

Planning Entitlement Application for Marijuana Cultivation

The City of Sacramento Planning Division has designed this application to obtain important information about your proposed project that will help to expedite the application review process. Please complete all sections, providing as much detail as possible regarding the scope of your proposal.

Subject Site Information

Project Name: 4080 24th St.

Zoning: C-4 (R)

General Plan Designation: Heavy Commercial

Site address or location of property: 4080 24th Street Sacramento CA 95822

Assessor's Parcel Number(s): 018-0026-025

Total property size in acres (Gross/Net): 0.346

Square feet if less than one (1) acre: 15,100 sq. ft.

Lot dimensions: 270' x 135' x 27' x 185'

Property Owner Information

Contact name: Henry Ramos

Company name: Ramos Construction & Development

Mailing Address: 4080 24th Street

City: Sacramento State: CA Zip: 95822

Phone: (916) 452-3600 Ext: _____ Fax: _____

Email Address: bodyworks10@sbcglobal.net

Applicant Information

Contact name: Erika Ramirez

Company name: Prime Strategies of California

Mailing Address: 5400 E. Olympic Blvd. #208

City: Commerce State: CA Zip: 90022

Phone: (213) 608-0774 Ext: _____ Fax: _____

Email Address: erika@prime-strategies.com

Licensed Architect/Design Professional: Chris Oliveira

Staff Use Only

Date Filed: 4/4/2017 Received By: M. Hauchitt

File Number: 217-046

Please describe the scope of work being proposed for review. Your “project narrative” will provide Planning staff with a clear vision of what you are proposing to do. Answer in complete sentences in the space below or on a separate attachment. The description of your project should include ALL the entitlements being requested for your project. You must state any deviations from development standards and any deviations from applicable design guidelines. Provide as much detail as possible regarding all the characteristics of your project and the scope of work requiring review:

The property is zoned C-4 (R), Heavy Commercial. Pursuant to the City of Sacramento Municipal Code 17.228.127 marijuana cultivation in the C-4(R) zone is allowed by a conditional use permit approved by the zoning administrator. Marijuana cultivation is defined in the Sacramento Municipal Code 8.132.020 as the planting, growing, harvesting, drying, or processing one or more marijuana plants or any part thereof in any location, indoor or outdoor, including within an allowable structure.

The proposed scope of work is to use the existing 4,000 square foot building located at 4080 24th Street in the City of Sacramento for the purpose of cultivating marijuana. The applicant is the agent of the property owner. The property owner will lease the site out to a cultivator. The cultivator will then apply for the Business Operating Tax (BOT) and any further permits if needed to properly operated the cultivation use.

The existing building is currently used as a tow yard. The entire space will be leased to one cultivator for the purpose of cultivating marijuana. The size and shape of the existing 4,000 square foot building on the 15,100 -square foot lot is ideal site for the cultivation of marijuana. To the north and the south are other heavy commercial uses. To the east is an active metro rail line and to the west is a church parking lot. It is greater than 600 feet from a K-12 school, a neighborhood park or a community park. Residentially used parcels are over 500 ft from the proposed site and have the parking lot as a buffer between the proposed site and the residential parcels. This distance from sensitive uses dramatically decrease any potential impacts to neighborhoods and residents. As required by the Sacramento Municipal Code Section 17.228.127 B all cultivation activity will occur within the fully enclosed building and will not be visible from the public-right-of way, the tenant will not be permitted to apply for more than one sign, and the cultivation use will comply with all state and local laws. There are no known topography concerns or natural features that would hinder this site to be used for cultivating marijuana under the conditional use permit.

The proposed marijuana cultivation will not adversely affect the peace or general welfare of the surrounding neighborhood. Surrounding land uses are compatible in nature and the residential parcels are separated by a parking lot. The applicant is not asking for any deviations from development standards nor any deviations from applicable design guidelines. Therefore, the physical character and the purpose of the C-4 (R) zone to permit light manufacturing and commercial uses that will have minimum effect on residential uses. The goal of the zone will be meet as all cultivation will be done indoors and there will be no public visitation or sales at the proposed site. There will be set operating hours and operational plans that will be to the City’s satisfaction via the BOT process. Lastly, the neighborhood responsibility plan, security plan, and community relations plan are all being submitted as a part of the CUP application to address all potential impacts to the surrounding areas which ensure peace and general welfare are maintained.

To the extent of the knowledge of the applicant no other CUP application has been submitted to the City for the cultivation of marijuana in the neighboring vicinity of the proposed site to result in undue concentration of marijuana cultivation establishments.

