



Zoning Administrator

Regular Meeting AGENDA

This meeting will be held remotely at the link below:
<https://global.gotomeeting.com/join/717259173>

You can also dial in using your phone.
United States: [+1 \(408\) 650-3123](tel:+14086503123)

Access Code: 717-259-173

December 21, 2020 - 2:00 PM

1. CALL TO ORDER

2. VERIFICATION OF NOTICE

3. APPEAL PROCESS

All determinations of the Zoning Administrator regarding minor discretionary planning permits are final unless a written appeal, stating the reasons for the appeal, is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by January 4, 2020, at 5 p.m.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

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

5. APPROVAL OF MINUTES

5.a. Approve the Minutes of the November 17, 2020 meeting.

Recommended Action: Approve the Minutes of the November 17, 2020 Zoning Administrator Hearing.

Attachments:

1. ZAM_20201117_Draft

6. SITE VISIT VERIFICATION

7. PUBLIC HEARING

- 7.a. Consideration of Request for Minor Modification of Major Use Permit to Change Ownership of Cannabis Manufacturing and Dispensary/Retail Operation, and Amend the Floor Plan, at 441 North State Street; APN 002-186-19; Applicant is Vibe Ukiah, LLC dba Vibe by California; File 20-5589

Recommended Action: Approve the Minor Modification to the existing Cannabis Manufacturing and Retail/Dispensary Major Use Permit, to allow for change of ownership and modification to the floor plan, based on the Findings, and subject to the Conditions of Approval, found in the Staff Report.

Attachments:

1. 441 N State_Vibe_Findings
2. 441 N State_Vibe_COA
3. Application
4. Agency Comments

- 7.b. Consideration of Request for Livestock Permit to Keep Two Male Goats at 1070 North Oak Street; APN 002-072-12; File No. 20-5887

Recommended Action: Staff recommends approval of the Schramer Livestock Permit to keep two male goats at 1070 North Oak Street, based on the Findings and subject to the Conditions of Approval, found in the Staff Report.

Attachments:

1. 1070 N Oak St_Livestock Permit_Findings
2. 1070 N Oak St_Livestock Permit_COA
3. Schramer Livestock Permit Application
4. ORD 1206
5. Public Correspondence_Smyth
6. Public Correspondence 20201221

8. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Mireya G. Turner, Planning Manager
December 18, 2020

CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Meeting Held Remotely through Teleconference
November 17, 2020
1:00 p.m.

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Mireya Turner, Planning Manager
Shannon Riley, Deputy City Manager

OTHERS PRESENT

Dan Anderson
Camille Schrader
Rebecca Wilson
Martha Barra
Susan Wynd Novotny
Libby Guthrie
Mary Golden
Sage Wolf
Ellen Grossman
Heather Lopez
Victoria Kelly

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 1:00 p.m. via teleconference.

Zoning Administrator Craig Schlatter presiding.

2. VERIFICATION OF NOTICE

Staff confirmed timely noticing of all public hearings posted on today's agenda.

3. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is November 27, 2020 at 5:00 p.m.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. APPROVAL OF MINUTES – August 27, 2020

Zoning Administrator Craig Schlatter approved the Minutes of November 6, 2020, as presented.

6. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter stated he had performed a site visit.

7. PUBLIC HEARING

- a. Consideration of Proposed Minor Modification to Major Use Permit/Site Development Permit for Redwood Community Services Winter Homeless Shelter, at 1045 South State Street; APN 003-083-02; File No. 19-4667

Planning Manager Mireya Turner presented the staff report.

Zoning Administrator Schlatter requested correction in the Staff Report and Proposed Conditions of Approval, to clarify this application as a Minor Modification to the Major Use Permit/Site Development Permit.

Zoning Administrator Schlatter opened the public hearing at 1:23 p.m. and the following people spoke: Dan Anderson, Camille Schrader, Rebecca Wilson, Martha Barra, Susan Wynd Novotny, Libby Guthrie, Mary Golden, Sage Wolf, Ellen Grossman, Heather Lopez and Victoria Kelly. There was no one else present wishing to speak and the public hearing was closed at 2:19 p.m.

Zoning Administrator Craig Schlatter approved the Minor Modification to the Major Use Permit/Site Development Permit to allow expansion of use of the Winter Shelter, into the former retail space, within the existing Winter Shelter building at 1045 South State Street (APN 003-083-02), based on the Findings and subject to the Conditions, as amended, in the staff report, dated October 27, 2020, as corrected.

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:28 p.m.

**AGENDA ITEM NO. 6a**

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com
(707)463-6268

DATE: December 8, 2020
TO: Zoning Administrator
FROM: Mireya G. Turner, Planning Manager
SUBJECT: Request to Modify an Existing Major Use Permit to Change Ownership of Cannabis Manufacturing (non-volatile) and Dispensary/Retail Operation at 441 North State Street; APN 002-186-19. File No. 20-5589

SUMMARY

OWNER: Allen L. Ling
517 Bonnie Drive
El Cerrito, CA 94530

APPLICANT / AGENT: Michael Carlson, on behalf of Vibe Ukiah, LLC dba Vibe by California

REQUEST: Modification to existing Cannabis Manufacturing and Retail/Dispensary Major Use Permit to change ownership

DATE DEEMED COMPLETE: November 3, 2020

LOCATION: 441 North State Street; APN 002-186-19

TOTAL ACREAGE: ±0.18-acre (7,840.8 sf)

GENERAL PLAN: Commercial

ZONING DISTRICT: "C-1" Community Commercial

AIRPORT COMPATIBILITY: Extended Approach/Departure Zone (B2)

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

RECOMMENDATION: Conditional Approval based on Findings and Conditions of Approval (Attachments 1 and 2)

Staff Report
Modification to Minor Use Permit
441 North State Street
File No. 20-5589

BACKGROUND

On May 13, 2020, the Planning Commission approved a Major Use Permit and Parking Variance (Permit No. 19-4434) to allow operation of a cannabis non-volatile manufacturing and retail/dispensary business in an existing building at 441 North State Street. The original permittee, Element 7, has not begun operation at this location. Michael Carlson applied on August 12, 2020 to transfer ownership of the permit to Vibe Ukiah, LLC dba Vibe by California. Minor alterations to the floor plan are also proposed, including removal of the Holistic Center, and increase in Retail space. The Application is included as Attachment 3.

PROJECT DESCRIPTION

The Major Use Permit and Parking Variance awarded to Element 7, at 441 North State Street, includes the following components:

- Non-volatile manufacturing, consisting of packaging of adult use and medicinal cannabis pre-rolls, 300 sf retail/dispensary space, and 230 sf of extra display space within an existing 1,872 sf, two-story, 26 ft high building;
- Three (3) on-site parking spaces (one standard, one ADA, and one delivery loading zone) within a 1,800 sf parking lot; additional off-site parking along North State Street and North Main Street is available;
- Exterior building and parking lot lighting;
- Odor control features including polarized carbon filters, ozone generators, air curtains and air quality enhancing plants;
- Signage including a 6' x 4' "Vibe" sign on the wall of the facility, and a small hanging sign above the entryway;
- Existing landscaping to remain; new landscaping is not proposed with this project;
- Security features such as surveillance cameras, alarms, card reader entry, etc.; a six-foot wrought iron security fence around the site's North Main Street perimeter, and along the side lot lines to the top of bank of Gibson Creek closest to the building, with a locked delivery gate on North Main Street, and pedestrian gate along North State Street frontage, and on-site security guard.
- 20-30 retail deliveries per day and one weekly delivery of cannabis for manufacturing are anticipated with use of one delivery vehicle;
- Operations will be staffed with up to 12 employees; with no more than four per shift.
- Operating hours for Vibe by California would be as follows:

Dispensary:

7:00 a.m. to 8:00 a.m. - Opening Procedures (no public access)

9:00 a.m. to 9:00 p.m. – Dispensary Operations

9:00 p.m. to 10:00 p.m. – Closing Procedures (no public access)

Manufacturing:

8:00 a.m. to 8:00 p.m. – Manufacturing Operations

The previously approved and proposed floor plans are displayed in Figures 1 and 2, below.

Figure 1. Previously approved floor plans

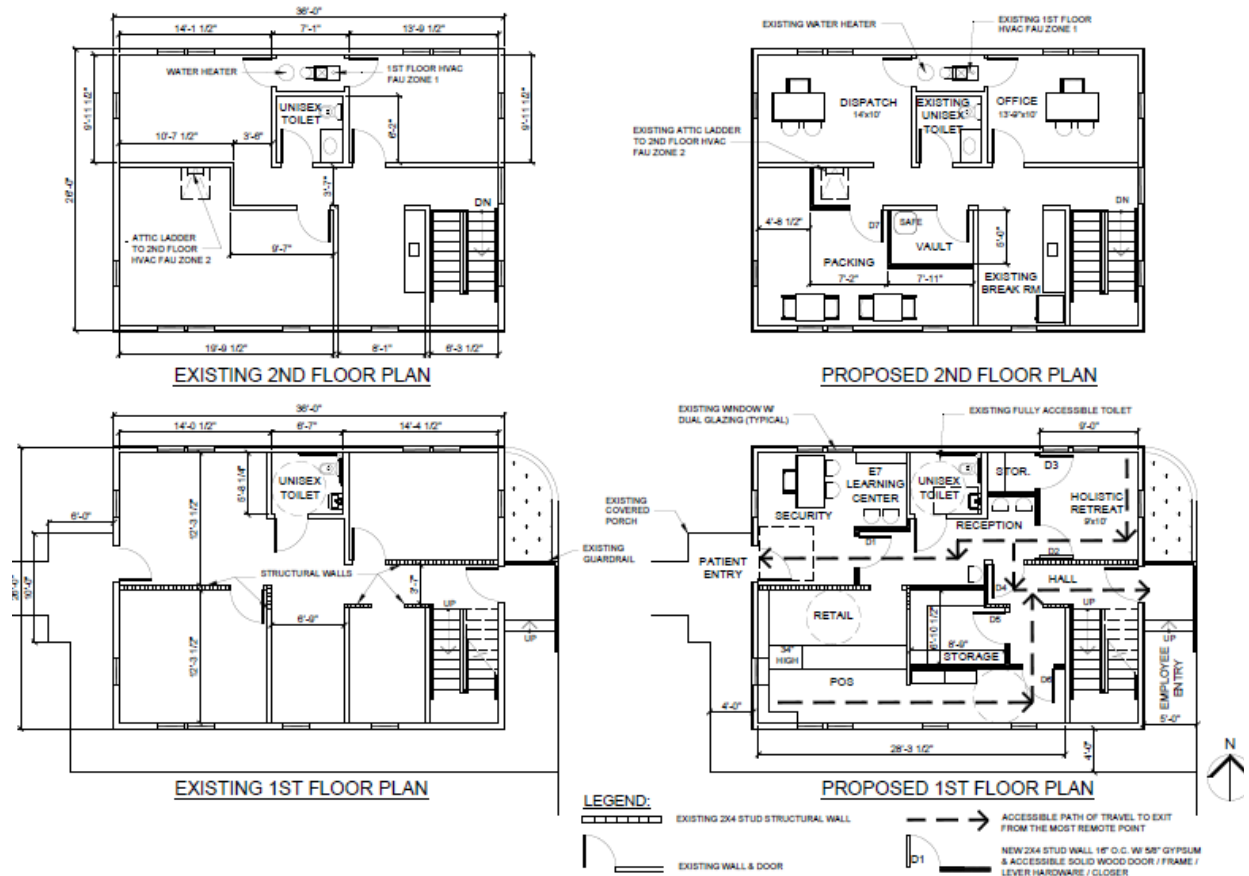
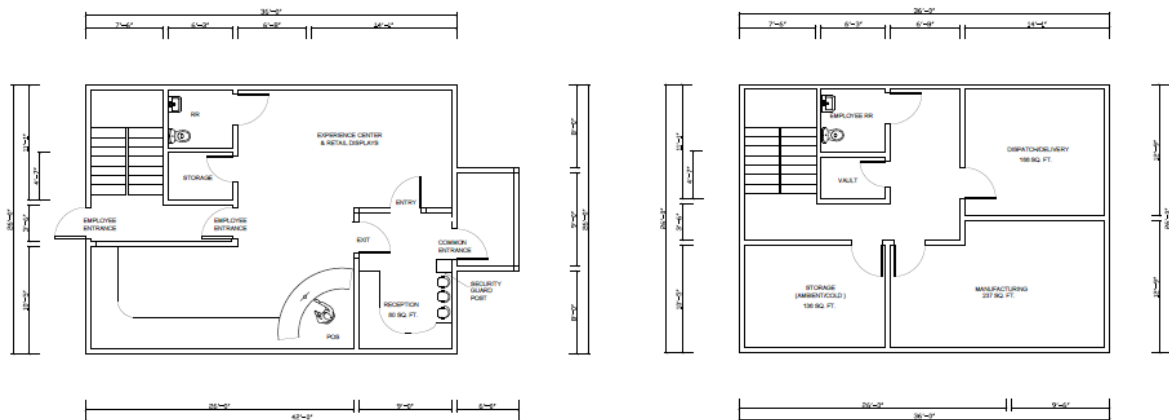


Figure 2. Proposed floor plans, as modified (Note: North is facing down in this orientation.)



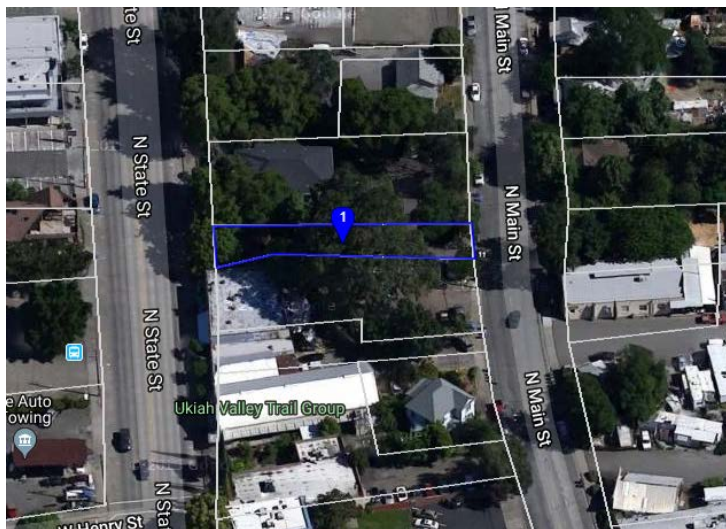
SURROUNDING LAND USE AND ZONING

The parcel carries a General Plan Land Use designation of Commercial (C) and is zoned Community Commercial (C1). The project site is surrounded by parcels zoned Commercial (C1), and Urban Commercial (UC). The site is located outside of the Downtown Zoning District,

Minor Modification to Major Use Permit
Vibe by California, 441 North State Street
File No. 20-5589

but is within the Downtown Parking Improvement District #1. The following uses are directly adjacent to the parcel. An aerial view of the parcel is displayed in Figure 3.

