

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Civic Center Annex Conference Room #5
411 W. Clay St.
Ukiah, CA 95482
December 18, 2019
1:00 p.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Michele Irace, Planning Manager
Alicia Tlelo, Assistant Planner

OTHERS PRESENT

Hrant Ekmekjian

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 1:00 p.m. in Conference Room No. 5, Ukiah Civic Center Annex, 411 W. Clay St., Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION

Zoning Administrator Craig Schlatter confirmed he had visited the site listed on today's agenda.

3. APPROVAL OF MINUTES – October 22, 2019

Zoning Administrator Craig Schlatter approved the Minutes of November 14, 2019 with no corrections.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

5. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is December 30, 2019 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Staff confirmed timely noticing of the public hearing posted on today's agenda.

7. PUBLIC HEARING

- a. Request to renew an Existing Cannabis Dispensary Use Permit located at 1230 Airport Park Boulevard, Suite C. APN 180-080-81; File No. 19-4970.

Presenter: Planning Manager, Michelle Irace

PUBLIC HEARING OPENED: 1:06 p.m.

Commenters: Hrant Ekmekjian

PUBLIC HEARING CLOSED: 1:07 p.m.

Zoning Administrator Craig Schlatter approved the request to renew an Existing Cannabis Dispensary Use Permit located at 1230 Airport Park Boulevard, Suite C. APN 180-080-81; File No. 19-4970.

ATTACHMENT 1

FINAL USE PERMIT FINDINGS FOR RENEWAL OF AN EXISTING CANNABIS DISPENSARY USE PERMIT AT 1230 AIRPORT PARK BOULEVARD SUITE C, APN 180-080-81 FILE NO: 19-4970

The following findings are supported by and based on information contained in the approved Major Use Permit (# 17-2841), Minor Amendment (#18-3809), and Renewal (#18-4111), as well as information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Section 9262.

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*, of the Ukiah City Code as described in the staff report.
3. Pursuant to City Code Sections 5704 and 5710, the proposed renewal was reviewed by Planning staff and the Police Department; it has been determined that the criteria for renewal of a dispensary Use Permit has been met.
4. The existing dispensary Use Permit and Minor Amendment were 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 dispensary or Use Permit are proposed.
5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1, Existing Facilities which consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing public or private structures. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the following, the proposed project is eligible to use this exemption.
 - The site is developed with an existing building and parking lot, and utilities and services are already available at the site.
 - The proposed renewal would continue operations of the existing dispensary; No expansion of the existing building footprint is proposed; and

- The location is not environmentally sensitive and does not include any drainage courses or bodies of water (such as creeks or streams).

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

- Posted in two places on the project site on December 5, 2019;
- Mailed to property owners within 300 feet of the project site on December 5, 2019;
- Published in the Ukiah Daily Journal on December 7, 2019; and
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing.

ATTACHMENT 2

FINAL CONDITIONS OF APPROVAL FOR RENEWAL OF AN EXISTING CANNABIS DISPENSARY USE PERMIT AT 1230 AIRPORT PARK BOULEVARD SUITE C, APN 180-080-81 FILE NO: 19-4970

This annual renewal of a dispensary Use Permit is granted to Green Wise Legal, agent for Ukiah Valley Holistics, Inc. dba Cannavine. The Conditions of Approval from the original approved Major Use Permit (# 17-2841), Minor Amendment (#18-3809), and Renewal (#18-4111) shall be applicable to the renewal and will remain in effect.

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

From the Planning Division

1. Approval is granted to allow the operation of a dispensary as described in the application and operational documents approved by the Planning Commission on September 27, 2017 and the Zoning Administrator on December 20, 2018. Any modifications to the plans contained within the previously approved documents may require an amendment to this dispensary Use Permit, as determined by the Community Development Director and the Chief of Police.
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.

Conditions of Approval from the original Use Permit(s) are listed below.

3. All operations of the dispensary shall be in conformance with Division 6, Chapter 8, *Cannabis Retailers*, of the Ukiah City Code.
4. Hours of operation are limited to 9:00 a.m. to 9:00 p.m. seven days a week. If the applicant wishes to hold special events at the site, they must submit a request in writing to the Community Development Department for approval.

5. The application along with supplemental exhibits, plans and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
6. Per Section 5704 of the UCC this Dispensary 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.
7. A copy of a valid State License to operate the dispensary shall be submitted to the Community Development Department.
8. On-site consumption is not permitted.
9. This Use Permit is valid for dispensary operations only. If the applicant wishes to include other operational components, they must contact the Community Development Department and obtain all required permits/approvals.

From the Fire Marshal

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

From the Building Official

13. A building permit is required for any interior or exterior modifications to the building deemed necessary for operation of the facility.

From Police Department

14. In the event of a change in ownership or management of the business, the City shall be notified of the change in ownership/management. The new ownership/management shall meet with the Planning Department and Police Department to review the conditions of this Dispensary Use Permit. The new ownership shall indicate in writing of any modifications to the uses allowed by this Dispensary Use Permit and shall identify the proposed modifications. Any proposed modifications shall be reviewed by the Planning Department and Police Department. The Planning Director shall determine if the proposed modifications are consistent with the Dispensary Use Permit or require approval by the Planning Commission.
15. No minors are allowed on the premises.
16. The facility will be open to inspection at all times while the business is open and the Ukiah Police Department will not be denied access.

17. Prior to occupancy the applicant shall contact the Ukiah Police Department for a walk through the premises.
18. Per Section 5708 H 9 UCC of the Medical Marijuana Dispensaries Ordinance. Upon final approval of the project a prior to start of operations the police department shall be provided with the names, e-mail addresses, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary.
19. The applicant shall comply with the recommendations provided in the Crime Prevention through Environmental Design (CPTED) Site Survey dated August 20, 2018.
20. Upon final approval of project and prior to start of operations the police department shall be provided with the name, e-mail address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. This is required under 5708 H 9 UCC.
21. Onsite security personnel not be armed with any firearm unless applicant can identify an articulable reason for having armed security.

From Public Works

22. All applicable Ukiah Valley Sanitation District sewer connection fees shall be paid at the time of building permit issuance.

From the Electric Utility

23. The business will be served from the existing Main Switch Board and a 300 kva 3-phase transformer that serves multiple addresses within the same building location. Should the project need to upgrade to a larger panel or increase the electric load in the future, the applicant shall contact the Electric Utility Department.
24. All future site improvements shall be submitted to the Electric Utility Department for review and comment, at which time specific service requirements, service voltage and developer costs and requirements will be determined.
25. The developer shall provide EUSERC-approved electrical equipment that will be used on the project.
26. The developer shall provide projected load calculations to the EUD.
27. The developer/customer shall incur all costs of this future project to include labor, materials, and equipment.

Standard City Conditions of Approval

28. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finalized.

29. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
30. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
31. A copy of all conditions of this Dispensary Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
32. All conditions of approval that do not contain specific completion periods shall be completed prior to occupancy.
33. This Dispensary Use 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.
34. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions 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 the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. 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.
35. That the applicant must obtain and maintain any required licenses and any other regulatory licenses required to operate exactly as described by the applicant as submitted with the Dispensary Use Permit application. Copies of any licenses obtained be supplied to the City for inclusion in the use permit file with the City.

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 1:08 p.m.