter of the property. In a subsequent submission, the applicant requests approval of 6'6" metal security fencing and gates surrounding the site. A photo of the proposed fencing is below. The ILUDC contains several policies with regard to fencing, such as requiring Minor Use Permit approval for fencing in setbacks over six feet in height, and approval for certain fence types.



Proposed fence style

Since the application before the Planning Commission is a Use Permit, approval of fence heights within setbacks over six feet can be authorized as part of this review. The applicant requests a 6'6" fence for consistency with the security plan approved by the Police Chief. Adjoining properties to the north and south are similarly industrial, and approval of a fence over six feet is unlikely to negatively impact these land uses. The adjoining property across the alley to the west is a hotel, which has an existing six foot wooden fence spanning the adjoining property line. Staff recommends the Commission approve the request for a 6'6" fence surrounding the parcel for the purposes of security since the additional six inches beyond the maximum by-right height will have little or no impact on surrounding uses.

The ILUDC also includes requirements relating to fence materials. For example, unless approved for special security needs, "chain link fencing within the front and street side yards and/or visible from the public right-of-way in any zoning district, or a fence of similar material, as determined by the Director" is prohibited. The proposed fencing is consistent with the security plan approved by the Police Chief; therefore, staff recommends the Commission find the fencing acceptable, regardless of whether or not it is a similar material to chain link, since it is required for special security needs. Alternatively, the Commission could require fencing of a different material or type that would also meet the security requirements of the site. Should the Planning Commission find the fence acceptable, staff recommends **Special Condition 1**, to ensure consistency with the intent of the ILUDC fencing requirements.

Special Condition 1: Fencing shall be installed either 1) fully consistent with the ILUDC, or 2) substantially consistent with the photo presented in the staff report (in both material and design) in order to provide adequate security to the site. The fence is approved up to a height of 6'6".

The ILUDC also requires solid waste storage areas to “be fully enclosed by a 6-foot-high decorative masonry wall or other solid enclosure....” The submitted application does not indicate any fencing or screening around the solid waste disposal bins; therefore, staff recommends requiring **Special Condition 2** so that the bins are shielded in compliance with the ILUDC.

Special Condition 2: Prior to approval of final inspection of a building permit for a cannabis manufacturing use, the applicant shall install screening around waste storage areas as required by ILUDC Section 18.30.110(D).

With the inclusion of the special conditions above, the project would be consistent with the ILUDC fencing requirements.

Landscaping:

Since the project involves the conversion of existing buildings to a new use, the Planning Commission may (but is not required to) include conditions of approval requiring compliance with specific landscaping requirements of ILUDC Chapter 18.34. The proposed application is largely consistent with the ILUDC landscaping requirements for existing development; however, staff identified some aspects of the application for further Planning Commission consideration.

ILUDC Section 18.36.090(A)(2)(b) requires parking located within a side or rear setback be separated from the property line by a minimum five-foot landscape buffer. The parking spaces proposed on the north end of the parcel abut the property line and do not provide the required buffer. Including a five-foot buffer would relocate the parking spaces further to the south, and create a drive aisle of less than twelve feet wide. This is inconsistent with the ILUDC requirements for drive isles. Additionally, the applicant proposes to install a security fence along the same property boundary. The style of the proposed fence partially shields visibility from the adjacent parcel. Staff recommends the Planning Commission waive the landscape buffer requirement since its inclusion would reduce the drive isle to a nonconforming width, is not necessary for screening between the land uses due to the development of the fence, and would provide little benefit to the interior of an existing and developed industrial site. ILUDC Section 18.36.090 allows for the modification or waiver of this requirement by the Director through a Minor Use Permit. Since the application is for a Use Permit and the Planning Commission is the review authority, the Planning Commission may waive or modify this landscape requirement.

Without waiving this requirement, the applicant would have to redesign the site, potentially requiring the relocation or demolition of existing structures, to accommodate the five-foot landscape buffer and be consistent with the drive aisle requirements of the ILUDC. Staff recommends the Planning Commission waive this landscape requirement, and included **Use Permit Finding 5** for the waiver.