Figure 3. Aerial Map



AGENCY COMMENTS

Project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project: Ukiah Valley Fire Authority, City of Ukiah Public Works Department, City of Ukiah Police Department, City Ukiah Building Division, and City of Ukiah Electric Utility Department. No new conditions were requested. The Ukiah Police Department requested Live Scans of all named employees, which has been completed successfully. Agency comments received are included in Attachment 4.

STAFF ANALYSIS

General Plan and Zoning Ordinance.

The major use permit was originally approved on May 13, 2020. The approved Findings established that the proposed project was consistent with both the Ukiah City Code and the City General Plan. The proposed modification by Vibe by California includes a change of ownership and adjustment of the ground floor site plan. The modification is consistent with all local cannabis regulations.

Airport Land Use Compatibility.

The Element 7 use permit was approved by the County of Mendocino on March 31, 2020. This application will not change the footprint of the existing structure, nor its use. Consistent with the Interim Referral Procedure, adopted as Resolution No. 2018-39, on February 5, 2018, this Minor Modification to the Major Use Permit, without significant alteration from the previous use, and with no question of its compatibility from staff, was not forwarded to the Airport Land Use Commission for their review.

Parking Variance.

The Planning Commission approved a parking variance for the Element 7 major use permit, recognizing the parcel's unique topography limiting parking, and in support of UCC 7388 which states,

"1. It is desirable to allow full development of many parcels within Parking District #1 and to provide off-site parking; and

2. It is desirable in certain cases to allow variance from on-site parking requirements in Parking District #1 or other parking districts established by City Council."

There is no change proposed by the Applicant that would require a re-assessment of the existing Parking Variance.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1, Existing Facilities which *"Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.*

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances."

The alterations or repairs also must not involve significant amounts of hazardous materials, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Based on the following, the proposed project is eligible to use this exemption.

- The site is developed with an existing building and parking lot, and utilities and services are already available at the site.
- No expansion of the existing building footprint is proposed as part of the project; and
- The Project Site is not environmentally sensitive and is located away from the existing creek.

DECISION TIMELINE

The proposed project is subject to the requirements of the Permit Streamlining Act (PSA). The PSA requires that a decision be made on the project within 60 days of the application being deemed complete. This application was submitted to the Community Development Department on August 12, 2020 and was deemed complete on November 3, 2020. As such, a decision must be made on the project no later than January 2, 2021. The applicant may request a one-time extension of the decision timeline.

NOTICE

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

- Published in the Ukiah Daily Journal December 9, 2020
- Posted on the Project site December 11, 2020
- Posted at the Civic Center (glass case) 72 hours prior to hearing; and,
- Mailed to property owners within 300 feet of the parcels included in the Project on December 2, 2020.

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

RECOMMENDATION

Staff recommends the Zoning Administrator 1) conduct a public hearing; 2) approve the Minor Modification to the existing Cannabis Manufacturing and Retail Major Use Permit, to allow for change of ownership and slight modification to the first-floor site plan, based on the facts and findings found in the Staff Report and Findings, and subject to the Draft Conditions of Approval.

ATTACHMENTS

1. Draft Use Permit Findings
2. Draft Conditions of Approval
3. Application and Site Plan
4. Agency Comments

FINDINGS TO ADOPT A MINOR MODIFICATION TO MAJOR USE PERMIT AND PARKING VARIANCE TO ALLOW THE CHANGE OF OWNERSHIP AND MODIFICATION TO THE FLOOR PLAN OF A CANNABIS MANUFACTURING (NON-VOLATILE) AND DISPENSARY/RETAIL OPERATION IN AN EXISTING BUILDING AT 441 NORTH STATE STREET. APN 002-186-19; FILE NO. 20-5589

Recommendation for the Approval of the Major Use Permit, Variance and Findings: The Community Development Department's recommendation for conditional approval of a Major Use Permit and parking variance to allow a cannabis business to include: manufacturing, and dispensary/retail in an existing building at 441 North State Street is based in part on the following findings, in accordance with UCC Sections 9262, 5710 and 7388.

Major Use Permit Findings

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

The parcel carries a General Plan Land Use designation of Commercial (C) and is zoned Community Commercial (C1). The proposed project is consistent with the General Plan goals and policies related to commercial and light manufacturing development. With approval of the Use Permit and variance the project also complies with all requirements of the C1 zoning district. In addition, the project is consistent with all UCC regulations for cannabis related businesses. The change in ownership and modification to the floor plan do not conflict with the Ukiah City Code or the City General Plan.

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

The proposed project would be similar in use, and intensity, as the surrounding area which is developed with commercial/retail uses. The proposed project includes a comprehensive Security Plan, Standard Operating Procedures and odor control measures to ensure that the project will not be detrimental to the public's health and safety. In addition, the project has been reviewed by the following agencies to ensure compliance with the Ukiah City Code and other codes and regulations relating to health and safety: Ukiah Valley Fire Authority, City of Ukiah Public Works Department, City of Ukiah Police Department, City of Ukiah Electric Utility Department, and City of Ukiah Building Division. Comments have been included as Conditions of Approval, as appropriate.

In addition to the findings required in section 9262 of this Code, the Planning Commission shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit.

3. That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the AUMA, the MAUCRSA, and related State law, the provisions of this Chapter and the City Code, including the application submittal and operating requirements herein.

The applicant has submitted the required information as a part of their application in accordance with all City Codes and will be required to operate in compliance with all State laws under a State License.

Final Findings
Major Use Permit and Variance
Element 7 Manufacturing and Retail
File No.: 19-4434

4. That the Dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

The Ukiah Police Department reported receiving 346 total calls in the 400 block of North State Street and 300 block of North Main Street, within the period of 9/30/2018 through 9/30/2019. These calls account for 1% of the total number of calls for the City limits, and is not considered to be significantly higher than other areas within the City.

Crime information related to operation of this specific project will be reviewed and analyzed during the annual renewal process for the Use Permit.

5. That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing Dispensary location.

See Finding No. 4 above.

6. That an applicant or employee is not under twenty- one (21) years of age.

The applicant has demonstrated that they are over 21 years of age by provided a copy of their driver's license.

7. That all required application materials have been provided and/ or the Dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.

The project as proposed, would be in compliance with operating requirements contained within the City Code and adopted related cannabis ordinances.

8. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

Application fees have been paid and the applicant will be required to pay renewal fees as a Condition of Approval.

9. That the location is not prohibited by the provisions of this chapter or any local or State law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from dispensary operations.

The proposed project location meets all siting requirements contained within local and State regulations. A Security Plan, Standard Operating Procedures and odor control measures are included as a part of the project to ensure no significant issues will arise from the project. The project has also been reviewed by the Ukiah Police Department, Ukiah Valley Fire Authority, and other agencies to ensure public safety.

10. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in section 5708 of this Code. These features may include, but are not limited to, security on site; procedure for allowing entry: openness to surveillance and control of the premises. the perimeter, and surrounding properties: reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

The project includes a Security Plan with the features listed above such as lighting, alarms, surveillance, perimeter fencing, etc. that has been reviewed and approved by the Police Department. In addition, crime prevention-related Conditions of Approval have been included from the Police Department.

11. That no Dispensary use, owner, operator, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

N/A, the business is not yet operational. However, once operational, this criterion will be reviewed as a part of the permit renewal process.

12. That all reasonable measures have been incorporated into the plan and/ or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.

See Finding Number 10.

13. That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

The project site is surrounded by other commercial/retail uses. In addition, the project meets all siting restrictions contained within local and State regulations to ensure compatibility with surrounding uses. Proposed operating hours for the manufacturing and retail/dispensary business would be Mon-Sun 9:00 a.m.- 9:00 p.m. for the retail/dispensary; Mon-Sun 8:00 a.m. – 8:00 p.m. for the manufacturing operation.

14. That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

N/A, the manufacturing and retail/dispensary business is not yet operational. However, once operational, this criterion will be reviewed as a part of the permit renewal process.

15. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

The applicant has successfully completed the Live Scan process through the Ukiah Police Department, demonstrating that he has not violated any laws that would disqualify him from operating the business.

16. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

The applicant certifies that he has not knowingly made a false statement or omitted information from his application.

17. That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

See Finding Number 15. In addition, Live Scans will be required for all employees as a Condition of Approval.

18. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

The applicant certifies that he has not engaged in any unlawful, fraudulent or deceptive business practices.

19. That adequate parking for medical cannabis dispensaries will be provided at a rate of one space for every two hundred (200) gross square feet of retail space, office space, and similar floor areas, pursuant to section 9198(F)(1) of this Code. Furthermore, that adequate parking for Cannabis Retailers generally will be provided at a rate of one space for every two hundred fifty (250) square feet of gross, leasable space, pursuant to section 9198(B)(1) of this Code. However, if the dispensary to be operated by the applicant does not dispense cannabis to patients or eligible Adult Use patrons on site but services qualified patients and patrons through deliveries in compliance with Section 5717 of this Code, then adequate parking will be provided at a rate of one space for every four hundred (400) square feet of gross leasable space, pursuant to Section 9198(G)(3) of this Code.

The project proposes three parking spaces, including one ADA space and also a loading zone for deliveries. The Applicant has requested a variance from the parking regulations, based on findings listed below.

Variance Findings

The applicant requests a variance from UCC §5710(Q) and §9198(G)(1), requiring nine (9) on-site parking spaces. The Applicant proposes three (3) on-site parking spaces, with additional parking to be located along North State and North Main Streets. UCC §7388 authorizes the Planning Commission to grant a parking variance for parcels within City-established parking districts, based on the following findings:

20. The refusal to allow a variance would make a proper use of the property unfeasible.

The current on-site parking is located on the eastern side of the parcel, within the 30 feet between the existing building and North Main Street. Two of the three on-site spaces are existing. The proposed additional space has been located in the last available space in the parking lot on the Main Street side of the parcel. These spaces will be secured by a locked gate, and will not be immediately accessible by the public. Gibson Creek intersects the parcel at the Northwest corner, and traverses the parcel in a southeasterly direction. A floodway line parallels the creek on either side, across the entire parcel. An existing accessible path to the project site begins at North State Street, proceeding west and crossing Gibson Creek via an existing bridge. Due to the size, natural features, and existing development of the parcel there is not sufficient space for additional on-site parking.

However, additional parking spaces are immediately available along both North State Street and North Main Street. Without granting of a variance from the parking required by §9198(G)(1), the Applicant will be unable to accommodate the retail clientele, and its employees.

21. Physical impossibility or unsuitability of the property to comply with on-site parking requirement.

See Finding No. 20. The project parcel is unable to comply with the on-site parking requirement due to the size, natural features (Gibson Creek and flood plain areas), and existing development on-site.

22. Proximity to an underutilized public parking lot which would reduce the need for on-site parking.

Parallel parking is available along the entire lengths of both North State and North Main Streets, in the vicinity of the project parcel. With a maximum of four employees present per shift, and the short time length of an average retail client, the available parking spaces within the immediate vicinity of the project parcel is sufficient for the needs of the project.

23. Specific conditions exist which particularly affect the subject property as opposed to other properties in the District similarly situated.

Other neighboring parcels are limited by existing structures, however, the project parcel is the only parcel in the area which is traversed by Gibson Creek, limiting the amount of useable space.

Based on the above analysis, the findings required for the Minor Modification to Major Use Permit and Parking Variance can be made.

FINAL CONDITIONS OF APPROVAL OF A MINOR MODIFICATION TO MAJOR USE PERMIT AND PARKING VARIANCE TO ALLOW THE CHANGE OF OWNERSHIP AND MODIFICATION TO THE FLOOR PLAN OF A CANNABIS MANUFACTURING (NON-VOLATILE) AND DISPENSARY/RETAIL OPERATION IN AN EXISTING BUILDING AT 441 NORTH STATE STREET. APN 002-186-19; FILE NO. 20-5589.

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

Approved Description of Modification. Approval is granted to change ownership of the existing Major Use Permit from Robert Divito of Element 7, to Vibe Ukiah, LLC dba Vibe by California, and amend the floor plan. All other aspects of the project remain the same and are listed below. All Conditions of Approval from the original Use Permit still apply and are listed below.

Approved Project Description. An application was received from Robert Divito of Element 7 Ukiah, LLC for approval of a Major Use Permit to allow the operation of a cannabis manufacturing (non-volatile), and retail/dispensary facility. The project also includes a request for a variance from the parking regulations.

