



**CITY OF UKIAH
PLANNING COMMISSION AGENDA
November 9, 2016
6:00 P.M.**

- 1. CALL TO ORDER** 6:00 P.M. CITY COUNCIL CHAMBERS
UKIAH CIVIC CENTER, 300 SEMINARY AVENUE
- 2. ROLL CALL** COMMISSIONERS WATT, HILLIKER,
CHRISTENSEN, SANDERS, CHAIR WHETZEL
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES** – The minutes from the September 14, 2016 and September 28, 2016 meetings will be available for review and approval at the next regular meeting.
- 5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**
The Planning Commission 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.
- 6. APPEAL PROCESS**
All determinations of the Planning Commission regarding major 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 **November 21, 2016 at 5:00 p.m.**
- 7. SITE VISIT VERIFICATION**
- 8. VERIFICATION OF NOTICE**
- 9. PUBLIC HEARING**
- 9A. The Inland Valley Emergency Winter Shelter Major Use Permit, 1045 South State Street, File No.: 2235 UP-PC.** Consideration and possible action on a request for approval of a Major Use Permit to allow a temporary homeless

Americans with Disabilities Act Accommodations. 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. Please call (707) 463-6752 or (707) 463-6207 to arrange accommodations.

shelter for 56 guests and 4 staff members per night. The homeless shelter will be open from November 16th, 2016 or as soon as possible thereafter until March 15th, 2017 or until 120 days have passed, on a daily basis, with operation occurring 6:00 p.m. to 8:00 a.m.;7 days a week at 1045 South State Street, APN 003-083-02, APN 003-083-10, and APN 003-083-07.

10. PLANNING DIRECTOR'S REPORT

11. PLANNING COMMISSIONERS' REPORT

12. ADJOURNMENT

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UKIAH PLANNING COMMISSION
September 14, 2016
Minutes

COMMISSIONERS PRESENT

Mike Whetzel, Chair
Christopher Watt
Laura Christensen
Linda Sanders

COMMISSIONERS ABSENT

Mark Hilliker

STAFF PRESENT

Kevin Thompson, Interim Planning Director
Darcy Vaughn, City Attorney's Office
Chis Dewey, Director of Public Safety
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Listed below, Respectively

1. CALL TO ORDER

The regular meeting of the City of Ukiah Planning Commission was called to order by Chair Whetzel at 6:00 p.m. in the Council Chambers of the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE - Everyone cited.

4. APPROVAL OF MINUTES – The minutes from the August 10, 2016 meeting are included for review and approval.

M/S Watt/Christensen to approve August 10, 2016 minutes, as submitted. Motion carried (5-0).

5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

6. APPEAL PROCESS

Chair Whetzel read the appeal process. For matters heard at this meeting the final date to appeal is September 26, 2016 at 5:00 p.m.

7. SITE VISIT VERIFICATION

8. VERIFICATION OF NOTICE – Confirmed by Staff.

9. PUBLIC HEARING

9A. Proposed Medical Marijuana Ordinance.

Staff recommends the Planning Commission review, conduct a public hearing and provide a recommendation of approval of the Marijuana Dispensary Ordinance to the City Council. The Ordinance would create a new section (§5700) to the Municipal Code establishing a Use Permit process and associated development and operational standards for the establishment of Medical Marijuana Dispensaries.

Interim Planning Director Thompson:

- Gave a staff report as provided for on pages 1-4 of the staff report and PowerPoint presentation as provided for in attachment 1 of the minutes.
- The State Governor signed into law AB 266, AB 243, and SB 643, which together comprise the Medical Marijuana Regulation & Safety Act (MMRSA). MMRSA went into effect on January 1, 2016 thus creating a statewide regulatory structure for the medical marijuana industry that also allows local governments to regulate the operation of marijuana businesses within their

1 jurisdiction, pursuant to local ordinances. MMRSA allows the City of Ukiah to issue permits or
2 licenses to operate marijuana businesses or prohibit their operation to regulate or prohibit the
3 delivery of medical marijuana within its boundaries and to regulate or prohibit the cultivation of
4 marijuana within its boundaries. Pursuant to MMRSA, if the City opts not to expressly prohibit or
5 regulate the cultivation, processing, delivery and/or dispensing of medical marijuana, the State
6 will be the sole licensing authority for these activities in the City.

- 7 • Attachment 2 of the minutes pertains to a voicemail received by staff from Leslie Kirpatick in
8 opposition to the Medical Marijuana Dispensary Ordinance.
- 9 • Staff requests the Planning Commission review and make comments regarding the Initial Study
10 and proposed Negative Declaration and proposed Marijuana Dispensary Ordinance with a
11 recommendation of approval to City Council.

12
13 **Commissioner Sanders:**

- 14 • Would first like to hear from the public.

15
16 **Chair Whetzel:**

- 17 • Related to the matter of 'distances,' what is the distance requirement for liquor stores in the City
18 limits relative to youth-oriented facilities such as schools, parks, churches, etc.?

19
20 **Interim Planning Director Thompson:**

- 21 • Has no knowledge about the distance requirement for liquor stores as it pertains to youth-oriented
22 facilities and is likely something regulated by Alcohol Beverage Control (ABC). Will research the
23 criteria and inform the Commission.

