



Regular Meeting **AGENDA**

To participate in the virtual Zoom meeting click on the following link:
<https://us06web.zoom.us/j/84223420512>

Meeting ID: 842 2342 0512

Passcode: 558615

April 12, 2022 - 10:00 AM

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 April 22, 2022 at 5:00 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. Approval of January 19, 2022, Zoning Administrator Minutes-Draft

Recommended Action: Review and approve the January 19, 2022, Zoning Administrator Minutes

Attachments:

1. Zoning Administrator Minutes_20220119_Draft

6. **SITE VISIT VERIFICATION**

7. **PUBLIC HEARING**

- #### 7.a. Request to Renew the Existing Wine Country Cannasseurs Cannabis Microbusiness (Cultivation, Distribution & Dispensary/Retail) Use Permit at 270, 272 & 274 East Smith Street; APN 002-191-23; File No. 22-6874.

Recommended Action: Staff recommends the Zoning Administrator approve the Use Permit renewal, based on the Findings in Attachment 1 and subject to the Conditions of Approval in Attachment 2.

Attachments:

1. WCC_UP Renewal_Staff Report
2. WCC_UP Renewal_Draft Findings
3. WCC_UP Renewal_Draft Conditions of Approval
4. WCC_UP Renewal Application
5. WCC_UP Renewal_Police Department Comments
6. WCC_UP Renewal_Public Comments Received as of 040522

- 7.b. Request to Renew the Existing Vibe Ukiah, LLC Cannabis Manufacturing and Dispensary/Retail Use Permit at 441 North State Street; APN 002-186-19. File No. 22-6846.

Recommended Action: Staff recommends the Zoning Administrator approve the Use Permit renewal, based on the Findings in Attachment 1 and subject to the Conditions of Approval in Attachment 2.

Attachments:

1. Vibe_UP Renewal_Staff Report
2. Vibe_UP Renewal_Draft Findings
3. Vibe_UP Renewal_Conditions of Approval
4. Vibe UP_Renewal Application
5. Vibe UP Renewal_Police Department Comments

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 24 hours prior to the meeting set forth on this agenda.

Michelle Irace, Planning Manager
April 5, 2022

CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Meeting Held Remotely through Teleconference
January 19, 2022
10:00 a.m.

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Mireya Turner, Planning Manager

OTHERS PRESENT

Hrant Ekmekjian

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:01 a.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 January 31, 2022, at 5:00 p.m.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. APPROVAL OF MINUTES – December 21, 2020

Zoning Administrator Craig Schlatter approved the Minutes of November 15, 2021, with the correction of noted typographical errors.

6. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter stated he had not performed a site visit due to the lack of requested changes to the project, and the lack of concern from the Ukiah Police Department.

7. PUBLIC HEARING

- a. Consideration of Proposed Annual Renewal of Previously Approved Dispensary Use Permit for Ukiah Valley Holistics dba Cannavine; located at 1230 Airport Park Boulevard, Suite C (APN 180-080-81)

Planning Manager Mireya Turner presented the staff report.

Zoning Administrator Schlatter opened the public hearing at 10:19 a.m. and Hrant Ekmekjian spoke. There was no one else present wishing to speak and the public hearing was closed at 10:21 a.m.

Zoning Administrator Craig Schlatter approved the renewal of the Cannabis Retail/Dispensary Use Permit for Ukiah Valley Holistics, Inc. dba Cannavine, located at

1230 Airport Park Boulevard; APN 180-080-81; based on the Findings and subject to the Conditions, in the staff report, dated January 12, 2022, with an expiration date of October 3, 2022.

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:24 a.m.

DRAFT



DATE: April 5, 2022
TO: Zoning Administrator
FROM: Michelle Irace, Planning Manager
SUBJECT: Request to Renew the Existing Wine Country Cannasseurs Cannabis Microbusiness (Cultivation, Distribution & Dispensary/Retail) Use Permit at 270, 272 & 274 East Smith Street; APN 002-191-23; File No. 22-6874.

SUMMARY

PROPERTY OWNER(S): Rob Gitlin
APPLICANT: Jay Donnellan, JPJ & Associates, LLC, dba Wine Country Cannasseurs
LOCATION: 270, 272 & 274 East Smith Street; APN 002-191-23
TOTAL ACREAGE: ±0.63 acre (27,442 sf)
GENERAL PLAN: Commercial (C)
ZONING DISTRICT: General Urban (GU), Downtown Zoning District
AIRPORT COMPATABILITY ZONE: 4 (Outer Approach/Departure) and 6 (Traffic Pattern)
ENVIRONMENTAL DETERMINATION: Project is exempt from further environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15061, Review for Exemption (b)(3)
RECOMMENDATION: Conditional Approval (see Draft Findings in **Attachment 1** and Draft Conditions of Approval in **Attachment 2**)

BACKGROUND

On February 12, 2020, the Planning Commission granted approval of a Major Use Permit (File No. 19-4635) to Jay Donellan of Wine Country Cannasseurs to allow a cannabis microbusiness within three suites of an existing commercial structure located at 270, 272 & 274 East Smith Street. The approved Use Permit also includes approval of a Major Exception to seek relief from the six-foot fence height regulation listed in the Downtown Zoning Code to allow an eight-foot fence. In addition, the applicant received City Council approval (October 2, 2019) for a waiver from the Location Limitations listed in §9174 of the Ukiah City Code (UCC) to allow the business to locate within proximity of an existing youth-oriented facility (church) and adjacent residential use (mobile home park). The microbusiness is not yet operational. However, per UCC §5704 and §9174.2, cannabis Use Permits have a one-year term from the time they are issued, after which they may be renewed subject to staff review and approval by the Zoning Administrator. The Use Permit was last renewed on February 16, 2021 (No. 21-5910).

PROJECT DESCRIPTION

An application was received from Jay Donnellan, JPJ & Associates, LLC, dba Wine Country Cannasseurs, for renewal of the Use Permit. No changes to the previously approved Use Permit, or associated approved plans are proposed. All original Conditions of Approval are applicable to the proposed renewal, and will remain in effect. Application materials are included as **Attachment 3**.

SETTING & SURROUNDING LAND USES

The project parcel is positioned between North Main Street and Mason Street. The railroad tracks are approximately 360 ft east of the parcel. Gibson Creek crosses the parcel in a box culvert below the building. The parcel carries a General Plan Land Use designation of Commercial and is within the Downtown General Urban (GU) Zoning District. The project site is surrounded by parcels zoned Community Commercial, and General Urban. The following uses are directly adjacent to the parcel. See **Figure 1** for an aerial image of the site and **Figure 2** for the zoning designation map.

	ZONING:	USE:
NORTH	Community Commercial	Mobile Home Park
EAST	Community Commercial	Office Supply/Services Store
SOUTH	General Urban	City Parks storage parking lot
WEST	General Urban	Church and Nutrition and Fitness Center