City of Sacramento
Letter of Agency

If the applicant is not the owner of record of the subject site, a Letter of Agency from the owner or the owner's authorized representative must be submitted which grants the applicant permission to apply for the requested entitlement(s). The Letter of Agency must be notarized.

Date: April 4, 2017

To: City of Sacramento
Community Development Department
300 Richards Boulevard,
Third Floor
Sacramento, CA 95811

Community Development Department:

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: Erika Ramirez Phone: (213) 608-0774

Applicant's Address: 5400 E. Olympic Blvd. #208 Commerce CA 90022

to apply for a conditional use permit for a marijuana related land use and any other associated entitlements (list any other entitlements): a conditional use permit to permit the cultivation of marijuana

The subject property located at: 4080 24th St. Sacramento, CA 95822

Assessor's Parcel Number: 018-0026-025

Printed Name of Owner(s) of Record: Enrique Ramos

E-mail Owner of Record: bodyworks20@shcglobal.net

Address of Owner of Record: 4080 24th St. Sacramento CA 95822 Phone: (916) 462-3000

Signature of Owner of Record: 
(must be original signature)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

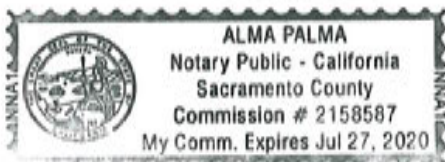
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sacramento)
On 3-30-2017 before me, Alma Palma, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Enrique Ramos
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Alma Palma
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document City of Sacramento
Title or Type of Document: Letter of Agency Document Date: 4-4-2017
Number of Pages: one Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: Enrique Ramos
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: himself

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Cultivation License Information

Please respond to the following pertaining to proposed business operations permit licensing for the site by checking either #1, #2, #3 or #4 below and answering the related questions:

1. ____ The applicant is the property owner of the proposed cultivation site.

a. YES NO Property owner plans on applying for a cultivation Business Operations Permit*.

If yes, permit type _____

b. YES NO Property owner plans on leasing portions of site to other cultivators.

c. YES NO Property owner does not plan on cultivating and will lease site out to one or more cultivators.

2. The applicant is not the property owner but is acting as an agent for the property owner. The applicant does not plan to cultivate at the site. (Letter of Agency is required)

a. YES NO Property owner plans on applying for a cultivation Business Operations Permit*.

If yes, permit type _____

b. YES NO Property owner plans on leasing portions of site to other cultivators.

c. YES NO Property owner does not plan on cultivating and will lease site out to one or more cultivators.

3. ____ The applicant is not the property owner but plans on cultivating at the site and has the property owner's permission to apply for a conditional use permit. (Letter of Agency is required)

a. Applicant's proposed cultivation Business Operations Permit type: _____

4. ____ Other

a. Please explain: _____

*Revenue Division Business Operations Permit type is based on canopy size:

Class A: No more than 5,000 square feet

Class B: 5,001 to 10,000 square feet

Class C: 10001 to 22,000 square feet

Land Use

What is the current use of the site? Tow Yard

Please list all previous land use(s) of site for the last 10 years. The current use has been maintained for the past 10 years

Hours of operation of the proposed use: No public visitation or sales are proposed

Number of shifts: n/a Number of total employees: n/a

Number of employees per shift n/a

Neighborhood Contact/Community Relations

Please describe any contact you have had regarding the project with the following: neighbors/property owners adjacent to the subject site, neighborhood associations, business associations, and community groups in the project area. If you had a community meeting, please describe how you advertised the meeting and meeting attendance. Attach a separate statement if desired.

A letter has been sent to the Hollywood Park Neighborhood Association requesting a meeting to discuss the proposed project. Once that meeting takes place the community relations plan will be implemented.

A Community Relations Plan is required to be submitted to the Revenue Division before a Business Operating Permit can be issued. The plan is to describe who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted. A primary goal of the plan is to encourage neighborhood residents to call the community relations manager to solve problems, if any, before any calls or complaints are made to the city.

Please check the appropriate boxes:

A Community Relations Manager has been designated for the project site: YES NO

If yes, please list the name and contact information (phone number and/or email):

Henry Ramos bodyworks10@sbcglobal.net; Prime Strategies of California (213) 608-0774

A Community Relations Plan is a part of this application submittal: YES NO

If no, remember a plan will be required to be submitted for this site to the Revenue Division before a business operations permit can be issued.