24
25 **PUBLIC HEARING OPENED: 6:15 p.m.**

26
27 **Patrick Kerr:**

- 28 • Is a disabled Vietnam war veteran.
- 29 • Has had a medical marijuana prescription card for the past 10 years.
- 30 • Is of the opinion the proposed Marijuana Dispensary Ordinance presents numerous obstacles
31 and hoops for potential dispensary business applicants to go through.
- 32 • It would be shameful for the City to drive away/discourage revenue producing companies from
33 operating.
- 34 • As it relates to the Medical Marijuana Regulation & Safety Act (MMRSA) and corresponding
35 AB 266, AB 243, and SB 643) that creates a statewide regulatory structure for the medical
36 marijuana industry and allows local governments to regulate the operation of marijuana
37 businesses within their jurisdiction supports the City take all steps necessary to do what is right
38 when it comes to this issue and not drive away medical marijuana dispensary businesses
39 because this would be senseless.

40
41 **Susan Boling:**

- 42 • Is the past executive director of the Ukiah Boys and Girls Club.
- 43 • Has concern about the Marijuana Dispensary Ordinance distance requirement that such a
44 dispensary cannot be located within 250 feet of youth-oriented facilities, such as a school.
- 45 • Researched other Marijuana Dispensary Ordinances in other states that include Colorado,
46 Arizona, Oregon and Washington, and found that the dispensary distance to be 1,000 or 1,500
47 linear feet pertinent to childcare centers, schools, libraries, public parks, transit hubs,
48 playgrounds, churches, arcades, and youth recreation events.
- 49 • Is of the opinion allowing for a medical marijuana dispensary 250 linear feet away from youth-
50 oriented facilities is not enough for a small community and should likely be 500 linear feet.
- 51 • Has no problem with allowing for medical marijuana and corresponding dispensaries, but we
52 should be extremely careful about where they are located.
- 53 • Arizona is looking at dispensaries that are close to community services that deal with children's
54 issue such as child support services and other like services and monitored by the 'Feds' to make

1 certain dispensaries do not violate the 1,000 linear foot distance requirement as it pertains to
2 areas where children congregate or are educated.

- 3 • In addition to looking at places where children congregate and/or are educated as it relates to
4 where medical marijuana dispensaries should be allowed important to look at other places where
5 children congregate. Is of the opinion children should not be close where a dispensary operates.
6 Again, she has no problem with medical marijuana dispensaries operating provided they are not
7 located in areas where children congregate or likely to congregate. While adult eyes are fine
8 Children's eyes should not be on the dispensaries.

9
10 **Commissioner Christensen:**

- 11 • Related to the four states researched asked if the dispensaries looked at pertain to medical or
12 recreational marijuana? Is there a difference between medical and recreational dispensaries?

13
14 **Susan Boling:**

- 15 • Did not do comprehensive research. Some of the facilities researched were medical facilities. Did
16 catch early on that any dispensary within 1,000 linear feet from a school was essentially 'red
17 flagged' by the 'Feds.'

18
19 **Rick Erikson:**

- 20 • Is the owner of Reflections of Avolon, a medical marijuana dispensary located on Talmage Road.
- 21 • Thanked the City of Ukiah for being 'forward thinking' and planning for the future with regard to
22 the operation of medical marijuana dispensaries. Finds that so many cities are not doing this.
- 23 • The State is on the eve of legalizing marijuana for recreational use and is pleased the City is
24 starting to prepare.
- 25 • Is of the opinion having been a dispensary owner for 10 years in this area, has seen a lot of
26 changes within the laws and there are a lot of changes about to happen. The 1,000 linear foot
27 distance requirement from youth-oriented facilities defined as public parks, schools, churches, or
28 licensed daycare, etc., is pretty much the standard that will likely change should California
29 legalize recreational marijuana.
- 30 • The new State regulation coming up is very defined where all businesses operating in this regard
31 must be licensed by the State of California.

32
33 **Chair Whetzel:**

- 34 • Asked why the use of recreational marijuana is being discussed when the topic of tonight's
35 discussion is medical marijuana.

36
37 **Rick Erikson:**

- 38 • With the use of recreational marijuana potentially becoming legal with Proposition 64, California
39 cities will be dealing with both the use of recreational and medicinal marijuana.

40
41 **Ben Butler:**

- 42 • Supports the proposed Medical Marijuana Dispensary Ordinance is closely monitored and
43 regulated. Is of the opinion Reflections of Avolon and Compassionate Heart are not well-
44 managed medical marijuana dispensaries. The marijuana sold at these dispensaries is not
45 'medical grade.'
- 46 • The City needs a professional 'real' dispensary that dispenses medicine that is lab tested and
47 safe for use. People have to go to Hopland or out of the area to get marijuana that is lab tested
48 and safe for use and without pesticides and without 'questionable persons' managing the
49 dispensary.
- 50 • Marijuana serves a valuable purpose for those persons that need to use it for medicinal reasons.
- 51 • Is of the opinion people should not be cultivating marijuana in the City or in areas where children
52 congregate. Marijuana dispensaries should be in areas out-of-site for children. Marijuana use
53 should not have to be under any more scrutiny than alcohol or tobacco.
- 54 • Supports that Ukiah have an actual medical marijuana dispensary that is a 'real dispensary' that
55 sells a product safe for use.