Figure 1. Aerial Map

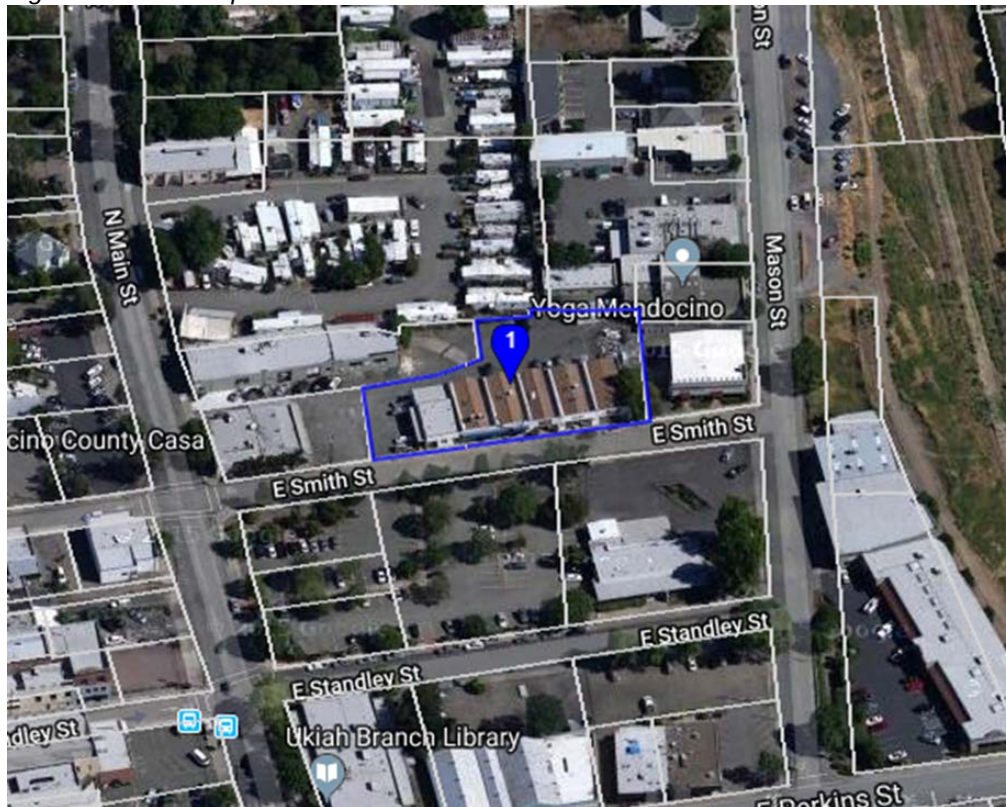
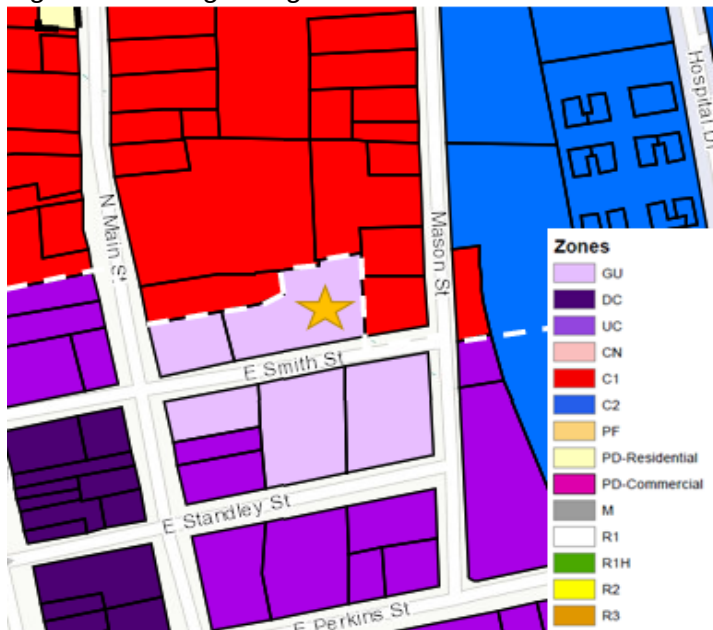


Figure 2. Zoning Designation



Staff Report
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
File No.: 22-6874

AGENCY COMMENTS

The permit renewal application was sent to the Ukiah Police Department for review and comment. The Police Department reported no significant issues associated with the business or location (see **Attachment 4**). The Use Permit renewal is subject to all original Conditions of Approval. No new Conditions of Approval are proposed (see **Attachment 2**).

STAFF ANALYSIS

General Plan and Zoning Consistency

Use. The parcel carries a General Plan Land Use designation of Commercial (C) and is zoned General Urban (GU) within the Downtown Zoning Code. Per UCC §9215, cannabis related businesses including microbusinesses are allowed in GU zoning districts with approval of a Major Use Permit. Pursuant to §5704 and §9174.2 of the City Code, cannabis Use Permits expire one year from the date of issuance. In determining whether to renew a cannabis Use Permit, the Zoning Administrator must consider specific criteria. Renewal criteria, as well as Staff's analysis of consistency are included in Table 2 below. Information from the Police Department has been included in the analysis (see **Attachment 4**); no additional requirements have been suggested.

Table 2: Criteria for Permit Renewal	
Criteria	Staff Analysis
1. Whether the business operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.	The microbusiness is not operational. According to the Police Department there have been no calls for service this year (2022) at the location and there were four calls for service in the 200 block of E. Smith St. last year (2021). As noted in the list of service calls in Attachment 4 , 2021 calls in the area included two alarms, one traffic stop and one trespass call that do not appear to be related to the business. The Police Department stated that there have not been significant numbers of crimes or arrests in the area.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.	The project location is not identified as having excessive public nuisance impacts or crime issues, based upon crime reporting statistics as maintained by the Police Department.

3. Whether the dispensary & cannabis related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter.	The microbusiness is not operating yet, but all measures have been incorporated into the approved operating and security plans to ensure compliance with state and local regulations. No changes to the approved plans are proposed.
4. Whether the dispensary and cannabis related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.	All applicable fees have been paid.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.	The application appears to be true and accurate to the best of staff's knowledge.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.	All current owners and employees of the business have been finger printed and subject to a Live Scan background process. The Police Department has not been notified of any criminal activity associated with the applicants or employees. In their application, the applicant notes that a change in management and/or ownership may be proposed in the future. However, this change is not proposed at this time. All persons associated with future changes in staffing and ownership will be required to obtain a successful Live Scan from the Police Department.
7. Whether the renewal applicant or dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Planning Division and Police Department Staff are unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7A. That the dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the Adult Use of Marijuana Act (AUMA), the Medicinal	The Use Permit is consistent with the City Code which is consistent with related State law. In addition, the applicant is required to

and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.	obtain a State license to operate the microbusiness.
7B. 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).	See renewal criteria #1 above.
7C. 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 renewal criteria #1 above.
7E. 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.	All application materials have been provided. However, microbusiness (including the dispensary) is not operational.
7F. 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 on time and applicable reporting requirements have been met.
7G. 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.	As noted in the Background section of this Staff Report, on October 2, 2019, the City Council approved a waiver from the Location Limitations listed in UCC §9174.F.1 due to the proximity of the existing adjacent youth-oriented facility (church), and the residential use (mobile home park). The project site meets all other location requirements and regulations intended to address nuisance issues.
7H. 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	The approved site plan, floor plan, security plan, and operations plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been suggested by the Police Department.

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.	
7I. 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.	Planning Division and Police Department Staff are not aware of any violations by the owner, operator or employees of the business.
7J. 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.	The approved site plan, floor plan, security plan, and operations plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been suggested by the Police Department.
7K. 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 determination was made in the analysis of the original Use Permit that the proposed microbusiness would not have an adverse effect on the neighborhood. Operations have not begun, but as previously discussed, no significant issues have been reported by the Police Department at this location.
7L. 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.	All original Conditions of Approval apply to the Use Permit renewal and none have been violated.
7M. That the applicant has not violated any local or State law, statute, rule or regulation	All original Conditions of Approval apply to the Use Permit renewal and none have been violated.

respecting the distribution, possession, or consumption of marijuana.	
7N. 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.	Planning Division and Police Department Staff are not aware of any false statements of material fact in the permit application.
7O. 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.	Planning Division and Police Department Staff have not been notified of any criminal activity associated with the applicants or employees.
7P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Planning Division and Police Department Staff are unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7Q. 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 subsection 9198F1 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 subsection 9198B1 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 subsection 9198G3 of this code.	16 total off-street parking spaces are provided for the project; parking was determined to be adequate when reviewing the original Use Permit.

The approved dispensary and microbusiness are consistent with Division 6, Chapter 8, *Cannabis Retailers* and Section 9174.2, *Cannabis Related Businesses*, of the Ukiah City Code. Based on

the above analysis, Staff finds all criteria to issue the Use Permit renewal has been met. Findings for approval are included in **Attachment 1** and Conditions of Approval are included in **Attachment 2**.

ENVIRONMENTAL DOCUMENTATION

The original Use Permit and project were found to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities, and a Notice of Exemption was filed with the County Clerk.

CEQA Guidelines Section 15061, Review for Exemption (b)(3), states that a project is exempt from CEQA if “The activity is covered under 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”.

Because the project involves renewal of an existing Use Permit, and does not propose any changes to the Use Permit, the existing building, or operations of the approved project, it can be said with certainty that there is no potential for the project to result in an impact to the environment.

NOTICE

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9262(C). Public comments received as of the date of this Staff Report are included in **Attachment 5**.

- Published in the Ukiah Daily Journal on April 2, 2022;
- Posted on the Project site on March 29, 2022;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the project parcel on March 29, 2022.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the Use Permit renewal, based on the Findings in Attachment 1 and subject to the Conditions of Approval in Attachment 2.

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials
4. Comments from the Ukiah Police Department
5. Public Comments Received as of the date of this Staff Report

Staff Report
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
File No.: 22-6874

**DRAFT FINDINGS FOR
RENEWAL OF AN EXISTING CANNABIS MICROBUSINESS
(CULTIVATION, DISTRIBUTION & DISPENSARY/RETAIL) USE PERMIT
AT 270, 272 & 274 EAST SMITH STREET
APN 002-191-23. FILE NO. 22-6874**

The following findings are supported by and based on information contained in the approved Major Use Permit (File No. 19-4635), as well as well as information contained within this Staff Report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262, 5704 and 9174.2

1. The project, as conditioned, is consistent with the goals and policies of the General Plan for commercial and economic development.
2. The project, as conditioned, is consistent with Division 6, Chapter 8, *Cannabis Retailers*, and Section 9174.2, *Cannabis Related Businesses*, of the Ukiah City Code. Based on the analysis and information contained within this Staff Report, staff finds all criteria to issue the Use Permit renewal has been met.
3. Pursuant to City Code Sections 5704 and 9174.2, the proposed renewal was reviewed by Planning Division staff and the Police Department; it has been determined that the criteria for renewal of a dispensary Use Permit has been met.
4. The approved Use Permit was determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare. No changes to the approved project or Use Permit are proposed.
5. The original Use Permit and project were found to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities, and a Notice of Exemption was filed with the County Clerk.