- Non-volatile manufacturing, consisting of packaging of adult use and medicinal cannabis pre-rolls, 300 ~~96~~ sf retail/dispensary space, and 230 sf of extra display space ~~90-sf~~ ~~complementary self-administered spa treatments with non-cannabis infused products,~~ within an existing 1,926 sf, two-story, 26 ft high building;
- Three (3) on-site parking spaces (one standard, one ADA, and one delivery loading zone) within a 1,800 sf parking lot; additional off-site parking along North State Street and North Main Street is available;
- Exterior building and parking lot lighting;
- Odor control features including polarized carbon filters, ozone generators, air curtains and air quality enhancing plants;
- Signage including a 6' x 4' "Vibe" sign on the wall of the facility, and a small hanging sign above the entry way;
- Existing landscaping to remain; new landscaping is not proposed with this project;
- Security features such as surveillance cameras, alarms, card reader entry, etc.; a six-foot wrought iron security fence around the site's North Main Street perimeter, and along the side lot lines to the top of bank of Gibson Creek closest to the building, with a locked delivery gate on North Main Street, and pedestrian gate along North State Street frontage, and on-site security guard.
- 20-30 retail deliveries per day and one weekly delivery of cannabis for manufacturing are anticipated with use of one delivery vehicle;
- Operations will be staffed with up to 12 employees; with no more than four per shift.
- Operating hours for Vibe by California would be as follows:
Dispensary:
 7:00 a.m. to 8:00 a.m. - Opening Procedures (no public access)
 9:00 a.m. to 9:00 p.m. – Dispensary Operations

Final Conditions of Approval
 Minor Modification to Major Use Permit and Variance
 Vibe Ukiah, LLC dba Vibe by California
 441 North State Street
 File No.: 20-5589

9:00 p.m. to 10:00 p.m. – Closing Procedures (no public access)

Manufacturing:

8:00 a.m. to 8:00 p.m. – Manufacturing Operations

City of Ukiah Special Conditions

1. No cultivation shall occur on-site. If the applicant wishes to include it at a later date, the applicant shall contact the Community Development Department to determine which planning permits are required.
2. No consumption of cannabis or cannabis-related products shall occur on-site.
3. No special events are permitted on-site. If the applicant wishes to hold events, they must contact the Community Development Department; additional permits or approvals may be required.
4. Per Section 5704 of the UCC this Use Permit is valid for one-year. Dispensary Use Permits may be renewed on an annual basis by the Zoning Administrator following the procedure described in Section 5704 of the UCC. It is the Applicant's responsibility to apply for annual renewal 45 days prior to this permit expiring.
5. As outlined in Article 20, Administrative and Procedures, of the Zoning Code this planning permit may be revoked through the City's revocation process if the approved project related to this permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
6. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate the cannabis related business to the Community Development Department.
7. Prior to issuance of building permits or commencing operations, the applicant and all employees shall successfully complete a Live Scan background and provide proof of such completion.
8. No persons will live on-site. If the applicant wishes to have a live-in manager in the future, they shall consult with the Planning and Community Development Department and obtain any necessary permits.
9. The business is required to obtain a City of Ukiah business license prior to occupancy.
10. Address signage for 320 North Main Street shall be removed from the building.

City of Ukiah Standard Conditions

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

Final Conditions of Approval
Minor Modification to Major Use Permit and Variance
Vibe Ukiah, LLC dba Vibe by California
441 North State Street
File No.: 20-5589

12. All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the multi-family project and ancillary site improvements approved by the Site Development Permit.
13. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
14. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Planning Commission such standards shall be met.
15. In addition to any particular condition which might be imposed; any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, rules, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
16. Building permits shall be issued within two years after the effective date of the Site Development Permit or same shall be null and void.
17. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.
18. The Applicant shall submit verification of all applicable permits or approvals in compliance with all local, state and federal laws to the Community Development Department prior to issuance of building permits.
19. All fees associated with the project planning permits and approvals shall be paid in full prior to occupancy.
20. As outlined in Article 20, Administration and Procedures, of the Zoning Code this planning permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.

Department of Public Works Conditions

21. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work within this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated construction costs
22. All sidewalks and driveway aprons that front the parcel shall be ADA compliant.

Electric Utility Department Conditions

Final Conditions of Approval
Minor Modification to Major Use Permit and Variance
Vibe Ukiah, LLC dba Vibe by California
441 North State Street
File No.: 20-5589

23. This property will be served from existing underground facilities and a 75kva 3-phase Transformer that currently serves the building at 441 N. State Street. Should the project need to upgrade to a larger panel or increase the electric load in the future, please contact the Electric Utility Office.
24. In the event that the existing Electric Main Service Panel's need to be upgraded to a larger size, applicant shall provide projected load calculations for their project to the Electric Utility Department.
25. Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart.
26. All future site improvements shall be submitted to the Electric Utility Department for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined.
27. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment, and future services).

Building Division Conditions

28. Tenant Improvements (TI) will require a building permit. Please submit building permit application, four complete plans sets, two wet stamped and signed.
29. The design and construction of all site alterations shall comply with the 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2016 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

Ukiah Police Department Conditions

Prior to Building Permit Final and for the Duration of the Use:

30. The business permittee shall provide the Police Department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the business.
31. The business permittee shall provide the City with the current name and primary and secondary telephone numbers of at least one manager to communicate with the surrounding neighborhoods and businesses. The business shall make good faith efforts to encourage neighborhood residents to call this person to solve problems, if any, before any calls or complaints are made to the City or Police Department.
32. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
33. The business permittee shall only manufacture cannabis in a fully enclosed building and not allow cannabis or cannabis products on the manufacturing site to be visible from the public right of way, the unsecured areas surrounding the building on the site, or the site's main entrance and lobby.
34. Video from the security surveillance cameras must be recording at all times (24 hours a day, seven days a week) and the recording shall be maintained for at least 90 days. In the event of a crime on site or anywhere within range of the dispensary's security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security

Final Conditions of Approval
Minor Modification to Major Use Permit and Variance
Vibe Ukiah, LLC dba Vibe by California
441 North State Street
File No.: 20-5589

video upon request or at the earliest convenience. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.

35. Electronic "point of sale" age verification system is required which scans and authenticates ID, identifies fake ID's, records dates and times of transactions, has the ability to create a "banned patron" list.
36. A copy of all applicable state and local licenses or permits shall be submitted to the City prior to issuance of permit and prior to operation. All applicable state and local licenses or permits be displayed in the lobby or waiting area of the main entrance to the building.
37. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type. The six foot wrought iron fencing shall be constructed along the eastern top of bank of Gibson Creek, and continuing along the side lot lines to and including the frontage along North Main Street.
38. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
39. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
40. Report any graffiti to UPD @ 463-6262. After reporting, clean-up/paint over as soon as possible. Spray on graffiti remover can be purchased at hardware supply stores.
41. Property shall be kept free of debris/garbage.
42. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
43. Height markers shall be installed on the interior doorways and front door entrance.
44. Building shall be equipped with UL compliant security system including Video Assessment Surveillance System (VASS), Intrusion Detection System with private security response and emergency panic alarms. Security system must be monitored by UL listed monitoring company and installed via a UL certified installer.
45. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
46. An inspection shall be conducted by the Department in order to confirm compliance with approved Security Plan prior to building permit final.

Ukiah Valley Fire Authority Conditions

47. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
48. Main entry door must swing in direction of egress travel "out".
49. Prior to issuance of building permits, the permit holder shall submit the Fire and Safety Technical Report to the Fire Official for review and approval.
50. New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.

Final Conditions of Approval
Minor Modification to Major Use Permit and Variance
Vibe Ukiah, LLC dba Vibe by California
441 North State Street
File No.: 20-5589

51. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
52. Fire sprinkler system shall be maintained and modified as necessary.
53. Carbon Monoxide cylinders must be secured and restricted from falling. Amount of cylinders shall be verified and properly stored at all times. If stored in a closed room, room must be vented and alarmed.
54. It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2
55. Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
56. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
57. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshal.
58. Emergency contact information shall also be provided to the Fire Department.



City of Ukiah

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

Planning Permit Application

PROJECT NAME: Vibe Ukiah LLC - dba Vibe by California																							
PROJECT ADDRESS/CROSS STREETS: 441 North State Street - Parallel to Main Street				AP NUMBER(S): 002-186-19-0																			
APPLICANT/AUTHORIZED AGENT: Michael Carlson		PHONE NO: 916-217-4053		FAX NO: 																			
E-MAIL ADDRESS: mikecarlsonconsulting@gmail.com																							
APPLICANT/AUTHORIZED AGENT ADDRESS: 5150 Fair Oaks Blvd #101-340			CITY: Carmichael		STATE/ZIP: CA / 95608																		
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Allen L. Ling		PHONE NO: 510-847-2222		FAX NO: 																			
E-MAIL ADDRESS: 																							
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT: 517 Bonnie Drive			CITY: El Cerrito		STATE/ZIP: CA/ 94530																		
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☒ YES ☐ NO It was previously approved for same use. The Minor Modification includes a ownership change and proposed layout.																							
☐ AIRPORT LAND USE COMM. DETERMINATION REFERRAL 100.0800.611.003	\$	☐ REZONING – PLANNED DISTRICT 100.0800.611.001	\$	☐ USE PERMIT – AMENDMENT 100.0400.449.001	\$																		
☐ ANNEXATION 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT – AMENDMENT 100.0400.449.001	\$	☐ USE PERMIT – MAJOR 100.0400.449.001	\$																		
☐ APPEAL 100.0400.449.001	\$	☐ SITE DEVELOPMENT PERMIT – MAJOR 100.0400.449.001	\$	☐ USE PERMIT – MINOR 100.0400.449.001	\$																		
☐ GENERAL PLAN AMENDMENT 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT – MINOR 100.0400.449.001	\$	☐ VARIANCE – MAJOR 100.0400.449.001	\$																		
☐ MURAL PERMIT 100.0400.449.001	\$	☐ SPECIFIC/MASTER PLAN 100.0800.611.003	\$	☐ VARIANCE – MINOR 100.0400.449.001	\$																		
☐ PRE-DEVELOPMENT MEETING 100.0800.611.003	\$	☐ MINOR SUBDIVISION/TENTATIVE PARCEL MAP (4 OR FEWER LOTS) 100.0800.610.001	\$	☐ ZONING AMENDMENT MAP OR TEXT 100.0800.611.001	\$																		
☐ STAFF RESEARCH (MORE THAN 1 HOUR) 10023100.41153	\$	☐ MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	☐ REZONING 100.0800.611.001	\$																		
☐ LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	☐ OTHER	\$	☐ OTHER	\$																		
<table border="1"> <tr> <td>COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$</td> <td>MAJOR PERMIT DEPOSIT:</td> <td>\$</td> <td>FILING DATE:</td> <td></td> </tr> <tr> <td>COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$</td> <td>MINOR PERMIT FEE:</td> <td>\$</td> <td>TOTAL AMOUNT PAID: \$</td> <td></td> </tr> <tr> <td>COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$</td> <td>TOTAL FEE:</td> <td>\$</td> <td>RECEIPT NUMBER:</td> <td></td> </tr> </table>						COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	MAJOR PERMIT DEPOSIT:	\$	FILING DATE:		COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	MINOR PERMIT FEE:	\$	TOTAL AMOUNT PAID: \$		COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	TOTAL FEE:	\$	RECEIPT NUMBER:	
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COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	TOTAL FEE:	\$	RECEIPT NUMBER:																			
APPLICATION NUMBER(S):																							

Recommendation: Prior to submitting an application, discuss your project with Staff to discover what fees (sewer, water, in-lieu park fees, traffic impact fees, etc.) may be required for your project. Also, ask about street tree requirements, required sidewalk repairs, drainage issues, storm water mitigation requirements, frontage improvements, etc.

Project Description

Please attach a written project description including summary of work (both interior and exterior for construction and operation) and/or business proposed. The purpose of the project description is to assist Staff in understanding the project. The project description will also be included in the Staff Report required to review (and ultimately approve or deny) the planning permit. Providing complete information will help expedite the project review process and in determining what additional information, if any, related to the project and required environmental review is required.

Environmental Review and Reports

Please be aware that projects are required to comply with the California Environmental Quality Act (CEQA). Projects will be reviewed by Staff for compliance with CEQA and Staff will determine the appropriate CEQA document to prepare for the project (exemption, negative declaration, etc.). In order to make this determination, specific reports (traffic, arborist, soils, etc.) and or additional information may be required.

Use Information

Please provide the following information related to the use of the site and building:

Description of Building & Site			
Parcel Size: 8,276 SQ. FT.	Building Size: 1,872 SQ. FT.	Number of Floors: 2	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☒ Office (business/professional)	Reception and Dispatch	246	2
☐ Office (medical/dental)			
☒ Retail	Retail and Experience Area	500.52	1
☐ Light Industrial			
☐ Residential			
☒ Other:	Manufacturing	237	1
Operating Characteristics			
Days and Hours of Operation: 9a.m. - 9p.m.			
Number of Shifts: 3	Days and Hours of Shifts: 8-2, 10 - 6, 1:30 - 9:30 Sun- Sat		
Number of Employees/Shift: Estimated 3-5			
Loading Facilities: ☐ Yes ☐ No	Type/Vehicle Size:		
Deliveries: ☒ Yes ☐ No	Type: Approved Cannabis	Number (day/week/month): 10 Weekly	Time(s) of Day: 9-12p.m.
Outdoor areas associated with use? (check all that apply) ☐ Yes ☒ No	Sales area: ☒ Yes ☐ No Square Footage:	Unloading of deliveries: ☒ Yes ☐ No Square Footage:	Storage: ☒ Yes ☐ No Square Footage:
Noise Generating Use? ☐ Yes ☒ No	Description:		

To Be Completed by Staff

General Plan Designation:	Zoning District:	Airport Land Use Designation:
City's Architectural & Historic Inventory: ☐ YES ☐ NO	Age of Building:	Demolition Policy:
Hillside: ☐ YES ☐ NO	Flood Designation FIRM Map:	Flood Designation Floodway Map:
Tree Policies		
General Plan Open Space Conservation ☐ NO ☐ YES GOAL/POLICY #:	Community Forest Management Plan ☐ NO ☐ YES GOAL/POLICY #:	
Landscaping and Streetscape Design Guidelines ☐ NO ☐ YES GUIDELINE #:	Commercial Development Design Guidelines ☐ NO ☐ YES GUIDELINE #:	
Tree Protection and Enhancement Policy ☐ NO ☐ YES NOTES:	Tree Planting and Maintenance Policy ☐ NO ☐ YES NOTES:	
UCC: Street Tree Policy, Purpose and Intent ☐ NO ☐ YES NOTES:	Other:	
Notes		

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



08/07/2020

PROPERTY OWNER SIGNATURE

DATE

I, Allen L Ling, am the ☒owner / ☐ authorized agent of the property
for which the development is proposed. The above information and attached documents are true and accurate to the
best of my knowledge.
I have read and agree with all of the above.

I hereby authorize employees of the City of Ukiah, the City's authorized agents, and persons with review or decision
making authority for the project to enter upon the subject property, as necessary, to inspect the premises, post notices,
and process this application.

I understand that conditions of approval may be placed on my project by the city of Ukiah and it is my responsibility to
fully understand the conditions and ask questions about them before action is taken on my planning permit.