1 **Steely Anothe:**

- 2 • Managed and was involved with a medical marijuana dispensary in Berkeley California for
3 thirteen years. Berkeley is one of the most heavily regulated cities in the State for medical
4 marijuana. The dispensary he was involved with was considered highly reputable.
- 5 • Is of the opinion, the more involved the dispensary is with the city from police department
6 cooperation to the community having strict regulations the better it is for everyone including the
7 patients, vendors, and the city, itself. Finds it important dispensaries establish a symbiotic/good
8 working relationship with cities and community members.
- 9 • Medical marijuana dispensaries have been operating in California since the first law was enacted
10 in this regard in 1996.
- 11 • The medical marijuana dispensary he managed in Berkeley actually made the neighborhood
12 better.
- 13 • While location of dispensaries within so many feet of youth-oriented facilities is important but with
14 the right planning, zoning, and signage this can be a doable process.
- 15 • Well-operated medical marijuana dispensaries have integrated/implemented security
16 precautionary measures in place where children cannot be affected. Dispensaries need to be
17 regulated.

18
19 **Patrick Kerr:**

- 20 • Has used marijuana for many years for medicinal purposes and agrees common sense should be
21 applied when comes to children being exposed to marijuana. Is of the opinion pharmaceutical
22 drugs and alcohol are more harmful to children than marijuana.
- 23 • While dispensaries need to be regulated beware of not making the laws governing marijuana
24 dispensaries too stringent.

25
26 **PUBLIC HEARING CLOSED: 6:30 p.m.**

27
28 **Commissioner Sanders:**

- 29 • When the proposed Medical Marijuana Dispensary Ordinance was crafted was there any
30 references to other ordinances from other municipalities that were used as a template for Ukiah's
31 dispensary ordinance?
- 32 • Related to the issue of distance from youth-oriented facilities, churches, public parks, schools,
33 where 250 feet is cited in the proposed Ukiah Medical Marijuana Dispensary Ordinance and
34 inquired what the range of distances are in the other ordinances referenced above? It appears
35 the State requires a distance of 1,000 feet from youth-oriented facilities, churches, parks,
36 schools, etc. Would like to know where the inconsistencies are with regard to dispensary
37 distance from youth-oriented facilities, schools, etc.

38
39 **Darcey Vaughn, City Attorney's Office:**

- 40 • The Medical Marijuana Dispensary Ordinance Ad Hoc committee did review the Medical
41 Marijuana Dispensary Ordinance from the City of Sebastopol and has been in touch with law
42 enforcement in the Sebastopol area. Law enforcement in Sebastopol has been very satisfied
43 with the outcome of their dispensary ordinance.
- 44 • The Ad Hoc committee for the Ukiah Medical Marijuana Dispensary Ordinance started with the
45 Sebastopol ordinance as a base template where it was determined that some areas of the
46 Sebastopol ordinance were silent as to certain issues applicable to Ukiah such that existing
47 ordinances in other areas were looked at such as San Francisco, Oakland, Santa Cruz, including
48 some county ordinances such as Humboldt, etc. The objective was not to cut and paste certain
49 sections from the different ordinances looked at because the circumstances were different and
50 would not suit a much smaller town. The Ad Hoc committee pulled information from several
51 different sources.
- 52 • Many of the ordinances reviewed were silent on the issue of distance. Sebastopol's ordinance
53 requires a 500-foot distance from youth-oriented facilities, parks, churches, etc.
- 54 • Understands State law (AB 2615 that went into effect January 1, 2011) requires a distance of
55 600 feet from youth-oriented facilities, etc. Will check to see if this figure is still current.

- Understands the State desires to give local governments more control over the land use aspects of marijuana regulation. Wants to make certain the distance does not preempt any local distance requirements.
- The Sebastopol ordinance conflicts with the State statute of requiring a 600-foot distance and she needs to verify if this is indeed a conflict or permissible.

Commissioner Sanders:

- Important to have clarification regarding the distance before any recommendation can be made on the Ukiah ordinance tonight.
- Understands some of the rationale in favor of adopting the Ordinance is to improve revenue and be able to better regulate medical marijuana dispensaries and allow more of them.
- There are people in the community who do not want to see a lot of dispensaries.
- Is of the opinion the 250-foot distance from youth-oriented facilities is very generous.
- It is her understanding medical marijuana dispensaries are prohibited in the DZC. Would the proposed Medical Marijuana Dispensary Ordinance override this current code? This issue was not clear in the staff report. This is another issue that needs to be properly addressed.

Darcey Vaughn:

- Ad Hoc committee members Brown and Mulheren were of the opinion a 500-foot distance would effectively prohibit dispensaries in any of the areas in Ukiah.

Interim Planning Director Thompson:

- The proposed Ordinance would override the DZC with regard to allowing medical marijuana dispensaries in the GU, UC, and DC zoning districts.

Commissioner Sanders:

- Discretionary review of the DZC went through a lengthy public process. If we are looking at income generating for the City versus what the community wanted for the Downtown area this requires more comment for the Planning Commission to consider.

Commissioner Watt:

- Does the Ad Hoc committee for the Ordinance have any information on the amount of sales tax revenue that could be generated from dispensaries?
- How were the zoning districts selected that would allow for medical marijuana dispensaries? What criteria was used in the selection of these zoning districts?
- The DZC prohibits medical marijuana dispensaries outright. Are there other zoning code districts that are being considered and is there language in those codes that would affect allowing or not allowing of a dispensary.