CEQA Guidelines Section 15061, Review for Exemption (b)(3), states that a project is exempt from CEQA if "The activity is covered under 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".

Because the project involves renewal of an existing Use Permit, and does not propose any changes to the Use Permit, the existing building, or operations of the approved project, it can be said with certainty that there is no potential for the project to result in an impact to the environment.

A notice of public hearing was provided in the following manner, as required by UCC §9262(C):

- Published in the Ukiah Daily Journal on April 2, 2022;
- Posted on the Project site on March 29, 2022;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the project parcel on March 29, 2022.

Based on the above analysis, the findings required for annual renewal of the cannabis Use Permit can be made.

**DRAFT CONDITIONS OF APPROVAL FOR
RENEWAL OF AN EXISTING CANNABIS MICROBUSINESS
(CULTIVATION, DISTRIBUTION & DISPENSARY/RETAIL) USE PERMIT
AT 270, 272 & 274 EAST SMITH STREET
APN 002-191-23. FILE NO. 22-6874**

This annual renewal of a cannabis Use Permit is granted to Jay Donnellan, JPJ & Associates, LLC, dba Wine Country Cannasseurs. This permit is valid for one-year and shall expire on April 12, 2023. The Conditions of Approval from the original approved Major Use Permit (File No. 19-4635) shall be applicable to the renewal and will remain in effect.

The cannabis Use Permit is subject to the following Conditions of Approval.

From the Planning Division

1. Approval is granted to allow the operation of a microbusiness as described in the application and operational documents approved by the Planning Commission on February 12, 2020. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.

Conditions of Approval from the original Use Permit (File No. 19-4635) are listed below.

City of Ukiah Special Conditions

1. No consumption of cannabis or cannabis-related products shall occur on-site.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
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7. 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.
8. The business is required to obtain a City of Ukiah business license prior to occupancy.
9. Storage of outdoor cargo containers is not authorized with this permit, and shall be removed prior to commencing operations.
10. Cypress trees shall be planted outside of the five foot (5') utility easement.
11. The seven foot (7') sheet metal fence shall be similar in character and design, to the fencing currently along the mobile home park boundary. Cypress trees shall be planted along the portion of the parcel boundary adjacent to the mobile home park only, on both sides of the fence.
12. Permittee shall maintain the cypress trees on the project parcel in accordance with the City of Ukiah's Tree Management Guidelines.

City of Ukiah Standard Conditions

13. This approval is not effective until the 10-day appeal period applicable to this Major Use 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.
14. All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the multi-family project and ancillary site improvements approved by the Site Development Permit.
15. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
16. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Planning Commission such standards shall be met.
17. Building permits shall be issued within two years after the effective date of the planning permit shall be null and void.
18. 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.
19. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
File No.: 22-6874

20. 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.
21. All fees associated with the project planning permits and approvals shall be paid in full prior to occupancy.
22. 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

23. 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.
24. Existing sewer laterals planned to be utilized as part of this project shall be cleaned and tested, and repaired or replaced if required.
25. Sewer connection fees shall be paid at the time of building permit issuance.

Electric Utility Department Conditions

26. This property will be served from Overhead power lines and existing transformer bank.
27. Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart before the panel can be used on this project.
28. 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.
29. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).
30. There shall be an easement provided to the EUD for any electric service that transverses through the property. Or around any City owned Electric equipment.

Building Department Conditions

31. Prior to issuance of building permits and prior to commencing operations, expired Permit #721 to convert commercial space to residential space must be closed, with a completed department inspection of the premises to confirm Unit #262 has no residential use.
32. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed
33. 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

Conditions of Approval
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
File No.: 22-6874

Ukiah Police Department Conditions

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

34. 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.
35. 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.
36. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
37. 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 Permittee shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience.
38. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.
39. 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.
40. All applicable state and local licenses or permits shall be displayed in the lobby or waiting area of the main entrance to the building.
41. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry. Doors, including loading dock doors, shall remain locked at all times, except for emergencies and deliveries.
42. Bollards shall be installed along the frontage and rear of the suite used for indoor cultivation, to prevent vehicle penetration. Permittee shall coordinate with the Public Works Department and Building Division regarding the installation.
43. Permittee is responsible for reasonably controlling the conduct of persons on the site, and shall immediately disperse loiterers.
44. Security personnel shall arrive on-site no less than 30 minutes before opening, and remain 30 minutes after closing of all areas of the microbusiness.
45. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
46. Report any graffiti to UPD at (707) 463-6262. After reporting, clean-up/paint over as soon as possible.
47. Property shall be kept free of debris/garbage.

48. Permittee shall install "No Trespassing" and "Authorized Personnel Only" signs at the fenced/gated areas.
49. Dumpsters shall be kept locked or within locked enclosures to limit unauthorized dumping or scavenging.
50. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
51. Height markers shall be installed on the interior doorways and front door entrance.
52. 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.
53. Contacts on roll up doors and roof hatches shall be included in the Intrusion Detection System.
54. Exterior lighting shall be shielded or otherwise designed to avoid spill-over illumination to adjacent streets and properties.
55. All exterior electrical outlets shall have locking mechanisms, or be decommissioned for non-use to limit illegal usage.
56. Any exterior water faucets shall have a locking box cover or be decommissioned for non-use to limit illegal usage.
57. Exterior lighting shall be white light using LED lamps with full cutoff fixtures to limit glare and light trespass. Color temperature shall be between 2700K and 4100K with a color rendering index of 80 or better and a light loss factor of .95 or better, with an efficiency of 110 lumens per watt or better.
58. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
59. Tree canopies shall not interfere with, or block lighting.
60. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval of the Ukiah Police Department.
61. 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

62. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
63. Main entry door must swing in direction of egress travel "out".
64. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
65. 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.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Wine Country Cannasseurs
270, 272 & 274 East Smith Street
File No.: 22-6874

66. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
67. Fire sprinkler system shall be maintained and modified as necessary.
68. All exits shall be clearly marked. Means of egress shall be illuminated when the building space is occupied (CFC §1008.2).
69. 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).
70. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress (CFC 1008.3).
71. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshal.
72. The business permittee shall provide the Fire Department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager for emergency contact.

Mendocino County Air Quality Management District Conditions

73. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction.
74. Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:
 - Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
 - Portable diesel powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
 - Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
 - Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.
75. Demolition/Renovation Projects- All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject to the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.
 - Prior to receiving a Demolition / Renovation Permit from the Planning & Building Agency the applicant is required to:
 - 1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
 - 2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,
 - 3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.

- 4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.



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: Wine Country Cannasseurs: Major Planning Permit #21-6874					
PROJECT ADDRESS/CROSS STREETS: 270, 272, 274 East Smith Street, Ukiah, CA				AP NUMBER(S): 002-191-23	
APPLICANT/AUTHORIZED AGENT: Jay Donnellan		PHONE NO: 707-889-3987		FAX NO: N/A	
				E-MAIL ADDRESS: WineCountryCannasseurs@gmail.com	
APPLICANT/AUTHORIZED AGENT ADDRESS: 2727 Beecham Street			CITY: Napa		STATE/ZIP: CA, 94558
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Robert Gitlan		PHONE NO: 707-671-4335		FAX NO: N/A	
				E-MAIL ADDRESS: RobGitlin@hotmail.com	
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT 7221 Evan Avenue			CITY: Sebastopol		STATE/ZIP: CA, 95472
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☒ YES ☐ NO					
Prior Approval of Major Planning Permit #P4635. 2021 Renewal granted.					
☐ 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 Renewal	\$ 1,000
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:	
Major Permit #P4635 APPLICATION NUMBER(S): File # 19-4635					

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.

See Attached

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.

See prior application

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	See Major Planning Permit #P4635		
☐ Light Industrial			
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation:	Not Yet Operational		
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

I, Robert Gitlin, owner authorize Jay Donnellan 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).

 2/14/22

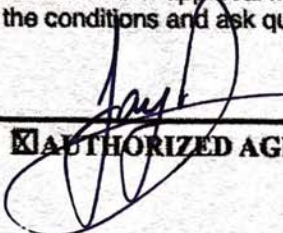
PROPERTY OWNER SIGNATURE DATE

I, Jay Donnellan, 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.

 2/14/22

☐ 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.