Neighborhood Responsibility Plan

The purpose of the Neighborhood Responsibility Plan (NRP) is to address the adverse impact of marijuana cultivation on the area surrounding the cultivation site. Title 17 of the Sacramento City Code requires a

NRP to be submitted at the time of conditional use permit application. A template on page 27 is provided for your use.

Please check one:

The NRP submitted as part of this application is an agreement to contribute 1% of the gross receipts of the marijuana cultivation business.

The NRP submitted as part of this application is an agreement to pay a NRP fee that will be established by a development impact fee study.

An alternative NPR is submitted as part of this application.

Neighborhood Context Map

An accurate straight-line drawing depicting the boundaries of the subject property, the boundaries of all other properties within 600 feet of the subject property, and the uses of those properties. If the map shows, when completed, that the dispensary is within 600 feet of a public or private K-12 school, the application cannot be accepted. If the map shows, when completed that the site is within 600 feet of a neighborhood park or a community park, as defined by the City of Sacramento Parks and Recreation Master Plan, the cultivation site does not qualify for Zoning Administrator review and must be review by the Planning and Design Commission.

YES NO The neighborhood context map shows that the project site is greater than 600 feet from a public or private K-12 school. If the answer is no the application cannot be accepted.

YES NO The neighborhood context map shows that the project site is greater than 600 feet of a neighborhood park or a community park, as defined by the City of Sacramento Parks and Recreation Master Plan. If the answer is no a Planning and Design Commission conditional use permit is the requested entitlement.

Security Plan

A draft security plan is required as part of the conditional use permit application submittal. Sacramento City Code Section 5.150.450 contains the minimum components required in the written security plan. The security plan should also include protocols for day-to-day operational security and identify potential risks, remedies and contingency plans. A separate photometric plan for the site should also be included in the plan.

As the draft plan contains sensitive information pertaining to the proposed business it will be sent directly to the Police Department and City Revenue Division for their review. The draft plan will not be a part of the routing to other agencies and groups. A final security plan is required prior to issuance of a business operations permit by the Revenue Division.

YES NO A draft security plan is included in this application submittal. If the answer is no the application is incomplete and cannot be accepted.

Site Characteristics

Providing the following information regarding the environmental setting of the project with your application is one the most effective ways to expedite your project's environmental review. If your site contains structures, large trees, mature vegetation, natural drainage ways, low lying areas where water pools during the rainy season, or wetland areas, supplemental information may be requested to conduct the environmental review of your project.

Are there any **structures** or **buildings** on the project site? YES NO

If yes, how many? one (1)

What is the construction date of each structure/building? 1968

Current Use of Existing Structure(s)? tow yard

Proposed Use of Existing Structure(s)? cultivation of marijuana

Are there any **trees** on the project site? YES NO

Are there trees proposed to be **removed**? YES NO

Does your site contain any **natural drainage** ways? YES NO

Does your site contain any **wetland areas** or areas where water pools during the rainy season? YES NO

What land uses surround your site? (for example, single family or multi-family residential, commercial). Please describe:

to the north and south are other heavy commercial uses

to the east is a metro line

to the west is a church

Are you proposing any new **fencing or screening**? YES NO

If yes, please describe the location of the fencing, the height, and the materials (i.e. wood, masonry, etc.):

Is there **parking** onsite? YES NO

If yes, how many spaces are existing (for the entire property) and how many are proposed onsite with this project?

Existing 13spaces

Proposed 13 spaces

Are you proposing any parking offsite? YES NO

If yes, where is it to be located and how many spaces? _____

Are you proposing to waive any parking spaces? YES NO

If yes, how many? _____

Are there any **easements** crossing the site? YES NO

Are there any **trash/recycling** enclosures onsite? YES NO

If yes, what is the size of the enclosure(s) and where are they located? _____

Please describe the height and materials.

What is the total number of cubic yards allocated for recycling?

Building Setback from Property Lines:	Existing (feet'-inches")	Proposed (feet'-inches")
Front	12' 6" ft	12' 6" ft
Rear	11' ft	11' ft
StreetSide	22 ft	22 ft
Interior Side	2 ft	2 ft

What are the front setbacks of the two nearest buildings (on adjacent property) on the same side of the block? If there are no other buildings/properties, please write "N/A."

1st Address: 4090 24th St. 2nd Address: 4140 24th St.