Parking:

The quantity of required parking spaces for changes of use is determined by ILUDC Table 3-7. The table requires manufacturing uses provide one space for each 400 square feet of office area, one space for each 1,000 square feet of floor area devoted to manufacturing or other non-office industrial activities, and one space for each 5,000 square feet of open storage. Fractions of spaces are rounded to the nearest whole number. The table below calculates the parking required for the proposed use:

Parking Calculations

	Use	Area (Sq. Feet)	Spaces / Sq. Foot	Spaces Req'd
Building A	Manufacturing	0	1/1000	0
	Storage	1000	1/5000	0.20
	Office	0	1/400	0
	Extra	0	0	0
	Total Building A	1000	-	0.20
Building B	Manufacturing	2022	1/1000	2.02
	Storage	160	1/5000	0.03
	Office	0	1/400	0
	Extra	218	0	0
	Total Building B	2400	-	2.05
Building C	Manufacturing	703	1/1000	0.70
	Storage	1296	1/5000	0.26
	Office	153	1/400	0.38
	Extra	248	0	0
	Total Building C	2400	-	1.34
Total All Buildings		5800	1/1611 (avg.)	3.60

Staff measured the floor area of the various uses in each building. When added together, the total number of required parking spaces is 3.60, or four spaces when rounded to the nearest whole number. Per the ILUDC, the required ADA parking space may count toward the total number of spaces required.

The application shows five parking spaces, including one ADA space. The spaces are shown at a 45-degree angle, and their dimensions are consistent with the parking stall design requirements. In order to be fully consistent with ILUDC parking and circulation requirements, staff recommends the Planning Commission require **Special Condition 3**, that a one-way arrow be painted on the drive isle restricting traffic to an east-to-west flow where the drive isle can accommodate only one vehicle.

Special Condition 3: Prior to final inspection of a building permit for a cannabis manufacturing use, the applicant shall have painted a directional arrow in the eastern drive aisle limiting access to an east-to-west flow. The one-way restriction may end at the western edge of Building C, where the drive aisle width expands to 32 feet.

With the recommended special conditions, the project would be consistent with the general ILUDC land use requirements, as well as its site planning and project design standards.

Specific Regulations for Cannabis Manufacturing

The Land Use Tables of ILUDC Section 18.24.030 references specific standards cannabis manufacturing uses must comply with in order to approve a Use Permit. These standards are listed in Section 18.42.055, and are individually addressed below.

18.42.055(A) Limitation on Location. The design, location, size and operating characteristics of the cannabis manufacturing use shall be compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use. Further, the cannabis manufacturing use shall not be located within 600 feet of any school, day care center, or youth center.

In order to limit potential impacts of cannabis manufacturing facilities on sensitive uses, the ILUDC prohibits cannabis manufacturing within 600 feet of any school, day care center or youth center. The Planning Commission is also asked to consider the compatibility of cannabis manufacturing uses within 200 feet of churches, parks, hospitals, nonprofit organizations or residential uses within 200 feet of the facility.

Staff prepared a map (**Attachment 3**) illustrating a 200-foot buffer around the subject parcel and the uses presently established within the buffer. Of the eleven uses within 200 feet, the only sensitive use is Calvary Chapel at 900 North Main Street, approximately 160 feet from the proposed cannabis manufacturing facility.

Pursuant to the location limitations in the ILUDC, staff evaluated the compatibility of the cannabis manufacturing facility with the nearby church. The application proposes to entirely enclose the cannabis manufacturing facility within three existing buildings. Additionally, the proposed fully-opaque perimeter fence would further obfuscate the manufacturing facility from nearby uses. An odor control plan (discussed in more detail later in this report), will mitigate odors to ensure that they are not a nuisance at the property line, and therefore, not a nuisance at the church.

The City mailed notices of the Public Hearing to property owners within 300 feet of the property. At the time of writing this staff report, the City has not received any feedback from the public, including the church. Based on the project's compliance with the ILUDC and the specific requirements for cannabis manufacturing uses, and the lack of objections from neighboring uses, staff recommends the Planning Commission find the proposed cannabis manufacturing facility compatible with the existing and future land uses in the vicinity, and specifically Calvary Chapel at 900 North Main Street.

In addition to considering the compatibility of cannabis manufacturing facilities within 200 feet of certain sensitive uses, the code prohibits cannabis manufacturing within 600 feet of schools, day care centers or youth centers. Staff mapped the schools, day care centers and youth centers in the City, and determined that none of these sensitive uses are operating within 600 feet of the proposed cannabis manufacturing facility. **Attachment 4** depicts the two sensitive uses closest to the proposed cannabis manufacturing facility, which are both greater than 700 feet away.