Jay Donnellan

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

 2/14/22

☐ PROPERTY OWNER / ☒ AUTHORIZED AGENT
(SIGNATURE) DATE



Tully & Weiss
Retired
Attorneys at Law

713 Main Street, Martinez, CA 94553
ph.: (925) 229-9700 * fx.: (925) 231-7754

February 28, 2022

Mireya Turner
Planning Manager
300 Seminary Ave,
Ukiah, CA 95482
(707) 463 - 6203
mturner@cityofukiah.com

Re: Major Planning Permit #P4635 Renewal
Project Description - Update

Dear Mireya Turner,

Wine Country Cannasseurs hereby submits this Planning Permit Application in order to renew Major Planning Permit #P4635, File No. 19-4635, which was approved on February 15, 2020, and granted a renewal in 2021.

Currently, the approved cannabis microbusiness, with cultivation, distribution, and retail/storefront uses is not operational. Due to continued delays resulting from the COVID-19 pandemic, the build out of the project is not yet complete.

At this time, we request that Major Planning Permit #P4635 be renewed as it stands.

It is contemplated that there will be a new owner added to the permit in the coming months. Crystal Brodeur is presently in negotiations with Wine Country Cannasseurs and is beginning the process of completing her LiveScan background check.

While Wine Country Cannasseurs plans on adding Ms. Brodeur as a new Owner/Manager, the addition has not yet been formally completed. Wine Country Cannasseurs will submit the appropriate documentation when any individuals, Ms. Brodeur or otherwise, are to be added to our team.

If you have any questions, concerns, or need any further information, please do not hesitate to contact me.

Very truly yours,

Ashley Bargenquast
Compliance Attorney for Wine Country Cannasseurs



Noble Waidelich
Chief of Police

To: Michelle Irace, Mireya Turner, Jesse Davis
CC: Chief Waidelich
From: Cedric Crook
Subject: Wine Country Cannasseurs, Renewal of Major Use Permit #22-6874
Date: 3/16/2022

In response to your email, per 5704 and 9174.2 the responses are listed below under each section in bold;

1. Whether the cannabis-related business operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the cannabis-related business.
There have been no calls for service at this location within the past year.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct. **No. There were a total of 4 calls for service last year in the 200 block of E. Smith St.**
3. Whether the cannabis-related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter. **The police department is not aware of any inadequate safeguards or procedures that would show it is likely that it will not comply with the operating requirements and standards in this chapter.**
4. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.
The police department is not aware of the business having failed to pay fees, penalties, or taxes or has failed to comply with the production of records or reporting requirements.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.
The police department is not aware of the permittee having provided a false statement of material fact or has knowingly omitted a material fact.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.



Noble Waidelich
Chief of Police

The police department is not aware the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant of being 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. It should be noted the police department only has 2 people associated with the business who have been live-scanned. We have live-scan records for Jay Donnellan and Jamie Fimbres.

7. Whether the renewal applicant or cannabis-related business has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

The police department has not been notified of the applicant/business engaging in unlawful, fraudulent, unfair, or deceptive business acts or practices.

7A. That the Cannabis-related Business Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the Adult Use of Marijuana Act (AUMA), the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business.

7B. That the project location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

There have been no calls for service at this location within the past year. There were 4 calls for service in the 200 block of E. Smith St. in the past year.

7C. That there have not been significant numbers of calls for police service, crimes or arrests in the area.

There has not been a significant number of calls for police service, crimes or arrests in this particular area.

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

The police department is not aware of this business having failed to provide required application materials or hasn't operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this chapter.

7F. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.



Noble Waidelich
Chief of Police

The police department is not aware of the business having not paid the required application or annual renewal fees. The police department is not aware of the business having failed to comply with the reporting requirements and standards specified in this chapter.

7G. 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 cannabis-related business operations.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business. Additionally, there are no significant nuisance issues or problems as a result of this business.

7H. 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.

Yes.

7I. That no cannabis-related business use, owner, operator, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

The police department is not aware of the business, owner, operator, permittee, agent, or employee having violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

7J. 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.

Yes.

7K. That the cannabis-related business 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.



Noble Waidelich
Chief of Police

There have been no calls for service at this location within the past year and very minimal calls for service on the entire block during the past year.

7L. 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.

The police department is not aware of any local, or State law, regulation, order, or any condition imposed by permits issued in compliance with those laws having been violated.

7M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business.

7N. 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 police department has no knowledge of the applicant knowingly making a false statement of material fact or has knowingly omitted to state a material fact in the application.

7O. 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.

The police department is not aware that the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has 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. It should be noted the police department only has 2 people associated with the business who have been live-scanned. We have live-scan records for Jay Donnellan and Jamie Fimbres.

7P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

The police department is not aware of the applicant having been engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

Cedric Crook
Captain
Ukiah Police Department



Noble Waidelich
Chief of Police

Ukiah Police Department - Calls for Service

200 block of E. Smith St.

January 2021 through March 2022

Call Number	Date & Time	Complaint	Address	City
210901269	09/13/2021 09:05:43	Alarm	280 E Smith St.	UKIAH
210902051	09/20/2021 12:09:40	Alarm	280 E Smith St.	UKIAH
211100180	11/02/2021 19:33:50	911 Hangup	262 E Smith St.	UKIAH
211200197	12/02/2021 16:31:58	Tresspass	262 E Smith St.	UKIAH
210502912	05/29/2021 01:02:46	Traffic Stop	200 E Smith St.	UKIAH

Cannabis Permit Live Scan Request

PROJECT INFORMATION (to be filled out by Planning Staff)

Project Name: Wine Country Cannasseurs

File # 4635

Applicant's Name JPJ & Associates, LLC

Applicant's Address 2727 Beecham St. Napa, CA 94558

Phone 707.671.4335

Email winecountrycannasseurs@gmail.com

Type of Permit MaUP/MaSDP

Planner Mireya G. Turner

Project Description cannabis manufacturing, distribution & retail

Site Location 270, 272 & 274 E. Smith St.

APN 002-191-23

Full Name	Title	Live Scan Form Submitted	Live Scan Approved	Notes
DONNELLAN, JAY DANIEL	OWNER/MANAGER	08-26-19	09-18-19	
BRUNER, PRESTON LEE	OWNER/MANAGER			
FIMBRES, JAMIE NICHOLAS	OWNER/MANAGER	10-22-19	10-29-19	
SEAR, MATTHEW	OWNER/MANAGER			

Please attach Planning Applications or Conditions of Approval if project has been approved.

Michelle Irace

From: Ronald J. Meaux <meauxarch@gmail.com>
Sent: Thursday, March 31, 2022 4:17 PM
To: Mari Rodin; Mireya Turner; Michelle Irace; Craig Schlatter; tsbrigham@sbcglobal.net; rphillips
Subject: Wine Country Cannaseurs
Attachments: IMG_4706.JPG; IMG_4707.JPG; IMG_4708.JPG; fourth letter to City of Ukiah RE-Cannaseurs.pdf; Third Letter to the planning Commission.pdf; Second Letter to planning commission re. Cannabis project on smith street (2).pdf