Darcey Vaughn:

- As an Ad Hoc committee member does not recall a discussion about the amount of sales tax revenue that could be generated from dispensary business. There was the general hope that there would be sales tax revenue for the City to collect.
- Planning Commission Director Stump served on the Ad Hoc committee and he made recommendations regarding the zoning districts appropriate for a dispensary by using a zoning map that showed all the permissible zoning areas in which a dispensary could be located. There was discussion about how inclusive dispensaries should be without still excluding residential areas.
- Is not specifically cognizant of any language in other zoning code districts that would affect allowing or not allowing of a medical marijuana dispensary.

Interim Planning Director Thompson:

- Medical marijuana dispensaries are currently prohibited in all zoning districts.

Commissioner Watt:

- 1 • Asked if language in the DZC is explicit about prohibiting dispensaries in this zoning district or is it
2 the City code that prohibits dispensaries across the board in all zoning districts?
3 • Related to jurisdictional boundaries, asked if the 931 County Ordinance has jurisdiction in the
4 City? This is the urgency ordinance the County has regarding cultivation that was adopted in May
5 2016.
6

7 **Interim Planning Director Thompson:**

- 8 • The DZC is a newer code and explicitly prohibits dispensaries in this zoning district. The other
9 zoning code districts do not specifically exclude dispensaries.
10 • Is not familiar with the County's marijuana cultivation ordinance regulations. The one referral he
11 saw from the County had to do with cultivation in an agricultural environment.
12

13 **Darcey Vaughn:**

- 14 • Has knowledge the 931 County Ordinance has been challenged by a group regarding CEQA.
15

16 **Commissioner Watt:**

- 17 • Confirmed the 931 County Ordinance was challenged but is still in effect. Do County regulations
18 regarding marijuana cultivation have jurisdiction and/or impact in the City?
19 • Does the City have a cultivation ordinance?
20 • Related to the comparison about how the County views a dispensary as a retail establishment
21 asked if a dispensary business is the same and/or similar to how a retail establishments operates
22 or is it viewed differently. If so, understands no use permit process is required for doing 'retail.'
23 The County is principally permitted for retail in all commercial zoning districts.
24

25 **Interim Planning Director Thompson:**

- 26 • County marijuana cultivation regulations would not have an effect on the City. Is only familiar with
27 what the County is trying to accomplish in their marijuana cultivation regulations for the
28 unincorporated areas of the County.
29 • Marijuana cultivation within the City limits is restricted to indoor cultivation and can be an
30 accessory structure, such as a greenhouse.
31 • Confirmed a marijuana dispensary would be considered a retail establishment.
32 • Retail as it relates to marijuana sales, the County refers to this retail type as an 'Herbal Shop.' Is
33 of the opinion the concept/definition of 'retail' is not directly correlated with marijuana sales in
34 dispensaries, but by categorizing marijuana sales as an 'Herbal Shop' is best how this type of
35 retail sales can be defined. Understands the County does require approval of a use permit in
36 some areas.
37

38 **Darcey Vaughn:**

- 39 • Confirmed the City has a marijuana cultivation ordinance that prohibits all outdoor growing and
40 allows for indoors growing of marijuana with restrictions and limitations.
41

42 **PUBLIC HEARING REOPENED: 6:41 p.m.**

43 **Commissioner Watt:**

- 44 • Asked about the process Mr. Erikson went through to open Reflections of Avolon. Did you have to
45 go through a public hearing?
46

47 **Rick Erikson:**

- 48 • The business functions differently than it did 10 years ago, but basically things you have to do are
49 the same, such as having a business license through the County, State Board of Equalization
50 permits, and pay sales tax. Beyond the aforementioned requirements 'there is no other regulation
51 per se.' He has to work within the parameters of Proposition 215, 420, all of which regulate
52 collectives or cooperatives. According to Governor Brown, there really is no dispensaries and so
53 dispensaries are called collectives or cooperatives. These propositions talk about dispensaries
54 operating for 'reasonable profit or non-profit.'
55

- 1 • Confirmed did not have to go through a public hearing to open his business.
2

3 **Patrick Kerr:**

- 4 • Asked if the proposed ordinance requires a public hearing for an applicant to open a dispensary?
5

6 **Chair Whetzel:**

- 7 • The Ordinance requires approval of a use permit and a renewal process. A dispensary use permit
8 must be approved by the Zoning Administrator with noticing and a public hearing. The Planning
9 Director must review the use permit annually for renewal.

10
11 **Steely Anohe:**

- 12 • Is well versed with California law as it pertains to medical marijuana dispensaries.
13 • Related to the issue of distance for operation of dispensaries, noted there is a difference between
14 youth-oriented facilities and schools. The State considers schools as K-12 and does not include
15 daycares in youth-oriented facilities.
16 • Has experience working and helping dispensaries work with cities to open.
17 • A 250-foot distance is generally what is applied to youth-oriented facilities. He assisted owners
18 and operators of dispensaries to open in Sebastopol. Once the new State regulations are in
19 effect, 600 feet will be the required distance from schools. Again, there is a difference between
20 youth-oriented facilities and schools where consideration would be given in this regard by the
21 persons drafting the ordinance.
22 • Has worked with many dispensary operators in Arizona and Colorado. Would encourage persons
23 drafting the ordinance to do more research and actually see what exists because there are a lot
24 of medical dispensaries that are much closer to youth-oriented facilities than the 1,000-foot
25 distance to youth-oriented facilities that someone mentioned earlier.
26

27 **Ben Butler:**

- 28 • Related to questions directed toward tax revenue generated from dispensaries explained the tax
29 process paid to cities from vendors selling their product to dispensaries.
30