Setback: 3 ft Setback: 3 ft

Exterior Materials

Existing Exterior Building Materials: cinder block

Existing Roof Materials: commercial rolled roofing / tile

Existing Exterior Building Colors: grey

Proposed Exterior Building Materials: same

Proposed Roof Materials: same

Proposed Exterior Building Colors: same

Building Size

Breakdown square footage in gross square feet

Cultivation in Existing Building(s)

Existing building square footage: 4,000

Proposed building square footage (if addition/renovation is proposed): none

New Construction

Total building square footage: n/a

Breakdown of use of building square footage

Cultivation Area
 (include canopy details, for example one level vs stacked): 4,000

Warehouse Area: TBA

Office Area: TBA

Storage Area: TBA

Assembly Area: TBA

Enclosed/Structured Parking: TBA

Other Area (please describe): TBA

Canopy details

Do you plan to stack the cultivation area(s)?

YES NO

If yes please describe: _____

Building Height

Existing building height (Measured from ground to highest point): 18 ft. 1 # of floors

Proposed building height (Measured from ground to highest point): 18 ft. 1 # of floors

Lot Coverage

Total Building Coverage Area, including existing and proposed structures (sq. ft.): 5,200

Project Site Lot Area (sq. ft.): 15,100 sq. ft

Total lot coverage percentage: 34.5 %

Example: building area (2000')/ lot area (5000') = 40% total lot coverage

*Include all covered structures (patios, porches, sheds, detached garages, etc.)

Sign

Only one exterior sign to advertise the business is permitted. The sign cannot be illuminated and cannot exceed six square feet in area. The sign may be attached or detached.

YES NO The location and size of a sign is indicated on the submitted plans.

Odor Control Plan

(Optional for CUP application but recommended;

Required for Business Operating Permit)

A detailed plan describing the air treatment system, or other methods, that will be implemented to prevent marijuana related odors generated by the project from being detected outside the building(s) on the site will be required before a business operations permit is issued by the Revenue Division. The odor control plan can be submitted for preliminary review with the conditional use permit application.

YES NO I am submitting an odor control plan for review with my conditional use permit application.

Energy Efficiency

The conditional use permit application will be routed to SMUD for their review. Applicants may contact SMUD Strategic Accounts at strategicaccounts@smud.org or 1-877-622-7683 for help finding the best way to provide reliable and efficient energy solutions for their business.

YES NO I have met with SMUD staff and discussed energy efficient for my project.
If yes, please provide the date you met with SMUD and the name of the SMUD representative:

3/28/17 - Matthew McGregor

Building Division Project Manager

The Building Division assigns project managers to projects with a valuation of over a million dollars. To assist the Building Division in planning for cultivation building permit applications, please answer the following question.

YES NO The project valuation is one million dollars or greater.

If the answer is yes, the project will be assigned a project manager at the time of formal building permit submittal.

Wastewater Management Plan

The conditional use permit application will be routed to the City Utilities Department for their review. Please respond to the following questions on a separate sheet of paper to assist the department in the review of your project. If you have questions, please contact Rebecca Lane rlane@cityofsacramento.org in the Department of Utilities.

YES NO I have included answers to questions 1-6 below on a separate piece of paper as part of this application submittal.

1. Please describe efforts you are exercising/planning to exercise to reduce or eliminate, or otherwise control any pesticides, fertilizers, or other substances used within your cultivation process, as it relates to potential accidental discharge into the wastewater system.
2. How are pesticides, fertilizers or other substances stored, and what mechanisms (i.e., secondary containment systems) are in place to prevent an accidental discharge into the wastewater system?
3. Please describe what mechanical provisions you have in place to prevent any potential overflow of water and/or wastewater.
4. Please describe with detail the "recycling" process of your irrigation system, and the anticipated percentage of unusable water as compared to water used in operations (example: "Our irrigation process will utilize approximately 90% of the water coming into our facility for irrigation purposes with approximately 10% ineligible for reuse. Our irrigation process is as follows...and results in approximately 10% of unusable water, which becomes discharged wastewater.").
5. What is the volume of water accumulating because of condensation related to your climate control system, and how do you use this water? Because this water may contain elements of pesticides, fertilizers, and/or other substances used within your operations, do you filter or otherwise recycle, and do you have secondary containment measures in place? Please describe.
6. Please indicate whether a water meter and backflow device have been installed at the site. If installed, please provide proof that these two items are existing on the site.