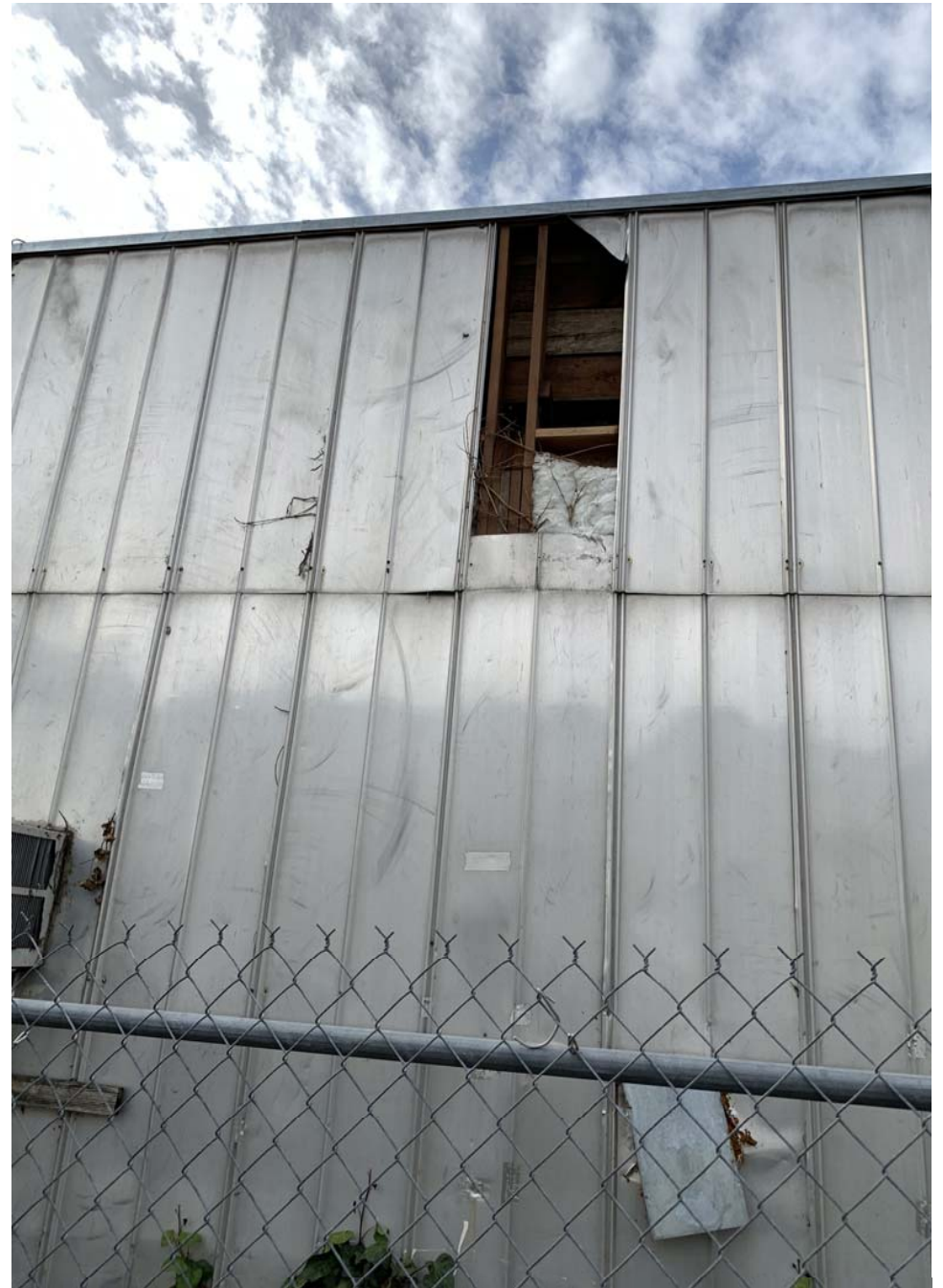
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

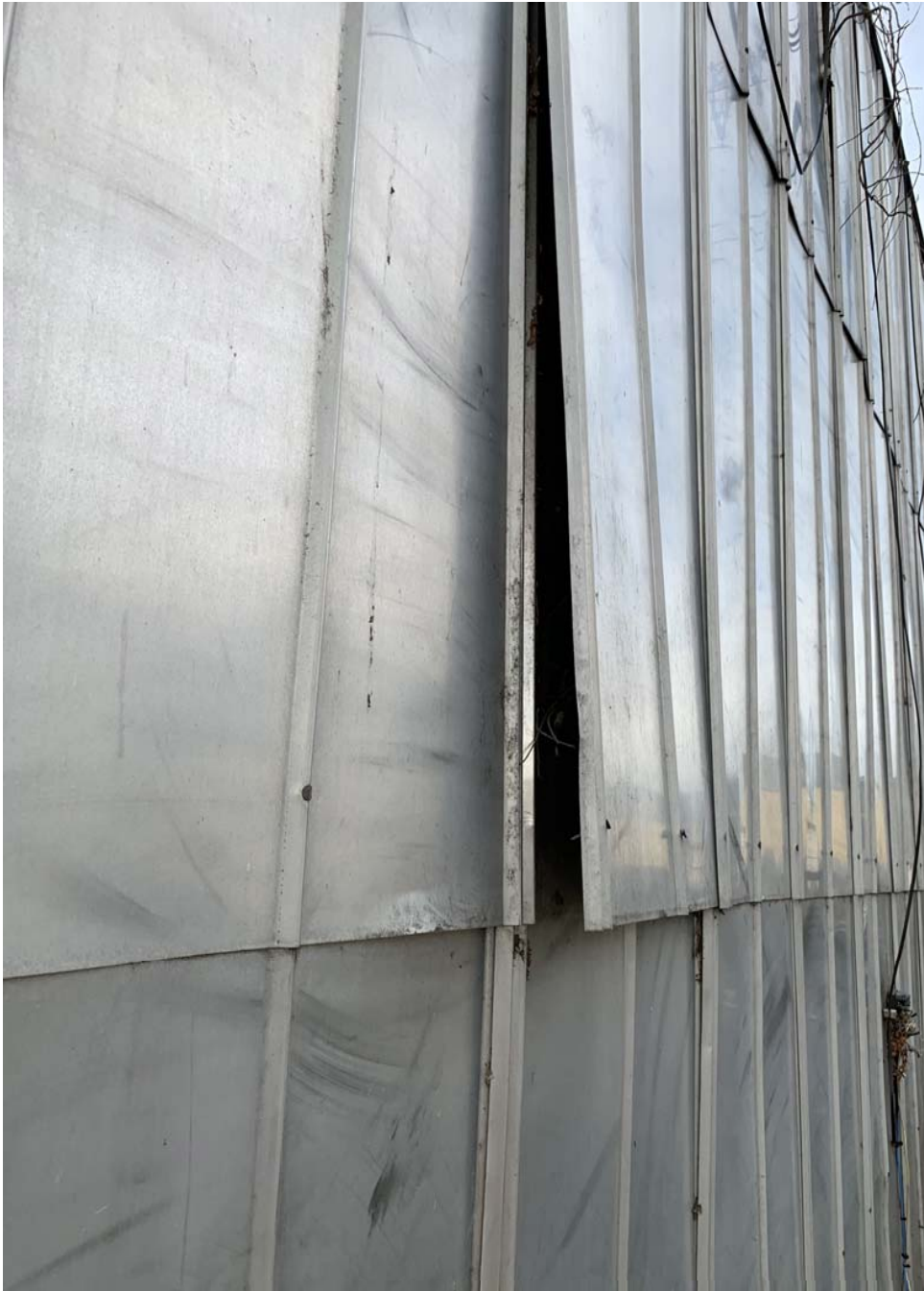
Tom Brigham, Mari, Mireya, Michelle, Graig and Others,

Attached please find the letter I have addressed today objecting to the renewal of the Major Use Permit as well as previous letters.and photos of the wall behind which is intended as a grow room. This wall is 50' from my building. Tom, this proposed facility is within the site of your office.
 Ron

--

Infinite Sun Design & Construction, Inc.
 Meaux Architecture Group
 206 Mason Street, Suite D
 Ukiah, CA 95482
 707-462-6377







City Of Ukiah

Planning Commission
City Council
Zoning Administrator
Planning Manager

Re- Cannabis Major Use Permit Renewal for Wine Country Cannasseurs
270, 272, 274 East Smith Street, APN 002-191-23 File No. 19-4635

Zoning Administrator, City Council Members, Planning Commissioners and Planning Manager

I have repeatedly objected to this project and I continue to be vehemently opposed to it. You will find attached, with this letter previous letters stating my objections. Also please find attached photographs of the east wall of the building being proposed as the grow room. This room is 50 feet from my property. Repeatedly I have expressed my concerns about the odor which is in all likelihood to be emitted from the facility.

Mechanical engineers and mechanical contractors who have extensive experience in the field have indicated the containment of odors emanating from cannabis grows are impossible to contain. The Developer has told me they have not hired a mechanical engineer. Considering the issues with odor containment, how responsible is that?

Cannabis is grown throughout Mendocino Counties' 3,878 square, miles. It is totally ludicrous to permit a grow site in the heart of downtown Ukiah. Why would the City allow growing cannabis in the heart of downtown when growers throughout the county are unable to sell their product? Why?

Adventist Health has now leased the entire 206 Mason building. At this time they are taking steps to move their executive offices that oversee six north coast hospitals from within the hospital into 206 Mason. Three entrances on the south side of the building face the Smith Street Property all of which are less than 75 feet from the proposed grow room.

In addition please note, I am presently in the planning stages for a residential development at 205 Mason. This property is less than 150 foot of the proposed grow room.

The community would be better served if the applicant were to revise his application omitting the growing aspect from the project site. Considering, the pour quality of the construction of the structure being planned as the grow room and the potential negative impact to the surrounding neighborhood, and the proximity to residential development, and as the owner of two parcels that stand to be financially damaged by this project, I implore that you *not* grant the renewal of this Use Permit.

Respectfully,
Ronald J. Meaux
RONALD J. MEAUX 3-31-22





City of Ukiah Planning Commission

Re: 270-274 East Smith Street

APN 002-191-23

File No. 19-4635

Major use permit for Wine Country Cannasseurs

Commissioners,

I have objected to the Wine Country Cannasseurs proposed project at the previous hearings and I still am strongly opposed.