31 **PUBLIC HEARING CLOSED: 6:47 p.m.**
32

33 **Commissioner Watt:**

- 34 • What was the thought behind establishing the Zoning Administrator approval process for medical
35 marijuana dispensaries in the City compared to some of the other approval options available?
36 • Would a use permit be required if a non-dispensary retail establishment wanted to operate in one
37 of the zoning districts?
38 • How would the State regulations flow down to a dispensary that was permitted through the
39 Medical Marijuana Dispensary Ordinance process?
40 • Notwithstanding the land use side of things, how is the actual regulation of the business
41 operations addressed.
42 • If there is a particular aspect that is regulated by the City and also by the State which jurisdiction
43 would govern?
44 • What is the distance setback from the youth-oriented facilities concerning the State standard as
45 provided for in the Medical Marijuana Regulation and Safety Act (MMRSA) relative to medical
46 marijuana dispensaries.
47 • What did the Ad Hoc committee say about the rule of on-site cultivation of marijuana?
48 • There was a statement in the presentation about the City Council's marijuana policy goals and
49 does the Ad Hoc committee have more information about this.
50

51 **Interim Planning Director Thompson:**

- 52 • Understands the intent was to take the political component out of the process of approving
53 medical marijuana dispensaries where the thought of approving the process through the Zoning
54 Administrator would eliminate some of that. Understands there are other city jurisdictions where
55 the Zoning Administrator approves use permits for dispensaries. Once an applicant completes the

1 prescriptive operating standards required and corresponding application the use permit for a
2 dispensary would likely be approved.

- 3 • Whether or not a use permit would be required for a retail establishment would depend on the
4 location, the particular zoning designation, and the type of retail use. Generally speaking, a use
5 permit is not required for a retail use in the Downtown area.

6
7 **Darcey Vaughn:**

- 8 • The process of the Zoning Administrator approving use permits for medical marijuana dispensary
9 projects was the Planning Director and City Manager's idea.
- 10 • The State rules under 'MMRSA' that went into effect January 1, 2016 like what came before in
11 other Assembly/Senate Bills are pretty silent about how localities should be permitting and
12 licensing in connection with land use and zoning determinations.
- 13 • Related to the actual regulation of the dispensary from the business operations side, what the
14 MMRSA proposes to do even though it is still at the implementation stage is require licenses for
15 the different medical cannabis activities. It also sets up a number of agencies that are responsible
16 for over-site of testing marijuana products and creating and propagating regulations for agencies
17 so aside from requiring licenses there are not a lot of onerous restrictions at the State level
18 concerning the business operation side for dispensaries.
- 19 • The City's version of the ordinance must meet the minimum State standard. The Business and
20 Professions code says any standards, requirements, regulations regarding health and safety
21 testing, security etc., established by the State are the minimum standards such that local
22 government entities can enact regulations that are more stringent.
- 23 • The State version of the distance setback only applies to schools and the standard distance for
24 this is 600 feet. Is not sure in this instance because State law does seem to treat land use
25 decisions a little differently than it would health and safety, testing, and security regulations. In
26 response to the question concerning distance would likely need to do more research in this
27 regard to figure out whether the State's setback in the aforementioned situation would preempt
28 the City's distance standard of 250 feet. Has noticed other local ordinances that do restrict
29 distance from a youth-oriented facility or school usually have less than 600 feet.
- 30 • The Ad Hoc committee is of the opinion, specifically Councilmembers Mulheren and Brown, the
31 restrictions in the Sebastopol medical marijuana dispensary ordinance were too stringent.
- 32 • Related to City Council policy goals, it is the opinion of City Council and the Ad Hoc committee
33 with the potential onset of legalizing recreational marijuana that a regulatory structure by way of a
34 medical marijuana dispensary ordinance should be in place other than just banning marijuana
35 businesses outright but at the same being realistic about what law enforcement and health and
36 safety impacts might be by allowing marijuana businesses in the City limits.
- 37 • The Ad Hoc committee was very interested in the sales tax implication. Councilmembers
38 Mulheren and Brown believe the City could benefit from tax revenue derived from the operation of
39 dispensaries within the City limits, rather than losing that tax revenue to dispensaries located
40 immediately outside the City limits under County jurisdiction.

41
42 **Commissioner Watt:**

- 43 • What role do you see the Police Department having in enforcing the rules that are laid out in the
44 Ordinance such the amount of cultivation area, hours of operation and/or all other aspects
45 associated with marijuana and marijuana businesses?
- 46 • Related to the matter of marijuana deliveries into the City, if there is no ordinance prohibiting this
47 would it be allowed or is there no way to regulate it?
- 48 • What was the concern about if there were dispensaries delivering from outside the City into the
49 City?
- 50 • With the prescriptive rules regulating dispensaries what would be the concern about crime and/or
51 robberies? It appears there are a lot more restrictions placed on dispensaries as opposed to
52 liquor stores, for instance, and questions why is there a concern about crime associated with
53 dispensaries. Is concerned about the potential of crime associated with dispensary businesses
54 and questions why there would be any crime associated with this business use if there are
55 stringent rules regulating them being put in place that would prevent crime from happening or do

1 we still have law enforcement concern even with the prescriptive rules for dispensary businesses
2 above and beyond other business types?
3

4 **Chair Whetzel:**

- 5 • What is the distance setback from youth-oriented facilities for a liquor store?
6