Design Guidelines

Design Guidelines have been established by the City Council for every area of the City. The intent of the Design Guidelines is to foster and maintain a level of quality in building development that supports desirable neighborhoods, livability, and community value, consistent with the City's General Plan. The City's Design Review areas and the Design Guidelines applicable to your project (either the Neighborhood Commercial Corridor Design Principles or the Industrial and Business Park Design Guidelines) can be found at:

www.cityofsacramento.org/Community-Development/Planning/Urban-Design/Design-Review/Design-Guidelines

YES NO I have read the applicable Design Guidelines and have completed the Design Guidelines Checklist for the district or area of this project.

YES NO This project meets all the Design Guidelines listed on the checklist.

YES NO This project proposes to deviate from the Design Guidelines.

Please note: For projects involving historic Landmarks or their sites, or properties within Historic Districts, please include the Secretary of the Interior's Standards for Historic Properties, and Guidelines for Interpreting the Standards, as part of your responses to the Design Guidelines questions above.

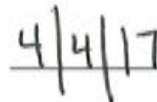
Application Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this application to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Applicant
Signature:



Date:



Staff Use Only

Zoning Information

Zone/Overlay: C-4-R
Special Planning District: N/A
Planned Unit Development: N/A
Design Review District: CITYWIDE
Historic District: N/A Historic Landmark: YES NO
General Plan Designation: URBAN CENTER LOW
Council District: 5
Previous file numbers: N/A

Planning Entitlement Type

<input type="checkbox"/> Commission Level	<input checked="" type="checkbox"/> Director Level
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General Plan Amendment
 Rezone

 Schematic Plan Amendment
 Conditional Use Permit

Tentative Map
 Subdivision Modification
 Variance

Site Plan and Design Review
If deviation:
 Development Standard
 Design Guideline
List a brief description of deviation (s):

Information Verified by (Planner Name): M. Alambeth
Date: 4/4/2017

**NEIGHBORHOOD RESPONSIBILITY AGREEMENT
FOR MARIJUANA CULTIVATION PROJECT**

This Agreement is made and entered into on April 4, 2017, by and between Enrique Ramos ("Property Owner"), and the CITY OF SACRAMENTO, a municipal corporation ("City").

RECITALS

- A. Property Owner plans to develop a marijuana cultivation project (the "Project"), identified by City Project No. _____, on real property (the "Property") owned by Property Owner and located at:
- Address: 4080 24th St
Sacramento, CA 95822
- Assessor's Parcel #: 018-0026-025
- B. Development of the Project on the Property is subject to the special use regulations for marijuana cultivation in Sacramento City Code section 17.228.127.
- C. Sacramento City Code section 17.228.127 requires Property Owner to provide a neighborhood responsibility plan that addresses the adverse impacts of marijuana cultivation on the surrounding area. The section further states that compliance with the neighborhood responsibility plan can be achieved through an agreement with the City, conditions of approval on the use permit, or through other means acceptable to the City.
- D. The requirement for a neighborhood responsibility plan may be achieved through means other than this agreement. However, the Sacramento City Council has resolved that the Property Owner shall be deemed to have sufficiently mitigated its neighborhood impact and satisfied the neighborhood responsibility plan requirement for the Project if the Property Owner voluntarily enters into an agreement for either (a) the periodic payment of 1% of the gross receipts of every marijuana cultivation business on the Property, or (b) the payment of a fee in the amount established by a development impact fee study.

- E. The scope of the adverse impacts of marijuana cultivation developments on the surrounding community are not yet quantified as a specific payment obligation, because the impact fee study has not yet been completed. To meet scheduling requirements, Property Owner desires to proceed with development of the Project before completion of the impact fee study. Accordingly, Property Owner has offered to mitigate the adverse impacts of the Project on the surrounding neighborhood and meet the neighborhood responsibility plan requirement by entering into this Agreement.
- F. This Agreement sets forth the terms of the parties' understanding and agreement regarding the Property Owner's future payment.

AGREEMENT

Based on the facts and other matters set forth in the Recitals above, together with the covenants and agreements set forth below, the parties agree as follows:

1. Property Owner's Payment Options.

Property Owner agrees for itself, its constituents, successors and assigns, that Property Owner will mitigate adverse impacts of the Project on the surrounding neighborhood by one of the following payment options [indicated by Property Owner's initial]:

- One Percent of Gross Receipts:** Pay a fee in the amount of 1% of the gross receipts of every marijuana cultivation business on the Property. Payment shall be made in accordance with section 2 of this Agreement.
- Fee Established by Study:** Pay a fee in the amount established by a development impact fee study approved by the City Council. Payment shall be made in accordance with section 3 of this Agreement.