I believe it is important the commissioners understand the condition of the building particularly the suite planned as the grow room. I am including photographs of the east side of the building. As you will see the siding is falling off. Also, the building lacks a proper foundation and the east wall is uninsulated with major gaps in the siding as indicated in the photographs. In addition, the east wall varies between 0 and 10 feet of the property line. Table 602 of the California Building Code stipulates in F-1 occupancy that walls less than 5 feet from the property must be of two-hour fire rated construction. This clearly is not the case here.

Commented [O1]:

Since the City Council's approval, I have had the opportunity to speak to mechanical engineers and mechanical contractors with experience in the cannabis industry as well as growers. All confirm my fears, that it is difficult or near impossible to confine the odors emitted in cannabis grows of this magnitude. Add the difficulty in containing the odors to the condition of the building, I fear the worst.

I do not object to the cannabis industry. In fact, I believe legalization was necessary. What I do object to is growing in the center of town less than 50 feet of professional buildings. Growing cannabis at this scale is an agricultural endeavor and has no place in the heart of the city.

It can't be in the best interest of the community, for people who have been in business for decades in the same location to suffer the consequences of a new businesses that can flourish in thousands of other locations. Mendocino County consist of 3,878 sq. Miles. It makes no sense to allow cannabis to be commercially grown in the heart of the city.

I appeal to you the commissioners that this project be denied or be limited to distribution without the growing and drying component. Or, at the very least, require the building be upgraded to current standards and that the most restrictive methods of odor control be required, for once a project is approved, how do you compensate the neighbors that are negatively impacted?

Respectfully,
Ronald J. Meaux

206 MASON STREET, SUITE D. UKIAH, CA. 95482
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City of Ukiah Planning Commission

Re: 270-274 East Smith Street

Apn 002-191-23

File No. 19-4635

Waiver Request by Wine Country Cannasseurs

Commissioners,

I would like to add a few more comments to my previous letter.

These questions come to mind?

THE BUILDINGS INTEGRITY

Just how structurally sound is the building?

Does the building have a foundation system?

Is the building adequately built to resist even a moderate earthquake?

Has the fact that the building is in a flood zone been taken into consideration?

Has the fact that the building is built over a salmon and steelhead supporting creek been considered?

FIRE

What features are being added to prevent fire from spreading to adjacent parcels?

Are fire sprinklers to be installed and if so, will they be adequate?

ODOR

How are we the neighbors protected from outside smoking?

Will there be an outside smoking area now or in the future, as is common to dispensaries?

How will odor be controlled with in the building?

How will odor be controlled when making and receiving shipments outdoors?

How will odor be controlled during a power outage?

SECURITY

What type of fencing is proposed? How high? Lighting? Security company? Notifications?

EXTERIOR

What provisions are being considered in the exterior appearance of the building?

Will it be upgraded and to what extent?

What is the plan for the store front with cannabis cultivation inside?

What is the proposed signage?

What is the plan for the cargo containers located in the northeast corner of the property?

There have been issues in the past. Will they be removed? Are they permitted?

Respectfully,

Ronald J. Meaux



8-28-19

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COPY

RECEIVED
APR 1 2022
CITY OF UKIAH
COMMUNITY DEVELOPMENT

City Of Ukiah

Planning Commission
City Council
Zoning Administrator
Planning Manager

Re- Cannabis Major Use Permit Renewal for Wine Country Cannasseurs
270, 272, 274 East Smith Street, APN 002-191-23 File No. 19-4635

Zoning Administrator, City Council Members, Planning Commissioners and Planning Manager

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Respectfully,
Ronald J. Meaux
RONALD J. MEAUX 3-31-22



DATE: April 5, 2022
TO: Zoning Administrator
FROM: Michelle Irace, Planning Manager
SUBJECT: Request to Renew the Existing Vibe Ukiah, LLC Cannabis Manufacturing and Dispensary/Retail Use Permit at 441 North State Street; APN 002-186-19. File No. 22-6846.

SUMMARY

PROPERTY OWNER(S):	Allen L. Ling
APPLICANT:	Vibe Ukiah, LLC
LOCATION:	441 North State Street; APN 002-186-19.
TOTAL ACREAGE:	±0.18-acre (7,840.8 sf)
GENERAL PLAN:	Commercial (C)
ZONING DISTRICT:	Community Commercial (C1)
AIRPORT COMPATIBILITY ZONE:	Other Airport Environs (OAE)
ENVIRONMENTAL DETERMINATION:	Project is exempt from further environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15061, Review for Exemption (b)(3)
RECOMMENDATION:	Conditional Approval (see Draft Findings in Attachment 1 and Draft Conditions of Approval in Attachment 2)

Staff Report
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No. 22-6846.

BACKGROUND

On May 13, 2020, the Planning Commission approved a Major Use Permit and Parking Variance (File No. 19-4434) to allow operation of a cannabis non-volatile manufacturing and retail/dispensary business at the project location. However, the original permittee, Element 7, did not begin operation of the business. On August 12, 2020, a Minor Amendment (File No. 20-5589) to the original Use permit to make minor alterations to the floor plan and transfer ownership of the permit from Element 7 to Vibe Ukiah, LLC was approved by the Zoning Administrator.

The business became operational in March, 2022. Per UCC §5704 and §9174.2, cannabis Use Permits have a one-year term from the time they are issued, after which they may be renewed subject to staff review and approval by the Zoning Administrator.

PROJECT DESCRIPTION

An application was received from Vibe Ukiah, LLC for renewal of the Use Permit. No changes to the previously approved Use Permit, or associated approved plans are proposed. All original Conditions of Approval are applicable to the proposed renewal, and will remain in effect. Application materials are included as **Attachment 3**.

SETTING & SURROUNDING LAND USES

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, but is within the Downtown Parking Improvement District #1. The following uses are directly adjacent to the parcel. See **Figure 1** for an aerial image of the site and **Figure 2** for the zoning designation map.

	ZONING:	USE:
NORTH	Community Commercial	Residential and commercial/office
EAST	Community Commercial	Residential and commercial/office
SOUTH	Community Commercial	Residential and commercial/office
WEST	Community Commercial; Urban Center	Residential and commercial

Figure 1. Aerial Map

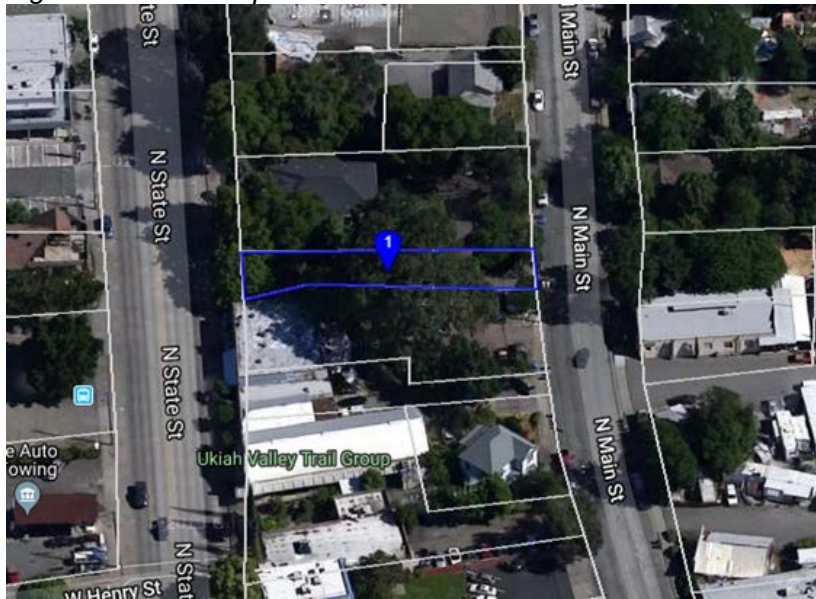


Figure 2. Zoning Designation



AGENCY COMMENTS

The permit renewal application was sent to the Ukiah Police Department for review and comment. At the time of application submittal, the business had not yet opened. However, upon the business opening in March, 2022, the application was re-referred to the Police Department for review of criteria relating to operation of the business. The Police Department reported no significant issues associated with the business or location (see **Attachment 4**). The Use Permit renewal is subject to all original Conditions of Approval. No new Conditions of Approval are proposed (see **Attachment 2**)

Staff Report
 Cannabis Use Permit Annual Renewal
 Vibe Ukiah, LLC
 441 North State Street
 File No. 22-6846.

STAFF ANALYSIS

General Plan and Zoning Consistency

Use. The parcel carries a General Plan Land Use designation of Commercial (C) and is zoned Community Commercial (C1). Per UCC §9215, cannabis related businesses are allowed in C1 zoning districts with approval of a Major Use Permit. Pursuant to §5704 and §9174.2 of the City Code, cannabis Use Permits expire one year from the date of issuance. In determining whether to renew a cannabis Use Permit, the Zoning Administrator must consider specific criteria. Renewal criteria, as well as Staff's analysis of consistency are included in Table 2 below. Information from the Police Department has been included in the analysis (see **Attachment 4**); no additional requirements have been suggested.