7 **Commissioner Sanders:**

- 8 • Remembers seeing marijuana dispensaries in town.
- 9 • Requested clarification if she see saw an advertisement for marijuana, it was not a dispensary but
10 rather a doctor's office that provided a prescription for medical marijuana and/or issued cards for
11 patients to obtain marijuana for medicinal purposes.
- 12 • Related to the maps showing distance setback of 500 feet and 250 feet from youth-oriented
13 facilities concerning potential locations for dispensaries what would be the concern about the
14 500-foot potential in terms of crime and other factors like schools, etc.?
15

16 **Commissioner Christensen:**

- 17 • Related to the other end of the delivery asked how dispensaries get the product and how is this
18 regulated and how does this affect the Police department?
- 19 • We have been discussing medical marijuana as a medicine and associates this from a
20 pharmaceutical perspective. There is a big problem currently with pain medicine addiction where
21 people are used to getting a certain dosage and the federal government is tightening up
22 restrictions on these classes of drugs creating sort of a desperation. As such, asked if there is
23 any parallel association with pharmacies needing extra security for police protection.
24

25 **Director of Public Safety Dewey:**

- 26 • Cultivation area, hours of operation and the like pertain to planning and are code enforcement
27 issues. If there are violations to the dispensary regulations, those would come up at the annual
28 review of the use permit. The role of the police department is to protect the City and its citizens
29 from criminal activity that could occur at dispensaries.
- 30 • Clarified, the County ordinance regarding cultivation does not apply in the City limits. The current
31 City ordinance does not allow for medical marijuana dispensaries within any portion of the City.
32 The DZC also prohibits dispensaries from operating in the Downtown. Related to the City
33 ordinance regulating cultivation in the City limits, cultivation is limited to six plants per person or
34 12 plants per parcel such that all growing must be indoors. Outdoor growing of marijuana is
35 prohibited in the City limits.
- 36 • The concerns of the Ad Hoc committee in bringing the Medical Marijuana Dispensary Ordinance
37 forward is related to last year's Medical Marijuana Regulations and Safety Guide referred to as
38 'MMRSA' and changed some of the laws of Proposition 215 that have been in effect for
39 approximately 10 to 15 years.
- 40 • Talked about the element of crime that occurred from illegal growing of marijuana in the City limits
41 prior to the ordinances that are now in place to regulate marijuana cultivation and prohibit medical
42 marijuana dispensaries.
- 43 • Section 11362.7 of the Health and Safety Code states medical marijuana dispensaries must
44 maintain a setback distance of 600 feet of a school. The Ad Hoc committee wanted to change this
45 rule based on a number of decisions about where they thought dispensaries might be precluded
46 or could not be located within the City limits. The Ad Hoc committee was concerned about the
47 areas in town that dispensaries could operate so the committee elected to change the distance
48 setback for youth-oriented facilities, such as schools.
- 49 • Related to the distance setback for liquor stores, does not know the answer offhand. This would
50 likely be a question for 'ABC.'
- 51 • Acknowledged 'MediCann' is a doctor's office and they provide prescriptions for the use of
52 marijuana but this facility has never been a licensed dispensary facility within the City limits.
53 •
- 54 • Is of the opinion the primary purpose of MediCann was to prescribe marijuana for medicinal
55 purposes.

- 1 • The only way a local jurisdiction can regulate a delivery of medical marijuana from dispensaries to
2 patients having licensed cards is to make certain the dispensary is licensed to operate within the
3 City limits such that deliveries can only be made by a licensed dispensary.
- 4 • Related to deliveries from outside of the City, without an ordinance the City has no control over
5 those type of deliveries. The concern is that the City would not be able to regulate whether the
6 person was convicted of a crime and/or if that person is actually making the delivery. The City
7 would not be able to regulate the exchange and how much might be exchanged as to what the
8 actual cash value is. The person delivering is at-risk because they are carrying a very valuable
9 product. Often times what occurs similarly to what is done on Craig's List and eBay, etc., where
10 people meet not to exchange money for an object but rather to commit a crime.
- 11 • A dispensary can have a collective number of growers that do the growing for the facility. One
12 public member talked about a marijuana dispensary that sells tested products and another
13 dispensary that does not sell tested products. While this is complicated it is part of the new
14 'MMRSA' regulations. What the Ad Hoc committee decided should the City have a dispensary in
15 the City limits would allow that a certain number of plants to be grown on the premises, i.e.,
16 indoors growing with a number of safety regulations.
- 17 • His job is to enforce the law and would rather not make public policy comments on the respective
18 maps concerning distance setback for potential locations of dispensaries. He did recommend
19 the Ad Hoc committee consider visible locations for dispensaries rather than hard to patrol
20 locations. Would not want to see a dispensary at the end of a 'dead end' street that patrol officers
21 rarely go to. Preference would be to have dispensaries in locations where patrol cars can actively
22 get to or can be seen.
- 23 • Businesses typically have security measures/procedures in place because they have valuable
24 things and it is the job of the Police department to work with all businesses, including
25 dispensaries to protect their safety along with the public.
- 26 • The number of regulations that are within our City Medical Marijuana Dispensary Ordinance are
27 part of MMRSA regulations that were adopted last year and do address felony convictions and
28 security procedures and the like. As police chief, it is his responsibility to make certain any
29 business operates safely. Some businesses have the likelihood of having more crime committed
30 than others. We have not had dispensary businesses in the City before. Crime was associated
31 with marijuana before it was regulated in the City. In the 10 years the City has had an ordinance
32 prohibiting dispensaries in the City limits and an ordinance regulating the cultivation of marijuana
33 crime has diminished significantly. Dispensary businesses will be new for our community and as
34 such, important to make certain the necessary safe guards are in place.
- 35 • Pharmacies do have a number of extra security requirements that a typical business does not
36 have.