18.42.055(B) Operating Standards. Cannabis uses shall comply with all of the following operating standards:

- (1) Limitations on use. A cannabis manufacturing use shall comply with the following limitations:*
 - (a) Cannabis manufacturing uses shall not conduct or engage in the retail sale of any produce, goods or service. Only wholesale activities are permitted.*
 - (b) Accessory retail and/or distribution uses other than wholesale sales shall not be permitted in conjunction with the cannabis manufacturing use.*
 - (c) No cannabis shall be grown or cultivated on the property of the cannabis manufacturing use.*
 - (d) No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.*

The application proposes to establish a cannabis manufacturing use, and proposes no retail sales, cultivation or on-site ingestion, which is consistent with the use limitations in the ILUDC. Municipal

Code Section 9.33.180 allows the City to revoke a Use Permit for cannabis manufacturing if the use “violates any...provision of...any local or state law, statute, rule, or regulation relating to his or her permitted activity.” Should the applicant operate the use in violation of the above requirements, the City would pursue code enforcement which may result in revocation of the permit.

(2) Notice to entrants. A cannabis manufacturing use building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are in the presence of their parent or legal guardian. The building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the property is prohibited.

The project plans do not indicate a location where the above-mentioned notices will be posted. In order to ensure the use's compliance with the notice requirements, staff recommends including **Special Condition 4**, requiring City inspection of the project for consistency with City regulations before closing out any building permit.

Special Condition 4: Prior to approval of final inspection of a building permit for a cannabis manufacturing use, the City will inspect the property for consistency with City regulations, including but not limited to Municipal Code Chapter 9.33 and ILUDC Section 18.42.055.

(3) Security. A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors and to minimize the potential for criminal activity, including theft and unauthorized entry.

The applicant submitted a security plan for review by the Police Chief, and the plan is on file with the Police Department. The Chief has approved the security plan and asserted that adequate security will be provided to employees and visitors at the facility. Staff recommends **Special Condition 5** and **Special Condition 6**, requiring the applicant to secure approval from the Police Chief for any revisions to the security plan for the lifetime of the use, and allowing the Chief to require changes to the plan if warranted.

Special Condition 5: The Police Chief approved the security plan for the cannabis manufacturing use in January, 2018. The Chief or his/her designee may inspect the facility for consistency with the approved security plan at any time following 24-hour notice to either ownership or management of the facility. Any deviation of implemented security measures from the approved plan shall be reviewed and approved by the Police Chief.

Special Condition 6: The Police Chief may require changes to the security plan as a result of either code violations or calls for service. Alterations to security measures required by the Chief shall be implemented in a timeframe acceptable to the Police Chief.

(4) Employee register. A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use, and shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use. The register and contact information shall be current and up-to-date at all times.

At time of Use Permit application and review, the applicant has not compiled a complete employee register and provided the information to the Chief of Police. Staff recommends **Special Condition 7**, requiring the applicant to comply with this policy prior to issuance of a business license for the proposed use.

Special Condition 7: The applicant shall provide the Chief of Police an Employee Register, consistent with ILUDC Section 18.42.055(B)(4) prior to issuance of a business license and upon annual renewal of a business license for a cannabis manufacturing use.

(5) Off-site effects. No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

The applicant will utilize carbon filters in conjunction with the proposed HVAC system to filter odors and keep the operation in compliance with the City's odor policies. The applicant provided a detailed odor control plan, which is included as **Attachment 5**. Should the cannabis manufacturing facility fail to comply with the City's odor policies, the City would pursue code enforcement to either abate the violation or revoke the Use Permit.

(6) State law. A cannabis manufacturing use shall meet all State law requirements for cannabis manufacturing, including all State law operating criteria.

The cannabis manufacturing facility may not operate legally under State law until issued a State license. Municipal Code Section 9.33.180 allows the City to revoke or suspend an approved Use Permit for cannabis manufacturing under various scenarios. One specified ground for revocation or suspension is if any permittee or person, his or her agent, or employee "violates any provision of...any local or state law, statute, rule, or regulation relating to his or her permitted activity." Failure to maintain a State license or failure to operate within the requirements of State law allows the City to revoke or suspend the permit, ensuring compliance with ILUDC Section 18.42.055(B)(6).

(7) Compliance with the cannabis manufacturing ordinance. As a condition of approval, the applicant shall comply with the requirements of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing). Such compliance will be confirmed in writing by the Police Chief prior to issuance of a business license for the facility.

This staff report analyzes the project's compliance with the Municipal Code. Should the Planning Commission find the application consistent with the Municipal Code, including Chapter 9.33, this requirement will be met. **Special Condition 8** is recommended to ensure approval by the Police Chief prior to business license issuance.

Special Condition 8: Prior to issuance of a business license for a cannabis manufacturing use, the Community Development Director shall receive confirmation from the Police Chief that the project is in compliance with the Municipal Code, including but not limited to Chapter 9.33.