Table 2: Criteria for Permit Renewal	
Criteria	Staff Analysis
1. Whether the business operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.	According to the Police Department, there have been no calls for service in 2021 or 2022 at the location. The Police Department stated that there have not been significant numbers of crimes or arrests in the area.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.	The project location is not identified as having excessive public nuisance impacts or crime issues, based upon crime reporting statistics as maintained by the Police Department.
3. Whether the dispensary & cannabis related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter.	All safeguard measures have been incorporated into the approved operating and security plans to ensure compliance with state and local regulations. No changes to the approved plans are proposed.
4. Whether the dispensary and cannabis related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.	All applicable fees have been paid.
5. Whether it appears that the permittee has, in its renewal application, provided a false	The application appears to be true and accurate to the best of staff's knowledge.

statement of material fact or has knowingly omitted a material fact.	
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.	All current owners and employees of the business have been finger printed and subject to a Live Scan background process. All persons associated with future changes in staffing and ownership will be required to obtain a successful Live Scan from the Police Department.
7. Whether the renewal applicant or dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Planning Division and Police Department Staff are unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7A. That the dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the Adult Use of Marijuana Act (AUMA), the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.	The Use Permit is consistent with the City Code which is consistent with related State law. In addition, the applicant is required to obtain a State license to operate the business.
7B. 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).	See renewal criteria #1 above.
7C. 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 renewal criteria #1 above.

7E. 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.	All application materials have been provided. The approved site plan, floor plan, security plan, and operations plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been suggested by the Police Department.
7F. 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 on time and applicable reporting requirements have been met.
7G. 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 project meets all location requirements and regulations intended to address nuisance issues.
7H. 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 approved site plan, floor plan, security plan, and operations plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed changes to any of the associated plans, and no additional requirements have been suggested by the Police Department.
7I. 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.	Planning Division and Police Department Staff are not aware of any violations by the owner, operator or employees of the business.
7J. That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in	The approved site plan, floor plan, security plan, and operations plan were found to be adequate at the time of the original and amended Use Permit. There are no proposed

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.	changes to any of the associated plans. The Police Department is not aware of the business having failed to take reasonable measures into the plan to successfully control the establishment's patrons' conduct resulting in any nuisances including disturbances, traffic concerns, marijuana use in public, or interference with neighboring businesses.
7K. 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 determination was made in the analysis of the original Use Permit that the proposed business would not have an adverse effect on the neighborhood. No significant issues have been reported by the Police Department at this location and the Police Department is not aware of the business adversely affecting the health, peace or safety of persons living or working in the surrounding area or public nuisance issues in the area as a result of the business.
7L. 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.	All original Conditions of Approval apply to the Use Permit renewal and none have been violated.
7M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.	All original Conditions of Approval apply to the Use Permit renewal and none have been violated.
7N. 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.	Planning Division and Police Department Staff are not aware of any false statements of material fact in the permit application.
7O. 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	Planning Division and Police Department Staff have not been notified of any criminal activity associated with the applicants or employees.

qualifications, functions or duties of a permittee.	
7P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.	Planning Division and Police Department Staff are unaware of any unlawful or fraudulent business practices associated with the applicant or business.
7Q. 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 subsection 9198F1 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 subsection 9198B1 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 subsection 9198G3 of this code.	The original Use Permit (File No. 19-4334) included approval of a Parking Variance to allow the reduction of six parking spaces. As such, three on-site parking spaces are provided, in addition to off street parking facilities. Parking was determined to be adequate upon approval of the Use Permit and Parking Variance.

The previously approved cannabis business is consistent with Division 6, Chapter 8, *Cannabis Retailers* and Section 9174.2, *Cannabis Related Businesses*, of the Ukiah City Code. Based on the above analysis, Staff finds all criteria to issue the Use Permit renewal has been met. Findings for approval are included in **Attachment 1** and Conditions of Approval are included in **Attachment 2**.

ENVIRONMENTAL DOCUMENTATION

The original Use Permit and project were found to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities, and a Notice of Exemption was filed with the County Clerk.

CEQA Guidelines Section 15061, Review for Exemption (b)(3), states that a project is exempt from CEQA if “The activity is covered under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where

Staff Report
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No. 22-6846.

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”.

Because the project involves renewal of an existing Use Permit, and does not propose any changes to the Use Permit, the existing building, or operations of the approved project, it can be said with certainty that there is no potential for the project to result in an impact to the environment.

NOTICE

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9262(C).

- Published in the Ukiah Daily Journal on April 2, 2022;
- Posted on the Project site on March 29, 2022;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the project parcel on March 29, 2022.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the Use Permit renewal, based on the Findings in Attachment 1 and subject to the Conditions of Approval in Attachment 2.

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials
4. Comments from the Ukiah Police Department

**DRAFT FINDINGS FOR
RENEWAL OF AN EXISTING CANNABIS MANUFACTURING
AND DISPENSARY/RETAIL USE PERMIT
AT 441 NORTH STATE STREET
APN 002-186-19 FILE NO. 22-6846.**

The following findings are supported by and based on information contained in the approved Major Use Permit (File No. 19-4434), Minor Modification to the Use Permit (File No. 20-5589), as well as well as information contained within this Staff Report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262, 5704 and 9174.2

1. The project, as conditioned, is consistent with the goals and policies of the General Plan for commercial and economic development.
2. The project, as conditioned, is consistent with Division 6, Chapter 8, *Cannabis Retailers*, and Section 9174.2, *Cannabis Related Businesses*, of the Ukiah City Code. Based on the analysis and information contained within this Staff Report, staff finds all criteria to issue the Use Permit renewal has been met.
3. Pursuant to City Code Sections 5704 and 9174.2, the proposed renewal was reviewed by Planning Division staff and the Police Department; it has been determined that the criteria for renewal of a dispensary Use Permit has been met.
4. The approved Use Permit was determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare. No changes to the approved project or Use Permit are proposed.
5. The original Use Permit and project were found to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities, and a Notice of Exemption was filed with the County Clerk.

CEQA Guidelines Section 15061, Review for Exemption (b)(3), states that a project is exempt from CEQA if "The activity is covered under 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".

Because the project involves renewal of an existing Use Permit, and does not propose any changes to the Use Permit, the existing building, or operations of the approved project, it can be said with certainty that there is no potential for the project to result in an impact to the environment.

A notice of public hearing was provided in the following manner, as required by UCC §9262(C):

Draft Findings
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No. 22-6846.

- Published in the Ukiah Daily Journal on April 2, 2022;
- Posted on the Project site on March 29, 2022;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the project parcel on March 29, 2022.

Based on the above analysis, the findings required for annual renewal of the cannabis Use Permit can be made.

**DRAFT CONDITIONS OF APPROVAL FOR
RENEWAL OF AN EXISTING CANNABIS MANUFACTURING
AND DISPENSARY/RETAIL USE PERMIT
AT 441 NORTH STATE STREET
APN 002-186-19 FILE NO. 22-6846**

This annual renewal of a cannabis Use Permit is granted to Joseph Starr of Vibe Ukiah, LLC. This permit is valid for one-year and shall expire on May 13, 2023. The Conditions of Approval from the original approved Major Use Permit (File No. 19-4434) and Minor Modification to the Use Permit (File No. 20-5589) shall be applicable to the renewal and will remain in effect.

The cannabis Use Permit is subject to the following Conditions of Approval.

From the Planning Division

1. Approval is granted to allow the operation of the cannabis business as described in the documents for the Major Use Permit and Parking Variance (File No. 19-4434) approved by the Planning Commission on May 13, 2020, and Minor Amendment (File No. 20-5589) approved by the Zoning Administrator on December 21, 2020. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.

Conditions of Approval from the original Use Permit (File No. 19-4434) and Minor Modification to the Use Permit (File No. 20-5589) are listed below.

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.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No.: 22-6846

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.
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.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No.: 22-6846

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.

Department of Public Works Conditions

20. 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
21. All sidewalks and driveway aprons that front the parcel shall be ADA compliant.

Electric Utility Department Conditions

22. 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.
23. 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.
24. Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart.
25. All future site improvements shall be submitted to the Electric Utility Department for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined.
26. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment, and future services).