2. Payment of One Percent of Gross Receipts.

If the Property Owner selects the option to pay a fee in the amount of 1% of gross receipts, the following terms and conditions apply:

- a. Property Owner shall pay 1% of the gross receipts of every marijuana cultivation business on the Property for the term of the conditional use permit.

b. For purposes of this Agreement, the following definitions apply:

(1) "Marijuana cultivation business" has the same meaning as in chapter 5.150 of the Sacramento City Code.

(2) "Gross receipts" has the same meaning as in chapter 3.08 of the Sacramento City Code.

c. Payments shall be made monthly to the City of Sacramento, Department of Finance, Revenue Division at 915 I Street, Room 1201, Sacramento, California 95814. City may change the payment address by giving written notice of the change to the Property Owner.

d. Property Owner shall keep complete records of business activities and transactions including sales, receipts, purchases, expenditures and any other record and data relevant to establish and verify the payments made pursuant to this Agreement; and shall retain all such records and data for examination by the City for a period of at least three years. Upon request by the City, the Property Owner shall make such records available for inspection and audit at reasonable times and places for the purpose of administering and enforcing this Agreement.

3. Payment of Fee Established by Study.

If the Property Owner selects the option to pay a fee in the amount established by a development impact fee study in section 1 above, the following terms and conditions shall apply:

a. Property Owner shall pay a fee in the amount established by the development impact fee study approved by the City Council.

b. If the development impact fee study has not been completed and approved before the City's approval of the conditional use permit for the Project, Property Owner shall comply with the fee payment terms established by the study no later than 30 days after the City notifies Property Owner in writing. If the development impact fee study has been completed and approved before the City's approval of the conditional use permit for the Project, Property Owner shall comply with the fee payment terms established by the study prior to the City's approval of the conditional use permit.

c. Payments shall be made to the City of Sacramento, Department of Finance, Revenue Division at 915 I Street, Room 1201, Sacramento, California 95814. City may change the payment address by giving written notice of the change to the Property Owner.

4. Property Owner Obligations Relative to Establishing the Fee.

Property Owner understands and agrees that the amount of the fees to be imposed for the mitigation of adverse impacts of marijuana cultivation will be established based on a development impact fee study performed by or for the City. Property Owner further understands and agrees that an important component of this Agreement is Property Owner's advance consent to the establishment, implementation, and imposition of any such developer fees. City agrees that all property and property owners engaged in marijuana cultivation will be treated on a fair and equitable basis in respect to any such fees the City establishes and imposes.

Without limiting the generality of the foregoing, Property Owner for itself, its constituents, successors and assigns, as to the Property, specifically agrees to the following:

a. Property Owner hereby grants advance consent to the establishment, implementation, and retroactive application of any and all fees, exactions, assessments, taxes or other charges established or imposed by City for the purpose of funding the mitigation of adverse impacts of the Project on the surrounding neighborhood. Property Owner further agrees that it will not contest, challenge, or protest the retroactive imposition or application of any such fees, exactions, development fees, assessments, taxes or other charges so established or imposed by City. Without limiting the generality of the foregoing, Property Owner specifically waives the provisions of the Mitigation Fee Act (California Government Code section 66000, et seq.), or any other provision of law providing a procedure for contest or protest of establishment or imposition of fees, exactions, assessments, taxes or other charges of a similar nature.

b. Property Owner agrees and specifically represents to City that it is fully aware of all of its legal rights relative to the advance consents, waivers and other agreements set forth above, having been fully advised by its own independent attorneys. Having such knowledge and understanding of its rights, Property Owner has nevertheless voluntarily entered into this Agreement. Each party is aware that the other party is relying on the representations contained in this section 4 in entering into this Agreement.

5. Covenants Run with Property Owner's Land.

The parties agree that all of Property Owner's waivers, advance consents, and other covenants contained herein are covenants that run with the Property, in accordance with California Civil Code section 1486, and the burden thereof shall be binding upon Property Owner's constituents, successors and assigns. Property

Owner's compliance with this Agreement is a condition of the conditional use permit for marijuana cultivation issued by the City in accordance with Sacramento City Code section 17.228.127.

6. Term of Agreement.

The term of this Agreement shall commence upon its execution and shall remain effective until terminated by the mutual written agreement of the parties.

7. Property Owner's Representations Regarding Ownership.

Property Owner certifies that it owns full legal title to the Property. Each individual executing this Agreement on behalf of a corporation or partnership represents and warrants to City that he or she has been authorized to do so by the entity on whose behalf he or she executes this Agreement and that said entity will thereby be obligated to perform the terms of this Agreement.