The project was reviewed by the Fort Bragg Public Works Department for consistency with various Municipal Code requirements, including those related to water, sewer, drainage and solid waste. The following analysis addresses these requirements of the Municipal Code.

Wastewater Discharge Agreement

Title 14.16 of the Municipal code states that no pollutants shall be introduced in the sanitary sewer works and establishes minimum allowable concentrations for potentially toxic materials. This code section includes details on allowable thresholds for toxic materials, prohibits pollutants which may affect pH and establishes limitations to oxygen-demanding pollutants (BODs, etc.). The purpose of a discharge agreement is to establish monitoring schedules and locations to ensure effluent wastewater meets requirements established by district regulations. The applicant must show that its processes achieve minimum performance standards. Monitoring may be required for any discharge including effluent from glassware wash stations, process area wash down, mop sink and any sloped floor areas for catch basins or floor drains. Staff recommends the Planning Commission include **Special Condition 9** in a permit approval, requiring the applicant enter into a wastewater discharge agreement with the City.

Special Condition 9: Prior to approval of final inspection of a building permit for the cannabis manufacturing use, the applicant shall enter into a regulatory agreement with the City of Fort Bragg establishing compliance thresholds for biochemical oxygen demand (BOD) and total suspended solids (TSS), monitoring requirements, and penalties for violations.

Backflow Required

A backflow device will be required on all water connections. A double check Detector Assembly will be required for any dedicated fire suppression line. A Reduced Pressure Zone backflow device will be required for the primary service line for industrial process water. The location of the backflow device(s) will be determined during the building permit application process. A backflow prevention packet will be provided to the applicant for installing appropriate devices and testing requirements. **Special Condition 10** is recommended to ensure compliance with the City's backflow standards.

Special Condition 10: Prior to approval of final inspection of a building permit for the cannabis manufacturing use, the applicant shall install backflow devices consistent with City requirements.

Waste Discharge Requirement

The applicant must verify if Waste Discharge Requirements (WDRs) coverage is required from the State Water Board. Water Code 13260 requires that any person discharging waste or proposing to discharge waste that could affect the quality of waters of the state, must file a report of waste discharge to obtain coverage under WDRs or a waiver of WDRs. Whether the applicant will require a WDR or a waiver from the Water Board, **Special Condition 11** requires the applicant work with the Water Board to procure necessary Water Board permits or certifications and provide evidence of such to the City.

Special Condition 11: Prior to approval of final inspection of a building permit for a cannabis manufacturing use, the applicant shall submit proof of either a Waste Discharge Agreement or waiver from the State Water Board.

Waste and Hazards

In order to comply with the City's waste and hazardous materials requirements, staff recommends the Planning Commission require the following conditions of approval:

Special Condition 12: The applicant shall store and transport spent waste and other hazardous materials in accordance with the Mendocino County Certified Unified Program Agencies (CUPA) waste management plan requirements.

Special Condition 13: Prior to issuance of a business license for a cannabis manufacturing use, the applicant shall supply the City with a solid waste disposal plan certified by a waste hauler, including detailed information on hazardous waste reduction, transportation and storage of hazardous material.

Special Condition 14: Prior to approval of a business license for a cannabis manufacturing use, the applicant shall submit to the City a detailed spill response plan. This document shall include a list of all chemicals stored on site and include material safety data sheets for hazardous materials. The document may be in the form of a Stormwater Pollution and Prevention Plan (SWPPP), a Hazardous Materials Business Plan, a spill prevention plan, or approved equivalent.

With the recommended special conditions, staff recommends the Planning Commission find the project consistent with the requirements of the Municipal Code.

Consistency with Municipal Code Section 9.33

Municipal Code Section 9.33 provides the process to apply for a cannabis manufacturing permit, the criteria for Police Chief review, operating characteristics and grounds for revoking or suspending an approved permit. Many of the requirements address the ongoing operation of a cannabis manufacturing facility and are not necessarily applicable to the review of a Use Permit application. Other policies duplicate regulations previously discussed in this staff report. The applicant is either fully compliant with requirements of Municipal Code Chapter 9.33 not addressed in this report, or they are not applicable at time of Use Permit review.

PLANNING COMMISSION ACTION

Hold a hearing, close the hearing, deliberate and approve Use Permit 2-17 (U 2-17), approve the Use Permit request for a 6'6" tall fence, and the modification (waiver) of the landscape buffer required by ILUDC Section 18.36.090(A)(2)(b) subject to the required approval findings and subject to standard and special conditions.