Building Division Conditions

27. Tenant Improvements (TI) will require a building permit. Please submit building permit application, four complete plans sets, two wet stamped and signed.
28. 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:

29. 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.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No.: 22-6846

30. The business permittee shall provide the City with the current name and primary and secondary telephone numbers of at least one manager to communicate with the surrounding neighborhoods and businesses. The business shall make good faith efforts to encourage neighborhood residents to call this person to solve problems, if any, before any calls or complaints are made to the City or Police Department.
31. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
32. 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.
33. Video from the security surveillance cameras must be recording at all times (24 hours a day, seven days a week) and the recording shall be maintained for at least 90 days. In the event of a crime on site or anywhere within range of the dispensary's security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.
34. 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.
35. 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.
36. 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.
37. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
38. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
39. 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.
40. Property shall be kept free of debris/garbage.
41. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
42. Height markers shall be installed on the interior doorways and front door entrance.
43. 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.
44. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.

Conditions of Approval
Cannabis Use Permit Annual Renewal
Vibe Ukiah, LLC
441 North State Street
File No.: 22-6846

45. 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

46. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
47. Main entry door must swing in direction of egress travel "out".
48. 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.
49. New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.
50. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
51. Fire sprinkler system shall be maintained and modified as necessary.
52. 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.
53. It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2
54. Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
55. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
56. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshal.
57. 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

~~21-6846~~
22-6846

PROJECT NAME: Vibe Ukiah, LLC																				
PROJECT ADDRESS/CROSS STREETS: 441 N. State Street Ukiah, CA Parallel to Main Street				AP NUMBER(S): 002-188-19																
APPLICANT/AUTHORIZED AGENT: Joseph Starr		PHONE NO: 916-500-7827		FAX NO: E-MAIL ADDRESS: joes@vibebycalifornia.com																
APPLICANT/AUTHORIZED AGENT ADDRESS: 8112 Alpine Ave			CITY: Sacramento		STATE/ZIP: CA/95826															
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Vibe Investments, LLC		PHONE NO: 916-500-7827		FAX NO: E-MAIL ADDRESS: joes@vibebycalifornia.com																
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT: 8112 Alpine Ave			CITY: Sacramento,		STATE/ZIP: CA/95826															
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☒ YES ☐ NO Applicant is renewing (currently non-operational, waiting on final approval)																				
☐ 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> </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> </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> </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:	Building Size:	Number of Floors:	
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:			
Operating Characteristics			
Days and Hours of Operation: 9am - 9pm			
Number of Shifts:	Days and Hours of Shifts: 08:00-14:00; 10:00-18:00; 13:30-21:30 Sun-Sat		
Number of Employees/Shift:			
Loading Facilities: ☐ Yes ☐ No		Type/Vehicle Size:	
Deliveries: ☒ Yes ☐ No		Type: Approved Cannabis	Number (day/week/month): 10 weekly
Outdoor areas associated with use? (check all that apply) ☐ Yes ☒ No		Sales area: ☒ Yes ☐ No	Unloading of deliveries: ☐ Yes ☐ No
Noise Generating Use? ☐ Yes ☒ No		Square Footage:	Storage: ☒ Yes ☐ No
		Description:	Square Footage:

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, N/A Applicant is the property owner, owner authorize _____
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).

PROPERTY OWNER SIGNATURE**DATE**

I, Joseph Starr, 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.

Joseph Starr

2/7/2022

☒ 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.

Joseph Starr

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(PLEASE PRINT NAME)

Joseph Starr

2/7/2022

☐ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(SIGNATURE)

DATE

Revised 08/19/2019

Vibe Ukiah, LLC
441 N State Street
APN 002-186-19

Project Description

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.

From: [Cedric Crook](#)
To: [Michelle Irace](#)
Cc: [Noble Waidelich](#)
Subject: Re: 441 N State Vibe Cannabis UP Annual Renewal Referral
Date: Thursday, March 31, 2022 11:12:09 AM
Attachments: [image001.png](#)
[Outlook-Szilbtkf.png](#)

Hi,

3. Whether the cannabis-related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter. **The Ukiah Police Department is not aware of the business having inadequate safeguards or procedures not in compliance with the operating requirements and standards in this chapter.**

4. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter. **The Ukiah Police Department is not aware of the business having failed to pay fees, penalties, or taxes or having failed to produce records or other reporting requirements of this chapter.**

7J. 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. **The Ukiah Police Department is not aware of the business having failed to take reasonable measures into the plan to successfully control the establishment's patrons' conduct resulting in any nuisances including disturbances, traffic concerns, marijuana use in public, or interference with neighboring businesses.**

7K. That the cannabis-related business 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 Ukiah Police Department is not aware of the business adversely affecting the health, peace or safety of persons living or working in the surrounding area or public nuisance issues in the area as a result of the business.**

7L. 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. **The Ukiah Police Department is not aware of the business or permittee being in violation of associated laws, regulations, or conditions imposed by permits issued.**

Let me know if you need anything else.

Thanks,

Cedric Crook
Captain
Ukiah Police Department
300 Seminary Avenue
Ukiah, CA 95482
desk / 707-463-6771
fax / 707-462-6068
ccrook@cityofukiah.com
www.ukiahpolice.com



Safety Professionalism and Community Service

From: Michelle Irace <mirace@cityofukiah.com>
Sent: Wednesday, March 30, 2022 2:31 PM
To: Cedric Crook <ccrook@cityofukiah.com>
Cc: Noble Waidelich <nwaidelich@cityofukiah.com>
Subject: RE: 441 N State Vibe Cannabis UP Annual Renewal Referral

Hello,

It was just brought to my attention that this business opened in the last week. There are a few responses from your memo that say "N/A" because the business had not opened at the time of your review. However, I am preparing the Staff Report for the 4/12 Zoning Administrator hearing and would like to include the most up to date information. Although the business has not been open for very long, can you please provide updated responses to the criteria below? If you need to conduct a site visit, I am happy to help facilitate that. I plan to include this email and your response as an attachment to your previous response, unless you prefer to revise the memo itself. I will be uploading the hearing documents next Tuesday, so a response before then would be appreciated.

3. Whether the cannabis-related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter.

4. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter.

7J. 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.

7K. That the cannabis-related business 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.

7L. 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.

Thank you,



Michelle Irace , Planning Manager
Department of Community Development
300 Seminary Avenue, Ukiah, CA 95482
www.cityofukiah.com/community-development



Noble Waidelich
Chief of Police

To: Michelle Irace, Mireya Turner, Jesse Davis
CC: Chief Waidelich
From: Cedric Crook
Subject: Vibe – 441 N State St
Project#: 19-4434 / 20-5589 Renewal
Date: 03/15/2022

In response to your email, per 5704 and 9174.2 the responses are listed below under each section in bold;

1. Whether the cannabis-related business operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the cannabis-related business. **There have been no calls for service at this location within the past year.**

2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct. **No.**

3. Whether the cannabis-related business operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter. **N/A as the business has not opened yet.**

4. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by this code or has failed to comply with the production of records or other reporting requirements of this chapter. **N/A as the business has not opened yet.**

5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact. **No.**

6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.

The police department has not been notified of the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant of being 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. Additionally, we don't have a list of employees.

300 Seminary Avenue | Ukiah, California 95482
Telephone: 463-6262 | Fax: (707) 462-6068 | www.cityofukiah.com



Noble Waidelich
Chief of Police

7. Whether the renewal applicant or cannabis-related business has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

The police department has not been notified of the applicant engaging in unlawful, fraudulent, unfair, or deceptive business acts or practices.

7A. That the Cannabis-related Business Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the Adult Use of Marijuana Act (AUMA), the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business.

7B. That the project location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

There have been no calls for service at this location within the past year.

7C. That there have not been significant numbers of calls for police service, crimes or arrests in the area.

There has not been a significant number of calls for police service, crimes or arrests in this particular area.

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

The police department does not have a list of employees. The business has not opened yet.

7F. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

This is unknown to the police department.

7G. 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 cannabis-related business operations.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business. Additionally, there are no significant nuisance issues or problems as a result of this business as they have not opened yet.



Noble Waidelich
Chief of Police

7H. 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.

Yes.

7I. That no cannabis-related business use, owner, operator, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

The police department is not aware of the business, owner, operator, permittee, agent, or employee having violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

7J. 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.

Yes, although the business has not opened yet.

7K. That the cannabis-related business 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.

There have been no calls for service at this location within the last year as the business has not opened.

7L. 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.

The business has not opened yet and the police department can't confirm if all employees have had criminal history checks completed. The police department is not aware of any local, or State law, regulation, order, or any condition imposed by permits issued in compliance with those laws having been violated.



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Chief of Police

7M. That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

The police department has no reports of any local or State law, statute, rule or regulation respecting the distribution or possession being violated by this business.

7N. 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 police department has no knowledge of the applicant knowingly making a false statement of material fact or has knowingly omitted to state a material fact in the application.

7O. 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.

The police department has not been provided with a list of employees to confirm.

7P. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

The police department has not been notified of the applicant engaging in unlawful, fraudulent, unfair, or deceptive business acts or practices.

Cedric Crook
Captain
Ukiah Police Department