08/07/2020

☒ OWNER / ☐ AUTHORIZED AGENT

DATE

INDEMNIFICATION AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, and hold harmless the City of Ukiah, its agents,
officers, council members, employees, boards, commissions or Council from any claim, action or proceeding brought
against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or annul any
approval of the application or related decision, or the adoption or certification of any environmental documents or
negative declaration which relates to its approval. This indemnification shall include, but is not limited to, all damages,
costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of it or in
connection with the approval of the application or related decision, whether or not there is concurrent, passive, or active
negligence on the part of the City, its agents, officers, council members, employees, boards, commissions of Council.
If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of
competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Ukiah shall have the right to appear and defend its interests in any action through its City Attorney or outside
counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney of
the City's outside counsel if the City chooses to appear and defend itself in the litigation.

I have read and agree to all of the above.

Allen L Ling

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(PLEASE PRINT NAME)



08/07/2020

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

DATE

(SIGNATURE)

Revised 08/19/2019

Project Description – Modification to existing C.U.P.

Location: 441 North State Street

Scope:

Modification of existing approved conditional use permit

- 1) Modifying approved owners/operators
- 2) Minor Modification to previously submitted floor plan

- 1) New Operator for consideration

Vibe Ukiah LLC doing business as Vibe by California

Owner – Vibe by California Inc, Secretary of State C4524751

Directors - Mark Waldron

Brian Pritchard

Compliance Manager – Michael Carlson

- 2) Proposed floor plan attached. Modification to existing 1st floor only, increasing retail/experience area.

No modification to Employee or Customer Entrances.

No modifications to Exterior of Building

No modifications to Second Story Dispatch, Storage and Manufacturing

COMMERCIAL CANNABIS

**MINOR MODIFICATION OF
CONDITIONAL USE PERMIT**

CITY OF UKIAH

CANNABIS DISPENSARY &
MANUFACTURING M-TYPE (MEDICAL) AND
A-TYPE (ADULT-USE) LICENSES

REVISED FLOOR PLANS

AUGUST 5, 2020

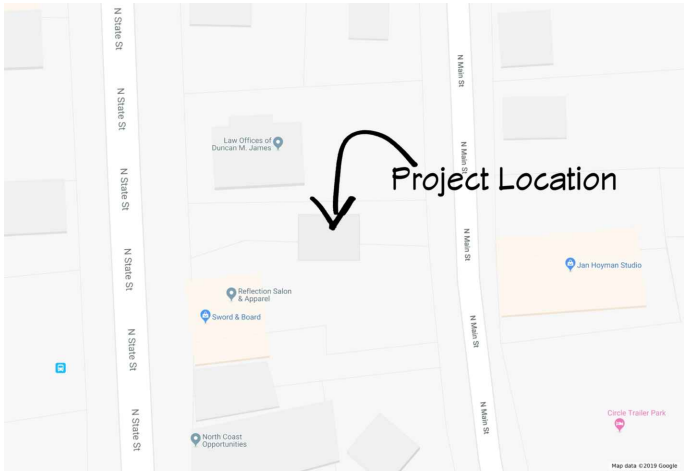


VIBE UKIAH LLC
www.vibebycalifornia.com

VIBE UKIAH LLC

PROPOSED MINOR MODIFICATION OF CONDITIONAL USE PERMIT

441 N State Street, Ukiah, California 95482

PROPERTY INFORMATION		VICINITY MAP	SATELLITE VIEW
PARCEL ID:002-186-19-0 PROPERTY TYPE:Single Unit CONSTRUCTION TYPE:C1 ZONE:-- #STORIES:2 Property Boundary Description(s): Building Description(s): 441 N State Street, Ukiah California 95482 SQUARE FOOTAGE1,872 SQ. FT.			
GOVERNING CODE		CODE ANALYSIS	
This project shall comply with the: 2016 California Building Code (CBC) 2016 California Residential Code (CRC) 2016 California Mechanical Code (CMC) 2016 California Plumbing Code (CPC) 2016 California Electrical Code (CEC) 2016 California Green Building Standards Code (CGBS) 2016 California Energy Code		SCOPE OF WORK	
BUILDING SUMMARY		SHEET INDEX	
	LOT SIZE:	8,276 SQ. FT.	
	FLOOR AREA	1,872 SQ. FT.	
	LOT COVERAGE: 3,760/23,522	= 22%	
		ARCHITECTURAL	
		*A00 COVER SHEET	
		*A01 PROPOSED SITE PLAN	
		*A02 PROPOSED FLOOR PLAN	
		*A03 PROPOSED SECURITY PLAN	
		*A04 PROPOSED LIGHTING PLAN	

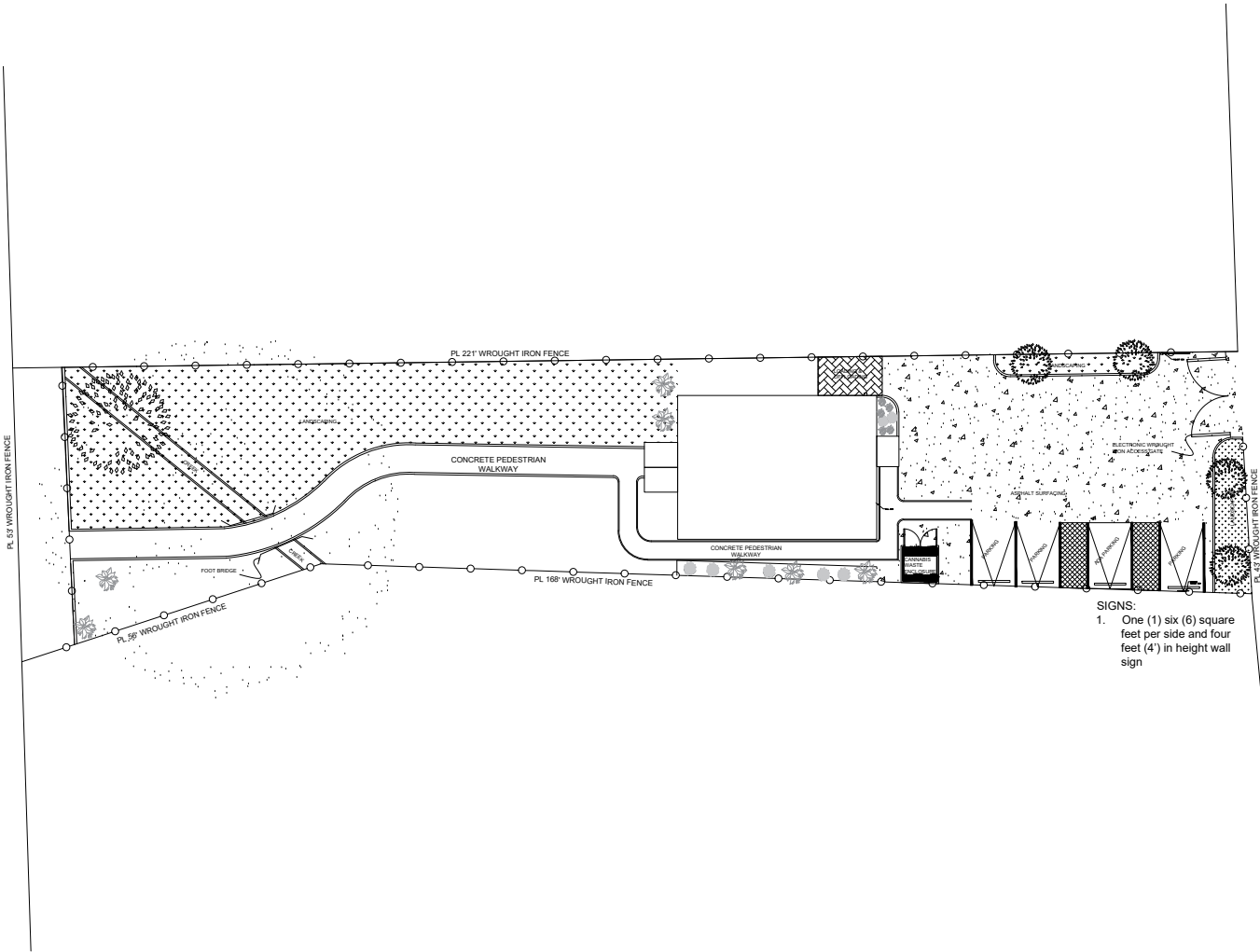
PROJECT:Minor Modification Proposal

SHEET NAME:441 N State Street, Ukiah, CA 95482

COVER SHEET

REVISIONS:		DATE:
O01		06/19/19
O02		07/09/19
O03		08/05/20
DATE:		08/05/2020
PROJECT No:		VIBEUK
SCALE:		
SHEET NO:		
		A00 Page 27 of 61

N STATE STREET



SIGNS:
1. One (1) six (6) square
feet per side and four
feet (4') in height wall
sign

N MAIN STREET



VIBE UKIAH LLC



PROJECT:

Minor Modification Proposal

SHEET NAME:

44 I N State Street, Ukiah, CA 95482

PROPOSED SITE PLAN

REVISIONS:		DATE:
001		06/19/19
002		07/09/19
003		08/05/20
DATE:		08/05/2020
PROJECT No:		VIBEUK
SCALE:		1/16" = 1'-0"
SHEET NO:		



PROJECT: Minor Modification Proposal
SHEET NAME: 44 I N State Street, Ukiah, CA 95482
PROPOSED FLOOR PLAN

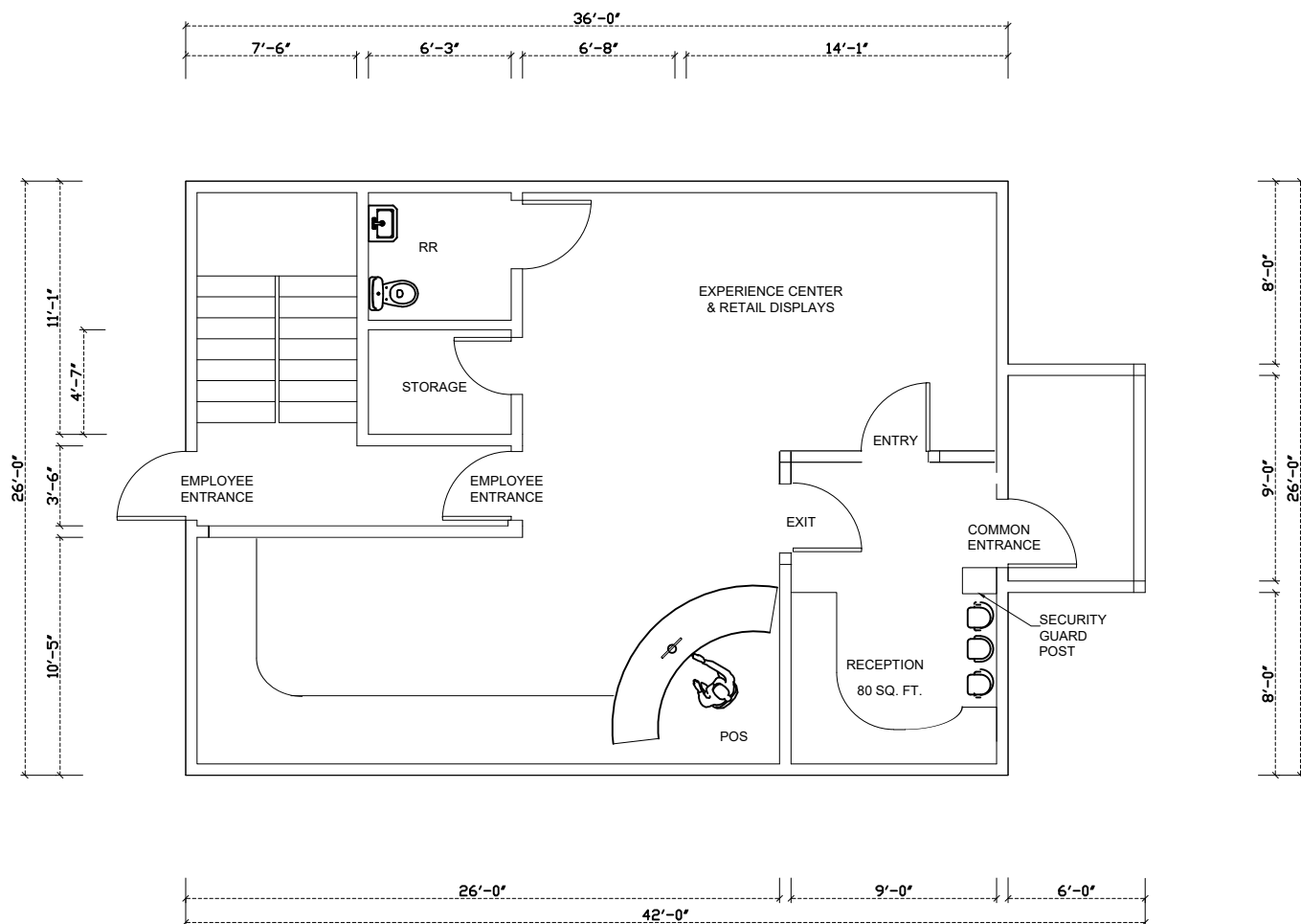
REVISIONS:	DATE:
001	06/19/19
002	07/09/19
003	08/05/20