8. Indemnification.

Property Owner agrees to indemnify, defend, and hold harmless City from any and all claims, costs, expenses, losses and liabilities of whatever nature and whatever kind, including attorneys' fees, made or caused either by signatories hereto or third parties not signatories hereto, that arise out of or are in any way related to, caused by, or based upon any breach of this Agreement by Property Owner or any negligent act of Property Owner under this Agreement.

9. Notices.

Any notice, tender, delivery, invoice or other communications pursuant to this Agreement shall be in writing and shall be deemed to be properly given when delivered to the following persons:

- a. If to City:
CITY MANAGER
City of Sacramento
915 I Street
Sacramento, CA 95814

- b. If to Property Owner:
Henry Ramos

4080 24th Street

Sacramento CA 95822

Any party may change that party's address for these purposes by giving written notice of the change to the other parties.

10. Governing Law.

This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California.

11. Waiver.

The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of the Agreement.

12. Partial Invalidity.

If any term or provision of this Agreement or the application thereof shall be determined by a court of competent jurisdiction to be invalid or unenforceable, or prohibited by law, the remainder of this Agreement, or the application of such term or provision to persons, entities or circumstances other than those as to which it is held invalid or unenforceable or prohibited, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

14. Assignment.

This Agreement may not be assigned by either party without the written consent of the non-assigning party, and any purported assignment without such consent shall be void.

15. Entire Agreement.

This Agreement constitutes the entire agreement and understanding between City and Property Owner concerning the subject matter contained herein.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the date first above stated.

PROPERTY OWNER:

Enrique Ramos

Print Name



By: _____
Title:

By: _____ *
Title:

** Note: If the Property Owner is a corporation, the following two signatures are required (1) the first signature by either the Chairman of the Board, the President, or any Vice President of the corporation; and (2) the second signature by either the Secretary, any Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer of the corporation.*

CITY OF SACRAMENTO

A Municipal Corporation

By: _____
Howard Chan, City Manager

APPROVED AS TO FORM:

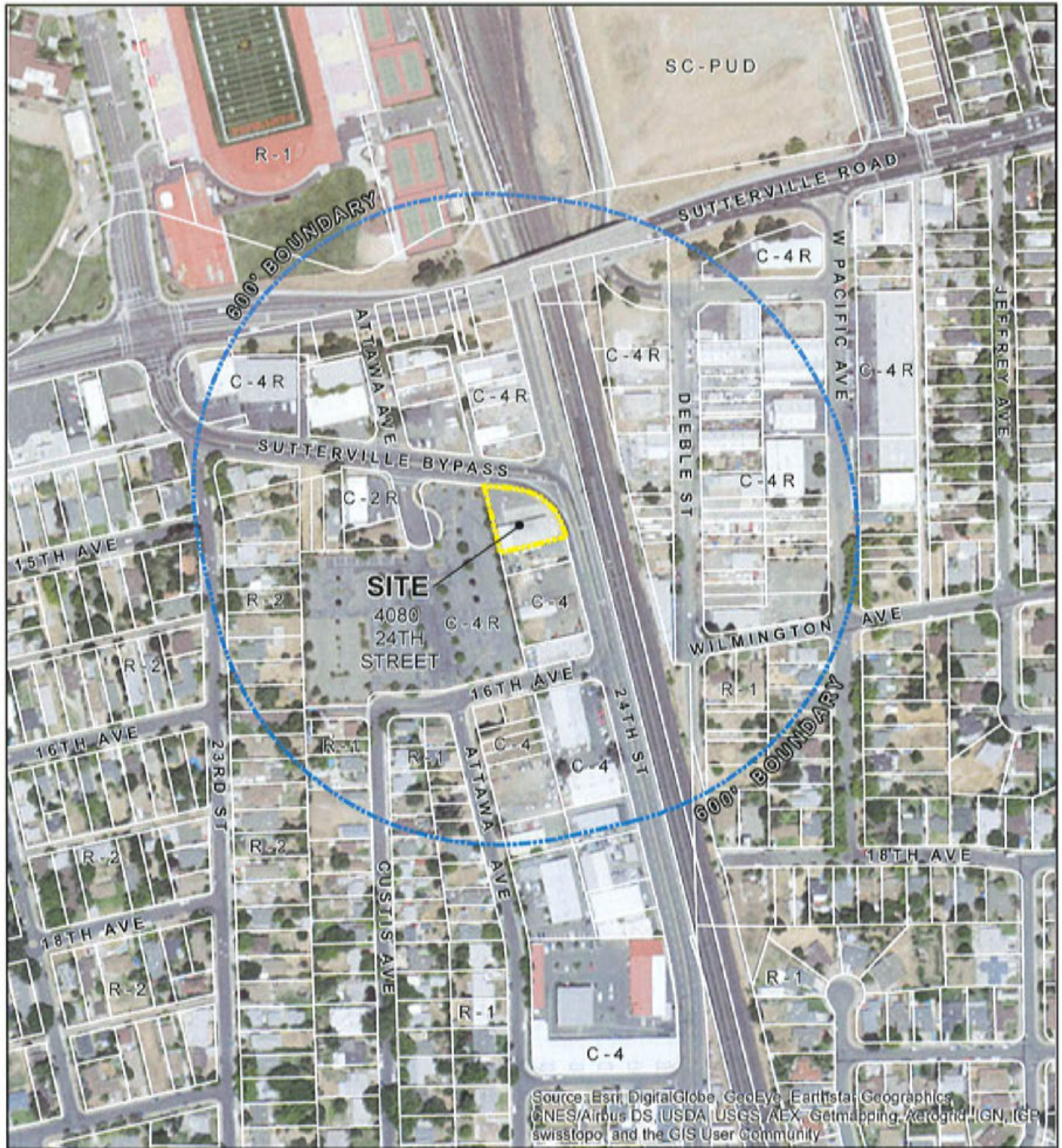
City Attorney

ATTEST:

City Clerk

NEIGHBORHOOD CONTEXT MAP 4080 24TH STREET - CUP

SACRAMENTO, CALIFORNIA
MARCH 24, 2017



The purpose of the Community Relations Plan is to describe who is designated and responsible for outreach and communication with the surrounding community, including the neighbors and businesses, and how the designee will be contracted. A primary goal of the plan is to encourage neighborhood residents to call the community relations manager to solved problems if any, before any calls or complaints are made to the City.

Prime Strategies of California will conduct outreach efforts in association with this application. These efforts will include canvassing a 600ft radius from the site to share with neighboring businesses the proposed project, respond to any questions, gather any concerns and provide the contact information of the designee that will be responsible for any concerns or issues related to the use once established. That designee will be the property owner, Henry Ramos, who's primary means of contact will be via email, bodyworks10@sbcglobal.net. In addition to the property owner, Prime Strategies of California can also be contacted by way of telephone, (213) 608-0774.

In addition to the canvassing, key stakeholders, business and community groups will be identified and will be included in all outreach efforts. All materials and contacts will be compiled into a report and submitted to the City.

The purpose of the Neighborhood Responsibility Plan is to address impacts of marijuana cultivation on the surrounding area. Under the agreement, applicants can either agree to contribute 1% of the gross receipts of their marijuana cultivation business, or agree to pay a fee that will be established by a development impact study fee. The proceeds collected pursuant to these agreements will be placed into a marijuana cultivation impact mitigation fund that will be used to alleviate any adverse impacts of marijuana in Sacramento neighborhoods.

The applicant agrees to contribute 1% of the gross receipts of the marijuana cultivation business that will be permitted via the conditional use permit to comply with the neighborhood responsibility requirement.

The impacts of marijuana cultivation on the sounding area can be environmental in nature, pertaining to cultivation practices, use of resources, odor emitting from the site or safety related. The first line of defense in mitigating potential environmental impacts or concerns is to implement safe, sustainable and eco-friendly cultivation practices. In addition, energy efficiency and water efficiency should be practiced to avoid draining area resources. The applicant assures that such best practices will be utilized to the satisfaction of the City as an operations plan, energy efficiency plan, and water efficiency plan will all be submitted to the City by the cultivator as part of the Business Permit Application. As part of this application, and the Business Permit Application an odor plan is being submitted. It is attached to this application for the City's review and approval to ensure the potential impact of odor is mitigated.

Safety impacts will be addressed and mitigated by adhering to the Security Plan and Photometric Plan that have been included as part of this application. It will include security surveillance cameras, security video recording and retention, an alarm system and description of safety protocols including day-to-day operational security and identify potential risks, remedies, and contingency plan.

Lastly, as stated in the Community Relations Plan, the applicant will be canvassing the surrounding area and providing the contact information in which any concerns can be reported directly to the property owner.