37
38 **Darcey Vaughn:**

- 39 • The City could prohibit deliveries within the City limits entirely.
- 40 • The ABC controls the number of liquor licenses that can be issued/allowed for local jurisdictions
41 and is authorized but not required to refuse the issuance of an on-sale retail license premises
42 within 600 feet of school and playgrounds.

43
44 **PUBLIC HEARING REOPENED: 7:13**

45
46 **Ben Butler:**

- 47 • There were two dispensaries operating in the City limits before the moratorium and cited the
48 locations. The reasons why these dispensaries were essentially shutdown is because people
49 were doing big grows in their backyard and getting robbed. Undesirable people were growing
50 marijuana and not for medicinal purposes. This type of activity should not take place in the City
51 limits. Marijuana cultivation needs to be controlled. The robberies that occurred were at private
52 grows and not at dispensaries. The 'Feds' will not be doing raids despite what someone
53 mentioned earlier. Those businesses following the rules with regard to dispensaries in the Bay
54 Area are functioning fine and the cities financially benefit from the sales tax revenue generated.

- 1 • It is important that the marijuana being sold for medicinal purposes be tested for safety with
2 regard to mold, pesticides, etc.
3

4 **Patrick Kerr:**

- 5 • One of the reasons why the police department has problems associated with marijuana activity is
6 because the Federal government does not allow any electronic financial transactions. All
7 transactions must be in cash. Colorado has problems with medical marijuana dispensaries as
8 well as with the recreational dispensaries. All transactions will be cash until the Federal
9 government takes marijuana off that 'Class A' designation. Cash attracts criminals and this is a
10 problem for medical marijuana dispensaries.
11

12 **Ben Butler:**

- 13 • Explained what occurs in the State of Colorado with regard medical marijuana dispensaries and
14 military veterans. Also explained how purchase transactions are typically handled for legitimate
15 dispensaries. Local banks in the Bay Area actually send armor cars to dispensaries to handle
16 and/or pick up the cash. All transactions are legitimate and appropriately taxed. The dispensaries
17 are helping people.
18

19 **Patrick Kerr:**

- 20 • California is less than 60 days from an election where it is likely recreational marijuana will be
21 legalized for any adult over the age of 18 with regard to Proposition 64.
22 • It may be legalizing recreational marijuana will affect what the City is doing to establish a Medical
23 Marijuana Dispensaries Ordinance.
24

25 **PUBLIC HEARING CLOSED: 7:20 p.m.**

26
27 **PUBLIC HEARING REOPENED: 7:35 p.m.**
28

29 **Steely Anohe:**

- 30 • It has been his experience is that a State card works but any medical doctor that has a license in
31 the State of California can issue a recommendation. It is not a prescription but rather a
32 recommendation. As long as a person has a physical paper with the doctor's name, his/her
33 license, and a way to verify that recommendation along with a non-expired State identification this
34 generally is what is necessary to purchase marijuana for medicinal purposes. A State card works
35 too.
36 • What many people do not realize is these little clinics offer medical recommendations from a
37 physician and do offer cards, but sometime not all the necessary information is there so
38 generally, an actual paper with a seal or something that has the physician's license on it will
39 suffice and/or provide poof for a purchase.
40

41 **PUBLIC HEARING CLOSED: 7:38 p.m.**
42

43 The Planning Commission wanted to know if Proposition 64 passes, will the City still be able to collect
44 sales tax revenue.
45

46 The Planning Commission wanted to know about 'revenue comparables' concerning sales tax revenue
47 generation for other cities.
48

49 The Planning Commission talked about the draft Medical Marijuana Dispensary Ordinance with the
50 following comments:
51

52 **1. Section 5706 Imposition of Fees.**

53 The Planning Commission had questions regarding what an appropriate fee for a Dispensary Use
54 Permit should be. The fee should cover all staff processing costs.

1 The current deposit for a Major Use Permit is \$2,000 plus an additional time and materials.
2 Dispensary Use Permits will be charged and processed in the same manner.
3

4 **2. Section 5707 Limitation on Location of Dispensary (A)**

5 The Planning Commission had questions regarding conflicts with the Downtown Zoning
6 Ordinance and the proposed Marijuana Dispensary Ordinance. Adoption of the proposed
7 ordinance will require an amendment to the Downtown Zoning Ordinance, which currently
8 prohibits dispensaries within any of the three downtown zoning designations (GU, UC, DC).
9

10 **3. Section 5707 Limitation on Location of Dispensary (C)(1)**

11 The Planning Commission suggested greater distances for dispensary locations from youth-
12 oriented facilities than the proposed 250 feet.