DATE: 08/05/2020

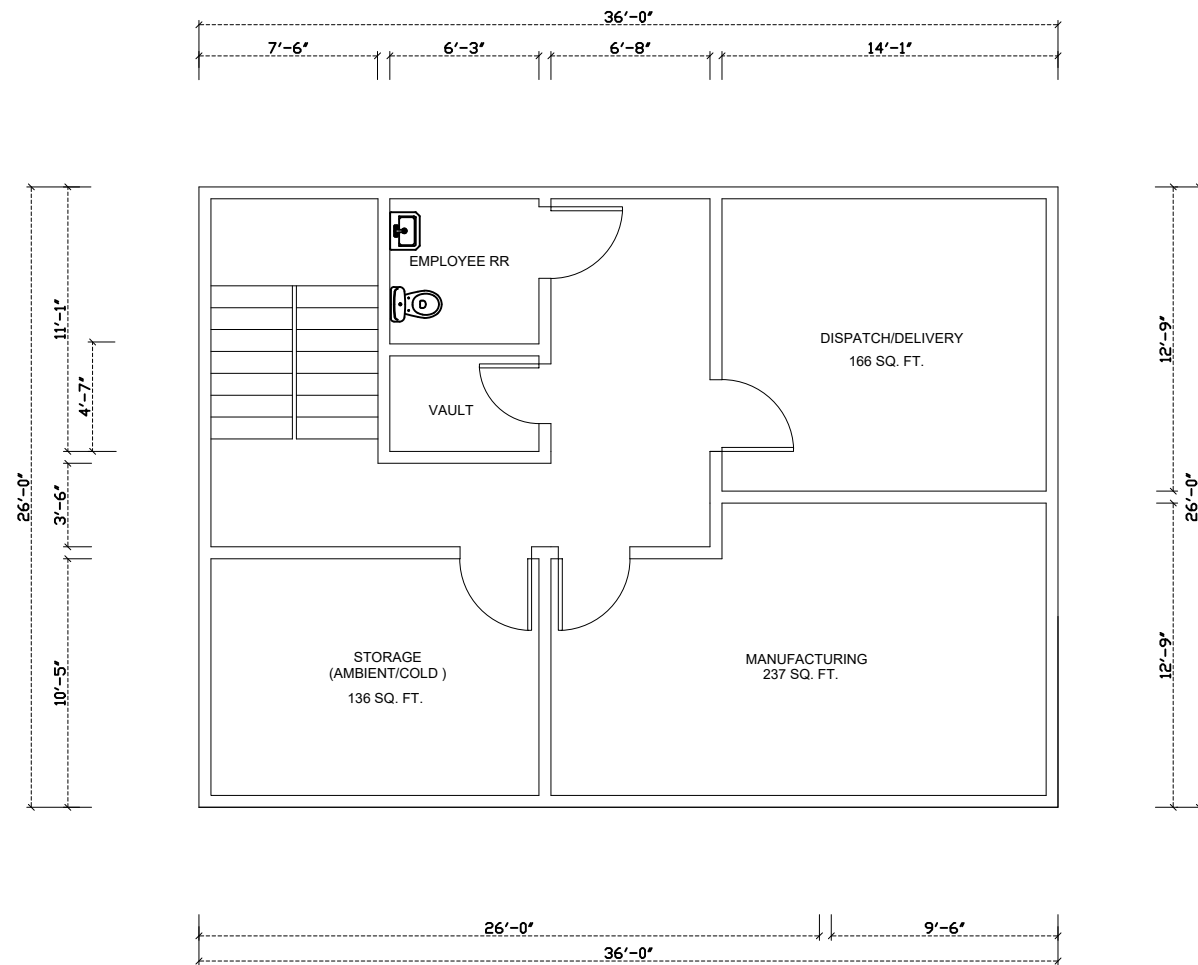
PROJECT No: VIBEUK

SCALE: 1/8" = 1' - 0"

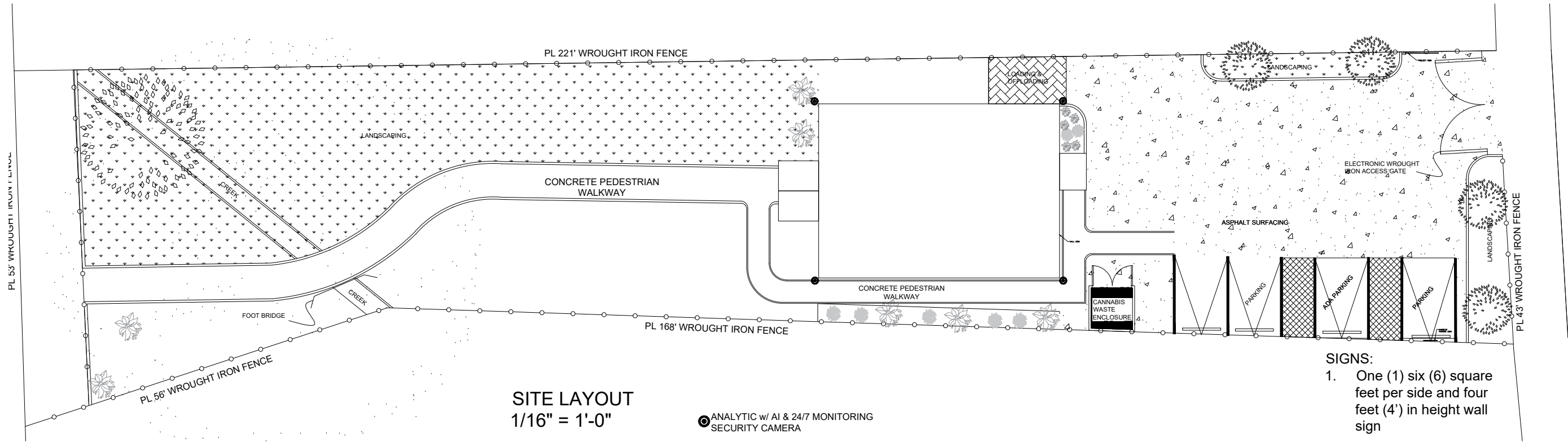
SHEET NO:



GROUND FLOOR
1/8" = 1'-0"

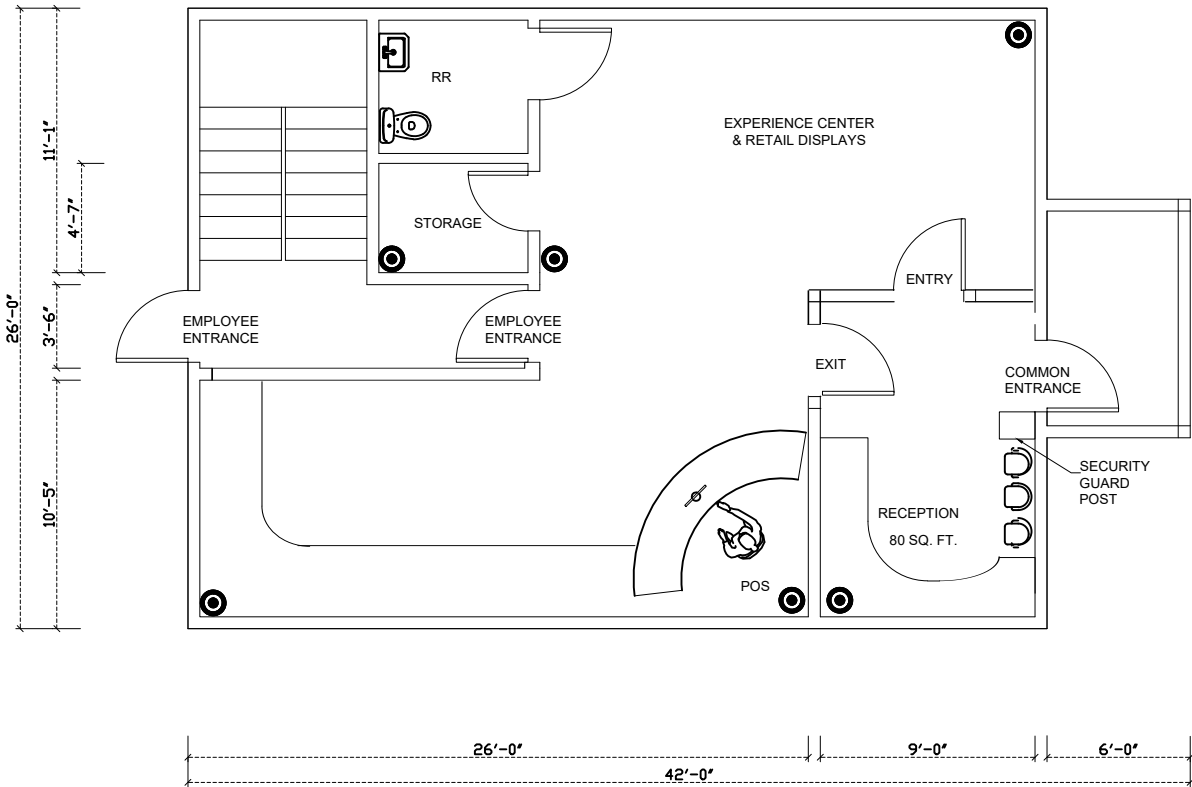
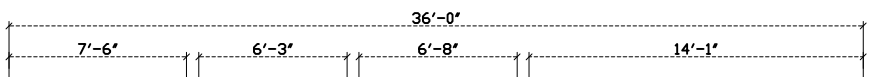
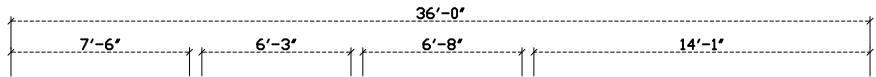


FIRST FLOOR
1/8" = 1'-0"



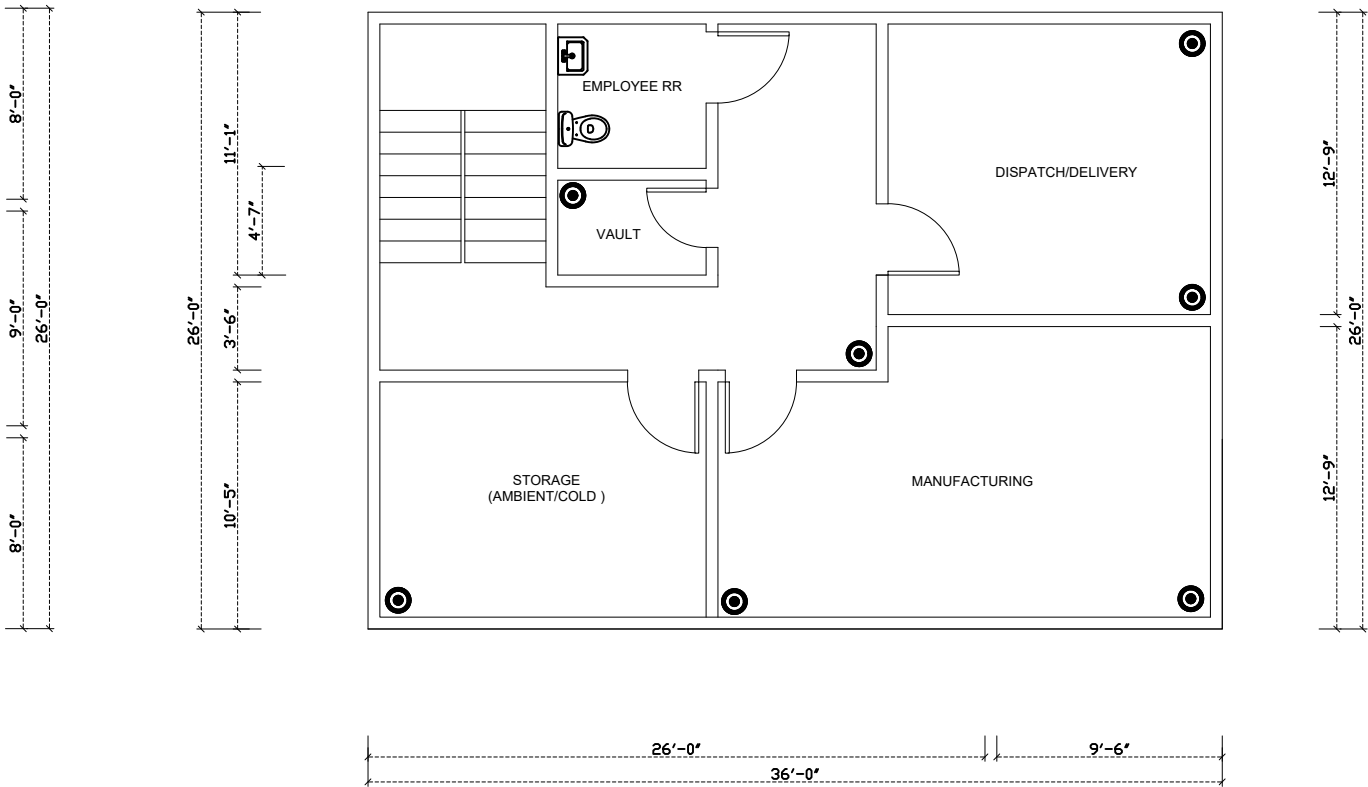
SITE LAYOUT
1/16" = 1'-0"

ANALYTIC w/ AI & 24/7 MONITORING
SECURITY CAMERA



GROUND FLOOR
1/8" = 1'-0"

WIDE ANGLE
SECURITY CAMERA



FIRST FLOOR
1/8" = 1'-0"

WIDE ANGLE
SECURITY CAMERA



VIBE UKIAH LLC



PROJECT: Minor Modification Proposal
SHEET NAME: 44 I N State Street, Ukiah, CA 95482
PROPOSED SECURITY PLAN

REVISIONS:	DATE:
001	06/19/19
002	07/09/19
003	08/05/20

DATE: 08/05/2020

PROJECT No: VIBUUK

SCALE: VARIES

SHEET NO:



"Safety, Professionalism & Community Service"

Justin Wyatt
Chief of Police

To: Mireya Turner
CC: Chief Wyatt, Captain Kaeser,
From: Noble Waidelich
Subject: Modification to existing Cannabis-related Business Permit; #20-5589

Date: 12/15/2020

On 8/13/2020, I reviewed the modification to existing Cannabis-related Business Permit #20-5589, in reviewing the supplied documents, during which time I noted there was a change ownership. I previously noted that the new owners/directors and compliance manager are persons who have not been subject to a criminal history check (livescan) with our agency as required pursuant to the terms of Chapter 8 of the Ukiah City Code.

As of this time, this requirement has been satisfied. The three identified individuals, Michael Carlson, Brian Pritchard and Mark Waldron, have completed the livescan requirement, with no disqualifying information. All the existing UPD conditions for the permit are to remain in effect.

A handwritten signature in blue ink that reads "N. Waidelich" followed by a stylized number "29".