ALTERNATIVE ACTIONS

1. Approve Use Permit 2-17 subject to revised findings and conditions;
2. Continue the hearing for further consideration; or
3. Direct staff to return to the Planning Commission with findings for denial.

RECOMMENDATION

Staff recommends the Planning Commission approve Use Permit 2-17 (U 2-17) to convert three existing and vacant industrial buildings to a cannabis manufacturing use, approve the request for a 6'6" tall fence, and the modification (waiver) of the landscape buffer required by ILUDC Section 18.36.090(A)(2)(b) subject to the required approval findings and subject to standard and special conditions.

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general.
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
4. The project complies with Specific Use Regulations established for the project.
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan.
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code.
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The requirement for a five-foot wide landscaping buffer described by ILUDC Section 18.36.090(A)(2)(b) is unreasonable due to the location of existing development on the parcel, and unnecessary due to the proposed fencing along the north property line, and therefore this requirement is waived.

CANNABIS MANUFACTURING USE PERMIT FINDINGS

1. The cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use.
2. The cannabis manufacturing use will not be located within 600 feet of any school, day care center, or youth center.

SPECIAL CONDITIONS

1. Fencing shall be installed either 1) fully consistent with the ILUDC, or 2) substantially consistent with the photo presented in the staff report (in both material and design) in order to provide adequate security to the site. The fence is approved up to a height of 6'6".
2. Prior to approval of final inspection for a building permit for the cannabis manufacturing use, the applicant shall install screening around waste storage areas as required by ILUDC Section 18.30.110(D).
3. Prior to approval of final inspection for a building permit for the cannabis manufacturing use, the applicant shall have painted a directional arrow in the eastern drive aisle limiting access to an east-

to-west flow. The one-way restriction may end at the western edge of Building C, where the drive aisle width expands to 32 feet.

4. Prior to approval of final inspection for a building permit for the cannabis manufacturing use, the City shall inspect the property for consistency with City regulations, including but not limited to Municipal Code Chapter 9.33 and ILUDC Section 18.42.055.
5. The Police Chief approved the security plan for the cannabis manufacturing use in January, 2018. The Chief or his/her designee may inspect the facility for consistency with the approved security plan at any time following 24-hour notice to either ownership or management of the facility. Any deviation of implemented security measures from the approved plan shall be reviewed and approved by the Police Chief.
6. The Police Chief may require changes to the security plan as a result of either code violations or calls for service. Alterations to security measures required by the Chief shall be implemented in a timeframe acceptable to the Police Chief.
7. The applicant shall provide the Chief of Police an Employee Register, consistent with ILUDC Section 18.42.055(B)(4) prior to issuance of a business license and upon annual renewal of a business license for a cannabis manufacturing use.
8. Prior to issuance of a business license for a cannabis manufacturing use, the Community Development Director shall receive confirmation from the Police Chief that the project is in compliance with the Municipal Code, including but not limited to Chapter 9.33.
9. Prior to approval of final inspection for a building permit for the cannabis manufacturing use, the applicant shall enter into a regulatory agreement with the City of Fort Bragg establishing compliance thresholds for biochemical oxygen demand (BOD) and total suspended solids (TSS), monitoring requirements, and penalties for violations.
10. Prior to approval of final inspection for a building permit for the cannabis manufacturing use, the applicant shall install backflow devices consistent with City requirements.
11. Prior to approval of final inspection for a building permit for a cannabis manufacturing use, the applicant shall submit proof of either a Waste Discharge Agreement or waiver from the State Water Board.
12. The applicant shall store and transport spent waste and other hazardous materials in accordance with the Mendocino County Certified Unified Program Agencies (CUPA) waste management plan requirements.
13. Prior to issuance of a business license for a cannabis manufacturing use, the applicant shall supply the City with a solid waste disposal plan certified by a waste hauler, including detailed information on hazardous waste reduction, transportation and storage of hazardous material.
14. Prior to approval of a business license for a cannabis manufacturing use, the applicant shall submit to the City a detailed spill response plan. This document shall include a list of all chemicals stored on site and include material safety data sheets for hazardous materials. The document may be in the form of a Stormwater Pollution and Prevention Plan (SWPPP), a Hazardous Materials Business Plan, a spill prevention plan, or approved equivalent.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless

expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit. use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as 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 enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

ATTACHMENTS

1. Location Map
2. Project Plans
3. Tenants and Uses within 200 Feet
4. Sensitive Uses within 600 Feet
5. Odor Control Plan