Noble Waidelich
Captain
Ukiah Police Department

PROJECT REVIEW REFERRAL

Please provide comments by: August 27, 2020

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:			
	City Planning Director		Mendocino County Planning and Building
X	City Building Official		Mendocino County Surveyor/Assessor
X	City Public Works Dept.		Mendocino Transit Authority
X	Ukiah Valley Fire Authority		US Army Corps of Engineers
X	City Police Dept. Captain		Regional Water Quality Control Board
	City Police Dept. Community Service Officer		CA Dept. of Fish and Wildlife
X	City Electric Utility Dept.		CA Dept. of Transportation
	Ukiah Municipal Airport Operations Manager		Sonoma State Northwest Information Center
	Airport Land Use Commission		AT & T
	Mendocino County Air Quality		PG & E (gas)
	Mendocino County Environmental Health		PG & E (Land Rights)
	Military Review-Large Development Projects		
FROM PROJECT PLANNER: Mireya G. Turner, Planning Manager			

PROJECT INFORMATION:	
Project Name & Permit #:	Modification to existing Cannabis-related Business Permit; #20-5589
Site Address & APN:	441 N. State St.; APN 002-186-19
General Plan:	Commercial
Zoning:	"C-1" Community Commercial
Airport Compatibility Zone:	"B2" Extended Approach/Departure Zone
Date Filed:	08/12/2020
Resubmittal:	N/A
Date Referred:	08/13/2020
Prev. Projects on Site (include file #)	Element 7 MaUP for Cannabis Manufacturing, and Retail Business
Applicant/Agent Name:	Michael Carlson, Vibe Ukiah, LLC
Phone:	916.217.4053
Email:	mikecarlsonconsulting@gmail.com
Project Summary: The applicant requests a minor modification to the approved use permit, to allow for a change of ownership and minor adjustments to the floor plan. No other changes to the approved permit description, or conditions, are proposed.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) Jimmy Lozano - COU Electric Utility Department

☐ No Comment

☒ Comments / Conditions of Approval Attached

Signature

Date

Comments / Conditions of Approval:

Hi Mireya,

Regarding Modification to existing Cannabis related Business Permit File # 20-5589 Element 7 (441 N. State Street),

The Electric Utility Department offers the following comments/conditions :

- 1) Should the applicants decide to upgrade to a larger panel or increase the electric load in the future, they will need to contact the Electric Utility Office.
- 2) All future site improvements shall be submitted to the Electric Utility Department for review and comment.
At this time, specific service requirements, service Voltage and developer costs and requirements will be determined.
- 3) Developer will need to provide EUSERC approved electrical equipment that is to be used on this project.
- 4) In the event that the existing Electric Main Service Panel/s need to be upgraded to a larger size, applicant shall provide projected load calculations to the COUEUD for their project.
- 5) Developer/customer shall incur all costs of this future project to include (labor, materials, equipment).

Should they have any questions please call Jim Lozano at 467-5774 or Scott Bozzoli at 707-467-5775

Thank you, Jimmy

Mireya Turner

From: Matthew Keizer
Sent: Wednesday, August 19, 2020 3:35 PM
To: Mireya Turner
Subject: RE: Review request for minor modification to cannabis use permit at 441 N. State St.

Can you give them the same comments.



Matt Keizer, CBO, MCP

Building Official

Code Compliance Officer

Email: mkeizer@cityofukiah.com

300 Seminary Ave

Ukiah, CA 95482

Office 707-467-5718

Fax 707-463-6204

Inspection 707-463-6739

<http://www.cityofukiah.com/community-development/>

From: Mireya Turner <mturner@cityofukiah.com>
Sent: Thursday, August 13, 2020 10:41 AM
To: Matthew Keizer <mkeizer@cityofukiah.com>
Subject: RE: Review request for minor modification to cannabis use permit at 441 N. State St.

Yes. This is formerly Element 7, which you commented on regarding the change of occupancy and recommending Casp. With the floor plan change, I wanted to make sure you saw it.

Cordially,



Mireya G. Turner, MPA

Planning Manager

Department of Community Development

300 Seminary Avenue, Ukiah, CA 95482

P: 707.463.6203

www.cityofukiah.com/community-development

From: Matthew Keizer
Sent: Thursday, August 13, 2020 10:35 AM
To: Mireya Turner <mturner@cityofukiah.com>
Subject: RE: Review request for minor modification to cannabis use permit at 441 N. State St.

Did I give you comments on this before? It look familiar.

Matt

From: Mireya Turner <mturner@cityofukiah.com>

Sent: Thursday, August 13, 2020 10:13 AM

To: Matthew Keizer <mkeizer@cityofukiah.com>; Tim Eriksen <teriksen@cityofukiah.com>; Jason Benson <jbenson@cityofukiah.com>; Jarod Thiele <jthiele@cityofukiah.com>; Ian Broeske <ibroeske@cityofukiah.onmicrosoft.com>; Sean Kaeser <skaeser@cityofukiah.com>; Jimmy Lozano <jlozano@cityofukiah.com>; Scott Bozzoli <sbozzoli@cityofukiah.com>

Cc: Craig Schlatter <cschlatter@cityofukiah.com>

Subject: Review request for minor modification to cannabis use permit at 441 N. State St.

Good morning,

Attached please find a request for review of an application for minor modifications to the approved cannabis manufacturing and retail permit at 441 N. State St.; formerly the Element 7 permit.

The Applicant proposes new ownership and a modification to the floor plan to allow for increased retail space. All other parts of the approved project description and conditions will remain unchanged.

Your review and comments no later than Thursday, August 27, 2020, are greatly appreciated.

Cordially,



Mireya G. Turner, MPA

Planning Manager

Department of Community Development

300 Seminary Avenue, Ukiah, CA 95482

P: 707.463.6203

www.cityofukiah.com/community-development

**AGENDA ITEM NO. 6a**

Department of Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com
(707)463-6268

DATE: December 17, 2020
TO: Zoning Administrator
FROM: Mireya G. Turner, Planning Manager
SUBJECT: Request for Livestock Permit to keep two goats at 1070 North Oak Street; APN 002-072-12; File No. 20-5887

SUMMARY

OWNER: Angel Schramer
1070 North Oak Street
Ukiah, CA 95482

APPLICANT / AGENT: Same as above

REQUEST: Livestock permit to maintain two goats within a $\pm 1,000$ sf fenced pen within a $\pm 12,196.8$ sf residential parcel

DATE DEEMED COMPLETE: November 9, 2020

LOCATION: 100 ft south of Low Gap Road 200 ft north of Gibson Street;
1070 North Oak Street; APN: 002-072-12

TOTAL ACREAGE: ± 0.28 acres ($\pm 12,196.8$ sf)
GENERAL PLAN: Low Density Residential
ZONING DISTRICT: "R-1" Single-family Residential
AIRPORT COMPATIBILITY: N/A – Outside the Airport Compatibility Land Use Zones
ENVIRONMENTAL DETERMINATION: Exempt, pursuant to CEQA Guidelines Article 19, $\S 15061(b)(3)$ Common Sense Exemption
RECOMMENDATION: Conditional Approval

BACKGROUND

Staff Report
Livestock Permit
Angel Schramer; 1070 N. Oak St.
File No. 20-5887

On September 16, 2020, the City Council adopted Ordinance No. 1206, amending the Ukiah City Code (UCC) to authorize the Zoning Administrator to make determinations on livestock permits. The ordinance outlines the process by which goats, among other livestock, may be kept within the Ukiah City limits. UCC §4201 lists the information required in the application. Once an application is deemed complete, Staff schedules a public hearing; during which the Zoning Administrator reviews the application package, and determines if the keeping of the requested animals would create or continue any hazards to public health or safety, constitute a public or private nuisance; or otherwise seriously and injuriously affect living conditions or property values in adjacent or neighboring properties (UCC §4202). If the Zoning Administrator find that none of the conditions are or would be present, he/she shall issue the Livestock Permit. This permit may be unconditional, or may contain such conditions as are deemed necessary by the Zoning Administrator.

PROJECT DESCRIPTION

An application was received by Angel Schramer, owner of 1070 North Oak Street, requesting to keep two male goats in a 1,000 sf fenced pen, in the corner of her backyard as indicated by the provided site plan. The application contains responses to the required information as follows:

Required Information	Applicant's Response
Type and number of animals	Two adult male goats, debudded and wethered
Place animals are to be kept:	1,000 sf fenced pen in corner of backyard (site plan provided)
Length of time Applicant intends to keep such animals at such place:	For the duration of the animals' lives
How the area will be kept maintained and cleaned so as not to create a hazard to public health or safety	The pen is deep cleaned weekly and maintained daily.
Description of the supervision conditions of the animals - feeding, cleaning, waste disposal, etc.	The water is changed every other day, or as deemed necessary. They are fed alfalfa daily and get lots of grains and vegetable scraps, and other treats. The bedding and manure is cleaned and put into a receptical for disposal.
Description as to why the applicant believes that the keeping of the animals will not affect living conditions or property values in adjacent or neighboring properties	The animals are quiet, they do not jump, they are non-aggressive, do not smell, are regularly wormed and vaccinated, and deter vermin and invasive plants, and clear vegetation that could potentially create fire hazards. They are not visible to any neighbors, and fly traps are used in the livestock pens. The slope of the yard does not cause runoff off-site.
Other information as required by the Zoning Administrator or Planning Staff	Staff performed a site visit. No additional information was requested.

SETTING

The project parcel is located on North Oak Street, approximately 100 ft south of Low Gap Road and 200 ft north of Gibson Street. It is in a residential neighborhood, surrounded by parcels varying from ± 0.15 acre ($\pm 6,534$ sf) to ± 0.33 acre ($\pm 14,375$ sf) in size. The Project parcel is essentially flat and enclosed by a six foot wooden fence along the rear and side lot lines. The Project Parcel and its vicinity are seen in Figure 1. The goat pen and backyard are seen in Figures

Figure 1. Aerial View

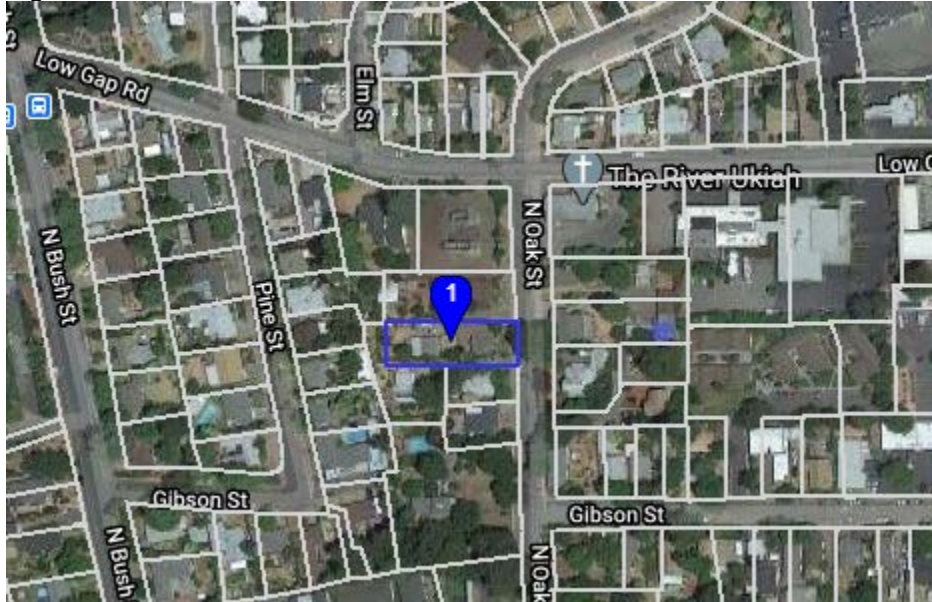


Figure 2. Fenced open area of pen



Staff Report
Livestock Permit
Angel Schramer; 1070 N. Oak St.
File No. 20-5887

Figure 3. Covered shelter area in pen



STAFF ANALYSIS

UCC §4202 requires Zoning Administrator determination if keeping the requested animals as requested in the application would create or continue conditions which create a hazard to public health or safety, constitute a public or private nuisance, or otherwise seriously and injuriously affect living conditions or property values in adjacent or neighboring properties.

PUBLIC HEALTH AND SAFETY. The Application contains a detailed description of the ways the pen is maintained, both daily and through a weekly deep cleaning. The animals have been altered, wethered and debudded, to make them calmer. During the site visit, Staff witnessed a flat, clean pen, with a six-foot wooden fence between the yard and the adjacent parcels, with a shorter, wire fence enclosing the animals. Both fences appear to be in sound condition. There are no platforms or gathered debris upon which the goats could climb to escape the pen. There were no nuisance insects noted during the site visit. The animals were calm, curious and gentle upon approach.

PRIVATE OR PUBLIC NUISANCE. The Application describes interaction with the goats and family members on a regular basis. The pen is maintained and was not odorous at the site visit. No loud sounds were heard from the animals during the site visit, and they are not visible from outside the Project Parcel. A few toys and pumpkins were in the pen for entertainment of the goats. There are no platforms or debris in the pen which would enable the goats to escape to neighboring parcels. Staff did not observe any trees hanging over into the pen which could be damaged.

SERIOUS AND INJURIOUS AFFECT TO LIVING CONDITIONS OR PROPERTY VALUES IN ADJACENT OR NEIGHBORING PROPERTIES. Please see above responses.

Staff Report
Livestock Permit
Angel Schramer; 1070 N. Oak St.
File No. 20-5887

ENVIRONMENTAL REVIEW

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15601(b)(3), Common Sense Exception, described as follows:

"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

- The site is essentially flat, with no significant chance of runoff.
- The animals are kept in a clean, open area, with sufficient shelter
- The Application describes maintenance for both the animals and the pen that is adequate to keep their keeping from becoming a nuisance.

NOTICE

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

- Published in the Ukiah Daily Journal December 9, 2020
- Posted on the Project site December 11, 2020
- Posted at the Civic Center (glass case) 72 hours prior to hearing; and,
- Mailed to property owners within 300 feet of the parcels included in the Project on December 2, 2020.

Correspondence received is included as Attachment 5.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the Schramer Livestock Permit to keep two goats at 1070 North Oak Street, based on the Findings found in the Staff Report, and subject to the Conditions of Approval.

ATTACHMENTS

1. Draft Use Permit Findings
2. Draft Conditions of Approval
3. Application and Site Plan
4. Ordinance 1206
5. Public Correspondence Received

Staff Report
Livestock Permit
Angel Schramer; 1070 N. Oak St.
File No. 20-5887

**FINDINGS TO APPROVE LIVESTOCK PERMIT FOR THE KEEPING OF TWO GOATS BY
ANGEL SCHRAMER AT 1070 NORTH OAK AVENUE (APN 002-072-12);
FILE NO. 20-5887**

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

1. The proposed keeping of such animals would not create a hazard to public health or safety.

The Application contains a detailed description of the ways the pen is maintained, both daily and through a weekly deep cleaning. The animals have been altered, wethered and debudded, to make them calmer. During the site visit, Staff witnessed a flat, clean pen, with a six-foot wooden fence between the yard and the adjacent parcels, with a shorter, wire fence enclosing the animals. Both fences appear to be in sound condition. There are no platforms or gathered debris upon which the goats could climb to escape the pen. There were no nuisance insects noted during the site visit. The animals were calm, curious and gentle upon approach.

2. The proposed keeping of such animals would not constitute a public or private nuisance.

The Application describes interaction with the goats and family members on a regular basis. The pen is maintained and was not odorous at the site visit. No loud sounds were heard from the animals during the site visit, and they are not visible from outside the Project Parcel. A few toys and pumpkins were in the pen for entertainment of the goats. There are no platforms or debris in the pen which would enable the goats to escape to neighboring parcels. Staff did not observe any trees hanging over into the pen which could be damaged.

3. The proposed keeping of such animals would not cause serious and injurious affect to living conditions or property values in adjacent or neighboring properties.

The care and maintenance described in the Application is sufficient to ensure the keeping of the animals will not cause serious and injurious affect to living conditions or property values in adjacent or neighboring properties.

Based on the above analysis, the findings required for the Livestock Permit for the keeping of two goats by Angel Schramer, at 1070 North Oak Avenue.

**CONDITIONS OF APPROVAL TO APPROVE LIVESTOCK PERMIT FOR THE KEEPING OF
TWO GOATS BY ANGEL SCHRAMER AT 1070 NORTH OAK AVENUE
(APN 002-072-12); FILE NO. 20-5887**

Approved Project Description. An application was received from Angel Schramer for approval of the keeping of two male goats within a 1,000 sf fenced pen in the backyard of her residence at 1070 North Oak Street.

The subject property comprises ±0.28 acres (12,196.8 sf), and includes one residence and a six-foot wooden fence enclosing the side and rear lot lines. The project comprises the following main components:

- Two mature, male goats, both wethered and debudded
- 1,000 sf fenced pen located at the southwestern portion of the parcel, with open area and a covered shelter
- Animals are companion animals, to be kept for the duration of their lives
- The water for the animals is changed every other day, or as deemed necessary.
- They are fed daily with alfalfa, grains, vegetable scraps and other healthy treats.
- The goats have been wethered and debudded to make them calm and quiet.
- The Applicant is the primary caregiver for the animals, with the assistance of other family members.
- The animals do not jump, are non-aggressive, do not smell, are regularly wormed and vaccinated.
- The goats are not visible from neighboring parcels.
- Fly traps are used in livestock pen, with monthly changing.
- The pen area is essentially flat and will not cause runoff to neighboring parcels.

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

City of Ukiah Special Conditions

1. This permit applies solely to the two goats currently residing on the parcel. It is not transferable and is valid for the duration of the lifetimes of the two goats only.
2. The Permittee shall operate in compliance with Ukiah City Code Sections 4202, 4203, 4204 and 4206.
3. Completion of a site visit by the Zoning Administrator is required prior to the permit becoming valid.

City of Ukiah Standard Conditions

4. Permittee shall maintain the keeping of the two goats in a manner consistent with the project description components.



City of Ukiah

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

Planning Permit Application

PROJECT NAME: Schramer					
PROJECT ADDRESS/CROSS STREETS: 1070 N Oak				AP NUMBER(S): 12	
APPLICANT/AUTHORIZED AGENT: Angel Schramer		PHONE NO: 7073875469		FAX NO: 	
E-MAIL ADDRESS: angelschramer@gmail.com					
APPLICANT/AUTHORIZED AGENT ADDRESS: " "			CITY: Ukiah		STATE/ZIP: CA/95482
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT:		PHONE NO:		FAX NO:	
				E-MAIL ADDRESS:	
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT			CITY:		STATE/ZIP:
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☐ YES ☒ NO					
☐ AIRPORT LAND USE COMM. DETERMINATION REFERRAL 100.0800.611.003	\$	☐ REZONING – PLANNED DISTRICT 100.0800.611.001	\$	☐ USE PERMIT – AMENDMENT 100.0400.449.001	\$
☐ ANNEXATION 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT – AMENDMENT 100.0400.449.001	\$	☐ USE PERMIT – MAJOR 100.0400.449.001	\$
☐ APPEAL 100.0400.449.001	\$	☐ SITE DEVELOPMENT PERMIT – MAJOR 100.0400.449.001	\$	☐ USE PERMIT – MINOR 100.0400.449.001	\$
☐ GENERAL PLAN AMENDMENT 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT – MINOR 100.0400.449.001	\$	☐ VARIANCE – MAJOR 100.0400.449.001	\$
☐ MURAL PERMIT 100.0400.449.001	\$	☐ SPECIFIC/MASTER PLAN 100.0800.611.003	\$	☐ VARIANCE – MINOR 100.0400.449.001	\$
☐ PRE-DEVELOPMENT MEETING 100.0800.611.003	\$	☐ MINOR SUBDIVISION/TENTATIVE PARCEL MAP (4 OR FEWER LOTS) 100.0800.610.001	\$	☐ ZONING AMENDMENT MAP OR TEXT 100.0800.611.001	\$
☐ STAFF RESEARCH (MORE THAN 1 HOUR) 10023100.41153	\$	☐ MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	☐ REZONING 100.0800.611.001	\$
☐ LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	☐ OTHER	\$	☒ OTHER 4200 livestock permit	\$
COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO. \$					
MAJOR PERMIT DEPOSIT: \$		FILING DATE:			
COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO. \$		MINOR PERMIT FEE: \$		TOTAL AMOUNT PAID: \$	
COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO. \$		TOTAL FEE: \$		RECEIPT NUMBER:	
APPLICATION NUMBER(S):					

Recommendation: Prior to submitting an application, discuss your project with Staff to discover what fees (sewer, water, in-lieu park fees, traffic impact fees, etc.) may be required for your project. Also, ask about street tree requirements, required sidewalk repairs, drainage issues, storm water mitigation requirements, frontage improvements, etc.

Project Description

Please attach a written project description including summary of work (both interior and exterior for construction and operation) and/or business proposed. The purpose of the project description is to assist Staff in understanding the project. The project description will also be included in the Staff Report required to review (and ultimately approve or deny) the planning permit. Providing complete information will help expedite the project review process and in determining what additional information, if any, related to the project and required environmental review is required.

Environmental Review and Reports

Please be aware that projects are required to comply with the California Environmental Quality Act (CEQA). Projects will be reviewed by Staff for compliance with CEQA and Staff will determine the appropriate CEQA document to prepare for the project (exemption, negative declaration, etc.). In order to make this determination, specific reports (traffic, arborist, soils, etc.) and or additional information may be required.

Use Information

Please provide the following information related to the use of the site and building:

Description of Building & Site			
Parcel Size:	Building Size:	Number of Floors:	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☐ Office (business/professional)			
☐ Office (medical/dental)			
☐ Retail			
☐ Light Industrial			
☐ Residential			
☒ Other:	goat pen	1000	
Operating Characteristics			
Days and Hours of Operation:			
Number of Shifts:	Days and Hours of Shifts:		
Number of Employees/Shift:			
Loading Facilities: ☐ Yes ☐ No	Type/Vehicle Size:		
Deliveries: ☐ Yes ☐ No	Type:	Number (day/week/month):	Time(s) of Day:
Outdoor areas associated with use? (check all that apply) ☐ Yes ☐ No	Sales area: ☐ Yes ☐ No Square Footage:	Unloading of deliveries: ☐ Yes ☐ No Square Footage:	Storage: ☐ Yes ☐ No Square Footage:
Noise Generating Use? ☐ Yes ☐ No	Description:		

To Be Completed by Staff

General Plan Designation:	Zoning District:	Airport Land Use Designation:
City's Architectural & Historic Inventory: ☐ YES ☐ NO	Age of Building:	Demolition Policy:
Hillside: ☐ YES ☐ NO	Flood Designation FIRM Map:	Flood Designation Floodway Map:
Tree Policies		
General Plan Open Space Conservation ☐ NO ☐ YES GOAL/POLICY #:		Community Forest Management Plan ☐ NO ☐ YES GOAL/POLICY #:
Landscaping and Streetscape Design Guidelines ☐ NO ☐ YES GUIDELINE #:		Commercial Development Design Guidelines ☐ NO ☐ YES GUIDELINE #:
Tree Protection and Enhancement Policy ☐ NO ☐ YES NOTES:		Tree Planting and Maintenance Policy ☐ NO ☐ YES NOTES:
UCC: Street Tree Policy, Purpose and Intent ☐ NO ☐ YES NOTES:		Other:
Notes		

Submittal Requirements

1. Items marked (X) are required for a complete application unless their deletion is approved by staff.
2. Other information may be required at the discretion of staff in order to fully evaluate the project and/or to conduct required environmental review for the project.
3. Please review the application packet prior to submittal to the City. Application packets that do not include the required materials may not be accepted for processing or may be deemed "Incomplete."

Submittal Document	Application Type								
	LLA/VM	GPA	PRELIM	REZ	REZ-PD	SDP	Sub/TM	UP	VAR
Project Description	X	X	X	X	X	X	X	X	X
Building Elevations (1)			X		X	X		X	X
Floor Plan			X		X	X		X	X
Grading and Drainage Plan and SUSMP (7)					X	X	X		
Landscape Plan (2)			X CONCEPT		X	X			X
Site Plan (3)	X	X	X	X	X	X		X	X
Details – Architectural						X			
Details – Fence					X	X		X	
Details – Sign					X	X		X	
Site Contours (4)					X	X	X		
Street Sections							X		
Tentative Map (6)							X		
Preliminary Title Report	X			X			X		
Colors & Materials Board			X CONCEPT		X	X			
Number of Plan Sets – Initial Submittal (5)									

- (1) **Building Elevations.** Drawing must include all elevations (front, rear, and sides) and identify materials and colors. One set of colored drawings is required.
- (2) **Landscape Plan.** Plan must show all proposed trees, shrubs, and ground covers. Location, size and species must be indicated.
- (3) **Site Plan.** Must be prepared to scale and include: a north arrow, all property lines, adjoining streets, creeks, ponds, drainage ditches, existing curb, gutter, and sidewalk, existing and proposed buildings (with square footage noted), parking spaces, all existing trees, existing and proposed fences, buildings on adjacent parcels, existing fire hydrants within 600- feet, access and utility easements (with widths), location and width of all easements (access, drainage, utility, etc.) location of existing and proposed trash enclosures, and the percentage of average slope of the property. Site contours may also be required (see table above).
- (4) **Site Contours.** When required, site contours should be indicated on the site plan and grading plan. A separate site contour plan is not required.
- (5) Staff will determine the number of plans needed for the initial submittal. Once the application is complete, the number of plans sets required for the public hearing will be determined by staff. Plans are required to be provided prior to the hearing.
- (6) See Minor Subdivision Submittal Requirements or Major Subdivision Submittal Requirements handout for Tentative Map requirements.
- (7) **SUSMP – Standard Urban Storm Water Mitigation Plan – Required unless specifically exempt (Consult with Public Works Staff)**

LLA – Lot Line Adjustment
 REZ – Rezoning
 TM – Tentative Map
 VAR – Variance

VM-Voluntary Merger
 REZ-PD- Rezoning to Planned Development
 Sub- Subdivision
 UP – Use Permit

Prelim – Preliminary Review
 SDP – Site Development Permit
 GPA- General Plan Amendment

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

Angel Schramer 10/30/2020

PROPERTY OWNER SIGNATURE DATE

I, Angel Schramer, am the ☒ owner / ☐ authorized agent of the property for which the development is proposed. The above information and attached documents are true and accurate to the best of my knowledge.
I have read and agree with all of the above.

I hereby authorize employees of the City of Ukiah, the City's authorized agents, and persons with review or decision making authority for the project to enter upon the subject property, as necessary, to inspect the premises, post notices, and process this application.

I understand that conditions of approval may be placed on my project by the city of Ukiah and it is my responsibility to fully understand the conditions and ask questions about them before action is taken on my planning permit.

Angel Schramer 10/30/2020

☒ OWNER / ☐ AUTHORIZED AGENT DATE

INDEMNIFICATION AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, and hold harmless the City of Ukiah, its agents, officers, council members, employees, boards, commissions or Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or annul any approval of the application or related decision, or the adoption or certification of any environmental documents or negative declaration which relates to its approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of it or in connection with the approval of the application or related decision, whether or not there is concurrent, passive, or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions of Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Ukiah shall have the right to appear and defend its interests in any action through its City Attorney or outside counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney of the City's outside counsel if the City chooses to appear and defend itself in the litigation.

I have read and agree to all of the above.

Angel Schramer

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(PLEASE PRINT NAME)

Angel Schramer 10/30/2020

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT DATE
(SIGNATURE)

Revised 08/19/2019

PLOT PLAN REQUIREMENTS



Your application must include a Plot (or "Site") Plan, printed on no greater than 11 x 17" paper. The information shown on the plot plan should be legible, comprehensive, drawn to scale, and must include any of the following items that may apply:

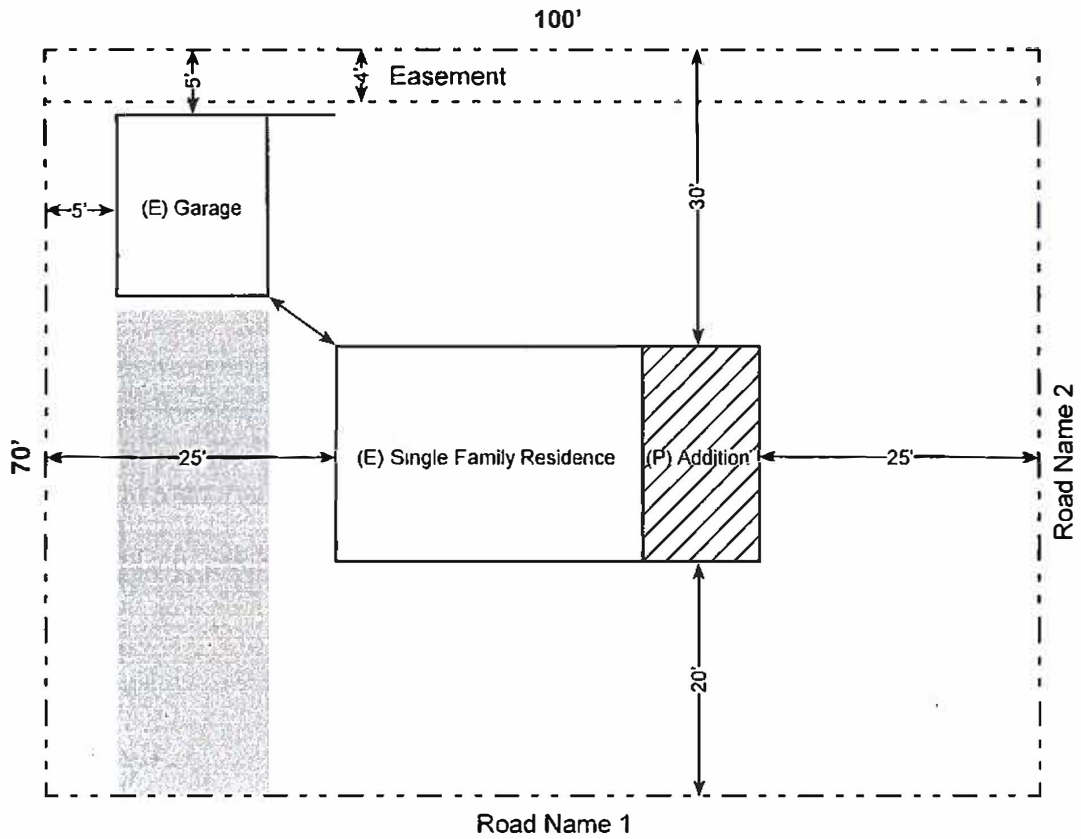
1. Property Owner's Name, Site Address, and Assessor's Parcel Number(s).
2. Legal Parcel Configuration clearly shown with all property boundaries, dimensions and acreage.
3. Adjacent streets and any access easements.
4. North Arrow and scale.
5. Proposed structure(s) or addition(s), including distance from property lines and other structures.
Example: *(P) Single Family Residence*
6. Any existing structures clearly labeled with use, and distance from property lines noted.
Example: *(E) Single Family Residence*
7. Driveways, Parking, and Loading areas. Parking space dimensions and setbacks from property lines must be shown.
8. Fences, retaining walls.
9. Existing and proposed septic systems/leach fields and wells, including distances from structures.
10. Easements and Utility lines (power, sewer, water, access etc...)
11. Finished and existing ground slope.
12. Drainage information.
13. Lakes, ponds or streams to be identified with names if appropriate. Setbacks from watercourse to proposed project.
14. Location of Floodplain/Floodway.
15. Location of any Signs and distances to property lines for commercial/industrial uses.

Plot Plans, which may not be acceptable:

- Portions of larger scaled plot plans
- Copies of plot plans used for previously approved permits, which may include redactions, previous approval signatures, and illegible notations.

Failure to include any of the required information may result in the rejection of your application, the delay of processing your building permit application, or invalidate your approved building permit.

SAMPLE PLOT PLAN



Applicant's Name
123 Road, Ukiah
APN: 000-000-00-00



Schramer Livestock Permit

Two goats will be housed within a 1000sq ft pen on the back, south western side of the 16,000sq ft property. The animals will be used as companion animals (not of value as livestock) for the remainder of their lives. The pen is deep cleaned once a week and maintained daily. Their bedding and manure is cleaned up thoroughly and put into a receptical for disposal. The animals water is changed every other day or as deemed necessary, they are fed alfalfa daily and get lots of grains and vegetable scraps, on top of other healthy treats. The animals are very quiet and calm animals as they are weathered, debudded and elderly. The primary caregiver of the animals is myself (Angel Schramer) but the animals are cared for as a family; my children are involved with 4H for homeschooling purposes and FFA through the Ukiah Highschool. As the property owners adjustments as needed to our property to increase value and maintain the health and safety of our animals. The animals do not create a nuisance, they are quiet, they do not jump, they are non-aggressive, they do not smell, are regularly wormed and vaccinated, and help deter vermin and obnoxious plant species from encroaching onto our property and clear vegetation that could potentially create fire hazards. They are not visible to any neighbors as we have continuously progressed our fencing, we use fly traps commonly used in livestock pens and change them out once a month. Our property does not create runoff into anyones yards as the slight decline would bring runoff into my own yard if anything. There is nothing for them to climb on, and they are confined to their own area which provides open roaming area and a suitable covered shelter.

UKIAH CITY
Hansen Subdivision C1 OF P1008

3-031

2-01



ORDINANCE NO. 1206

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 5, CHAPTER 2 OF THE CITY CODE TO DESIGNATE THE ENTITY AUTHORIZED TO MAKE DETERMINATIONS ON LIVESTOCK PERMITS.

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE.

Division 5, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§4200 KEEPING LIVESTOCK WITHIN CITY LIMITS PROHIBITED WITHOUT PERMIT

It shall be unlawful for any person, firm, or corporation to keep, harbor or maintain, or cause, permit or suffer to be kept, harbored or maintained within the corporate limits of the City any cow, bull, calf, horse, mule, jennie, jack, burro, sheep, goat, swine or any other livestock without then and there having a valid permit in writing issued by the Zoning Administrator of the City under the provisions of the Chapter.

§4201 APPLICATION FOR PERMIT

Any person, firm or corporation required to have a permit under the provisions of this Chapter shall make application for the same to the Zoning Administrator of the City. Such application shall be in writing and signed by the applicant and shall contain the following:

- A. The name and address of the applicant.
- B. The type and number of such animals.
- C. The place where such animals are intended to be kept.
- D. The length of time such applicant intends to keep such animals at such place.
- E. Such other information as may be required by the Zoning Administrator for the enforcement of the provisions of this Chapter.

§4202 ZONING ADMINISTRATOR TO INVESTIGATE CONDITIONS; STANDARDS

Upon receipt of an application for a permit required under this Chapter the Zoning Administrator shall make an investigation to determine if the keeping of such animals as requested in the application would create or continue any of the following conditions:

- A. Create a hazard to public health or safety; or,

- B. Constitute a public or private nuisance; or,
- C. Otherwise seriously and injuriously affect living conditions or property values in adjacent or neighboring properties

§4203 ISSUANCE OF PERMIT; FORM; CONDITIONS

If the Zoning Administrator finds that none of the conditions set forth in §4202 are present, or would be present in the event the application were granted, it shall issue to the applicant the permit requested. The permit may be unconditional or may contain such conditions as are deemed necessary by the Zoning Administrator. The permit shall be in such form as prescribed by the Zoning Administrator and shall be signed by an authorized member thereof. It shall be nontransferable and shall be valid only for the location stated in the permit.

§4204 DURATION OF PERMIT; TERMINATION OR MODIFICATION; NOTICE TO PERMITTEE

The permit shall continue until modified or terminated, and the same way be modified or terminated at any time whenever in the opinion of the Zoning Administrator the circumstances have changed so as to cause any of the conditions set forth in §4202 to be present. At least ten (10) day's notice in writing shall be given the permittee prior to any modification or termination becoming effective. Placing such notice in the regular U.S. Mail, postage prepaid, and addressed to the permittee at the address appearing on the application shall constitute such notice. Permittee shall at all times keep the Zoning Administrator informed of any change in his address, and in the event of notification of such change such notice shall be given to permittee at such changed address rather than the address appearing in the application.

§4205 REFUSAL TO ISSUE PERMIT

If the Zoning Administrator finds that any one or more of the conditions set forth in §4202 are present, or would be present in the event the application were granted, it shall refuse to issue the permit requested, and shall notify the applicant of such action and the reason therefor.

§4206 ADMINISTRATIVE HEARINGS

In any case where an applicant for a permit, a permittee, or any other interested person is dissatisfied with any determination of the Zoning Administrator relative to the presence or absence of any of the conditions mentioned in section 4202 of this code, or is aggrieved by any decision of the Zoning Administrator with respect to the issuance, modification or termination or refusal to issue, modify or terminate any permit required by this chapter, such person may apply for a hearing before the Hearing Officer of the City. Such hearing shall be held within fifteen (15) days from the date of filing the application for hearing, unless continued at the request of the appellant. Notice of the time and place of hearing shall be given the appellant, and he shall be entitled to appear in person or by counsel and present evidence. In the event such a hearing is requested by other

than an applicant or permittee, any applicant or permittee affected thereby shall be given the same notice and shall have the same rights to appear and present evidence as the person requesting the hearing.

The Hearing Officer shall hear and consider evidence presented at such hearing, and shall decide the issue based upon the evidence presented. A decision must be rendered in writing by such Hearing Officer within ten (10) days from the date of hearing, and a copy of any such decision shall be furnished to the person requesting the hearing, and affected applicant or permittee, and any other interested person requesting the same. The decision may reverse, affirm or modify any action of the Zoning Administrator, and may provide such other determination as the Hearing Officer may deem appropriate.

* * *

SECTION TWO.

A new Section 4211 shall be added to Chapter 2 in Division 5 of the Ukiah City Code and shall read as follows:

§4211 DEFINITIONS

Unless the context otherwise requires, the following terms shall have the following meanings when those terms are used in this Chapter.

HEARING OFFICER. An individual appointed by the City Council to hear and decide appeals of certain decisions made by City officials and entities, as defined further in Section 23 of this Code.

SECTION THREE.

1. Publication: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.

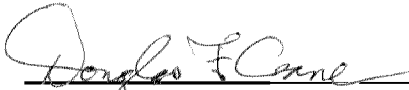
3. Effective Date: The ordinance shall become effective thirty (30) days after its adoption.

Introduced by title only on September 2, 2020, by the following roll call vote:

AYES: Councilmembers Mulheren, Brown, Scalmanini, Orozco, and Mayor Crane
NOES: None
ABSENT: None
ABSTAIN: None

Adopted on September 16, 2020, by the following roll call vote:

AYES: Councilmembers Mulheren, Brown, Scalmanini, Orozco, and Mayor Crane
NOES: None
ABSENT: None
ABSTAIN: None



Douglas F. Crane, Mayor

ATTEST:



Kristine Lawler, City Clerk

From: Leslie H. Smyth <lesliehyattsmyth@gmail.com>
Sent: Sunday, December 6, 2020 11:55 AM
To: Mireya Turner
Subject: Schramer goats

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I live at 154 Gibson St. and thus received notice about Angel Schramer's application for two resident goats. Since I am unable to attend the hearing on Dec. 21, I wanted those concerned to know I have no objection to two goats moving in at 1070 N Oak.

Leslie H Smyth

Sent from my iPhone

Mireya Turner

From: Charlene Light <charlenelight@gmail.com>
Sent: Monday, December 21, 2020 1:43 PM
To: Meeting

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I have a comment to make regarding the goats on Oak Street. I believe that for city residents to have livestock residing on their property they should receive permission from the neighbors who will be affected. There should also be a minimum distance required from the neighbor's property line. The city should also revisit what they consider as livestock vrs pets.

Charlene Light
Ukiah resident

Mireya Turner

From: roody@pacific.net
Sent: Monday, December 21, 2020 1:58 PM
To: Mireya Turner
Subject: comments on livestock permit

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please enter these comments into the record of the hearing for 1070 N. Oak St. Thank you.
The photos were sent earlier today to Ms. Turner.

Mr. and Mrs. Schramer have been illegally keeping goats at 1070 N. Oak Street for six months, with the City's permission. I have lived at 1060 N. Oak St. since June 1999. Anyone thinking of living in or buying residential property in Ukiah needs to know that the City can and will allow your neighbors to keep livestock.

The Schramer family or their ancestors have lived next door to me for 21 years.

Ukiah municipal code section 4202 states that the zoning administrator shall make an investigation. Has this already happened? Please post the report of such an investigation. Do the Schramers follow local laws for animal care? Is their dog properly licensed and vaccinated? Did someone inspect my yard when I was not home? Was the investigation more thorough than the code enforcement visit in July that left logs next to my six-foot fence that the goats could scale? (photo attached) Does the report include the history of police and fire calls to 1070 N. Oak St?

In spite of the fact that the goats at 1070 N. Oak Street present a private nuisance, a possible hazard to my and my pets' health and safety, and lower my property value, I support the issuance of this permit with some conditions. One is that all animals kept at 1070 N. Oak Street be treated humanely, kept warm, safe, and dry. Second is the goats are to be in an enclosure that keeps them out of my dogs' sight and out of my yard.

In June, the goats were put in a pen in sight of my dogs. This excited my dogs and still does. The goats want to engage my dogs. I covered most of the fence with very cheap panels so my dogs could relax. This material will likely not last one winter. It is the owners' job to enclose their goats properly. In our community property state, the goats belong to Mr. Schramer and Mrs. Schramer.

I have seen Mr. Schramer punch his dog in the face. I did report this to the police, and I was told I would need video to make a case. I have heard the dog being hit and screamed at many times in the last eight years. I have heard it growl back at Mr. Schramer. This is an unsafe situation.

Unlike Cloverdale, Santa Rosa, and Petaluma, Ukiah does not have standards of humane and healthy animal care. A pet needs a warm place to live, sheltered from cold and rain. Mr. and Mrs. Schramer's dog does not have this. This short-haired dog sleeps on a pile of fabric in the cold.

Please see photo taken Dec 10 at 7:15 a.m. It was 33 degrees. Please see photo of the dog after days of rain, taken December 13. I saw a professional dog-walker offer the Schramers a dog bed. It was in her hands, and they said no. Fifteen years ago, I offered them a dog house and they said no.

The goats smell bad and attract biting flies. This is a lesser nuisance than other nuisances from 1070 N. Oak Street. The machine or auto shop there works almost every night. The machines make noise. The loud vehicles intermittently make even more noise. But the worst nuisance is Mr. Schramer screaming at his family, calling them names and using the F word as much as possible. This home has a history of police calls and screaming fights.

Mr. and Mrs. Schramer have already lowered my property value. I will be obligated to inform any potential buyer that they will be living next to an auto or machine shop that runs day and night, they will hear adults screaming the F word at children, pets, and each other. They will smell goats, have more flies, and potentially be exposed to disease due to runoff. Because of this I will not build an ADU (adjunct dwelling unit.) My comfort in my warm bed is always marred by the knowledge that poor Buddy, the dog next door is sleeping in the cold and rain. The goats are the lesser nuisance of all these conditions.

I support the livestock permit with the conditions that all animals at 1070 N. Oak Street are kept safe, healthy, warm, and dry.