13 **4. Section 5708 Operating Requirements (F)(1) Consumption Restrictions**

14 The Planning Commission believes that this provision contradicts the prohibition on consumption
15 of medical marijuana on the premises by patients.
16

17 **5. Section 5708 Operating Requirements (G)(1) Retail Sales and Cultivation**

18 The Planning Commission requested clarification on the amount of square footage allowed for
19 on-site cultivation and off-site cultivation provisions.
20

21 **6. Section 5708 Operating Requirements (G)(2) Retail Sales and Cultivation**

22 The Planning Commission requested clarification on provision in the Ordinance requiring
23 Planning Commission approval for additional retail square footage.
24

25 **7. Section 5708 Operating Requirements (5) Retail Sales and Cultivation**

26 The Planning Commission requested clarification on provision regarding the maximum amount a
27 dispensary can pay for medical marijuana.
28

29 **8. Section 5708 Operating Requirements (J)(K) Patient and Employee Records**

30 The Planning Commission had questions regarding how this provision will be enforced.
31

32 **9. Section 5709 Application Preparation and Filing (12) Statement of Need**

33 The Planning Commission asked how an applicant would demonstrate a statement of need for a
34 dispensary.
35

36 **10. Section 5710 Criteria for Review Section Zoning Administrator**

37 The Planning Commission indicated they wanted Dispensary Use Permits to be reviewed by the
38 Planning Commission with a public hearing.
39

40 **11. Section 5713 Effect of Denial**

41 The Planning Commission pointed out that this provision, if the reason for denial of the permit is
42 not due to a criminal background or fraud, could be excessively punitive.

43 It was noted there was an error on the 500-foot on the dispensaries location map. To correct the map, the
44 250-foot GIS layer needed to be turned on.
45

46 The Planning Commission asked that the Medical Marijuana Dispensary Ordinance Ad Hoc Committee
47 address the Commission's comments made above and make a response for further review of the draft
48 Ordinance by the Commission.

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Interim Planning Director Thompson:

- Staff will bring the draft Medical Marijuana Dispensary Ordinance back to the Commission for further review based on the comments made above.

10. PLANNING DIRECTOR'S REPORT

Interim Planning Director Thompson:

- Gave an update on the Costco project.

11. PLANNING COMMISSIONERS' REPORT

Commissioner Sanders:

- The annual Russian River clean up, including Orr Creek is Saturday, September 17, 2016 beginning at 8:30 p.m. for registration.
- The Planning Commission's training seminar at Sonoma State is coming up and will forward the email regarding this training to staff to send to the Commissioners.

Interim Planning Director Thompson:

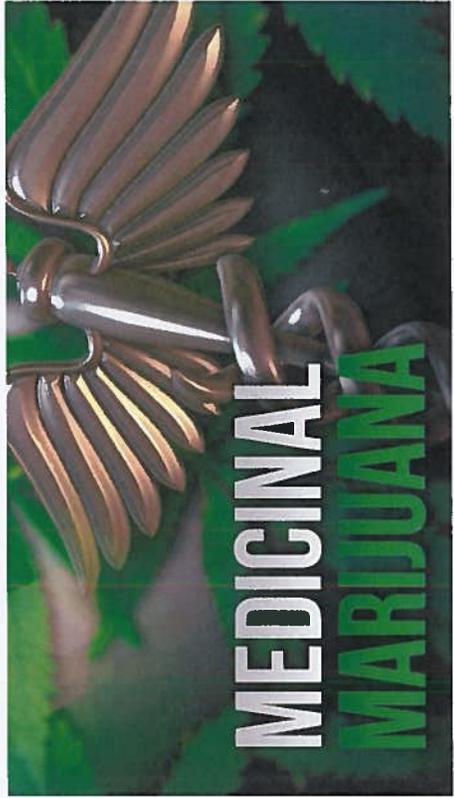
- City budget has allowed for \$500 per each Commissioner for training seminar purposes.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.

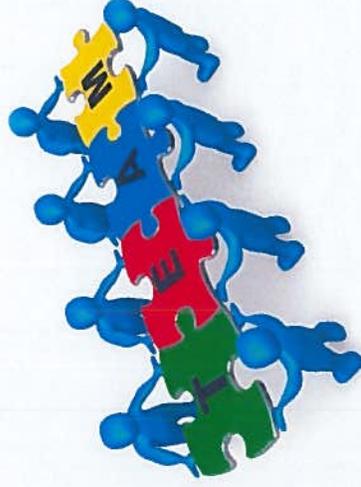
Cathy Elawadly, Recording Secretary

Marijuana Dispensary Ordinance



The Team

- Darcy Vaughn- City Attorney's Office
- Chris Dewey- Chief of Police
- Kevin Thompson- Interim Planning Director

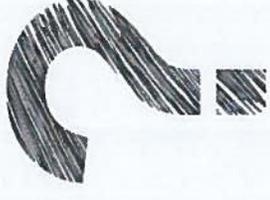


What is it?

- An ordinance that establishes a process for issuance of “Dispensary Use Permits”
- Prescriptive development and operational standards
- Provides a process for annual renewals



Why are we doing this?



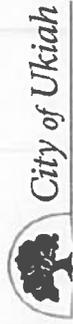
- Medical Marijuana Regulation & Safety Act (MMRSA)- January 1, 2016
 - Allows local governments to regulate the operation of marijuana businesses
 - If the City does not regulate these businesses, the State will be the sole licensing authority for marijuana activities- **Particularly Delivery**
 - Interest in the community
 - County allows dispensaries right outside city limits

AD HOC- Formed 07/01/15

Council members Mulheren and Brown, the City Manager, Planning Director, City Attorney, Assistant City Attorney, and Chief of Police

Objectives of AD HOC:

- To address any regulatory gaps in the City's current regulation of medical marijuana
- Consider the City's policy objectives with regard to the medical marijuana

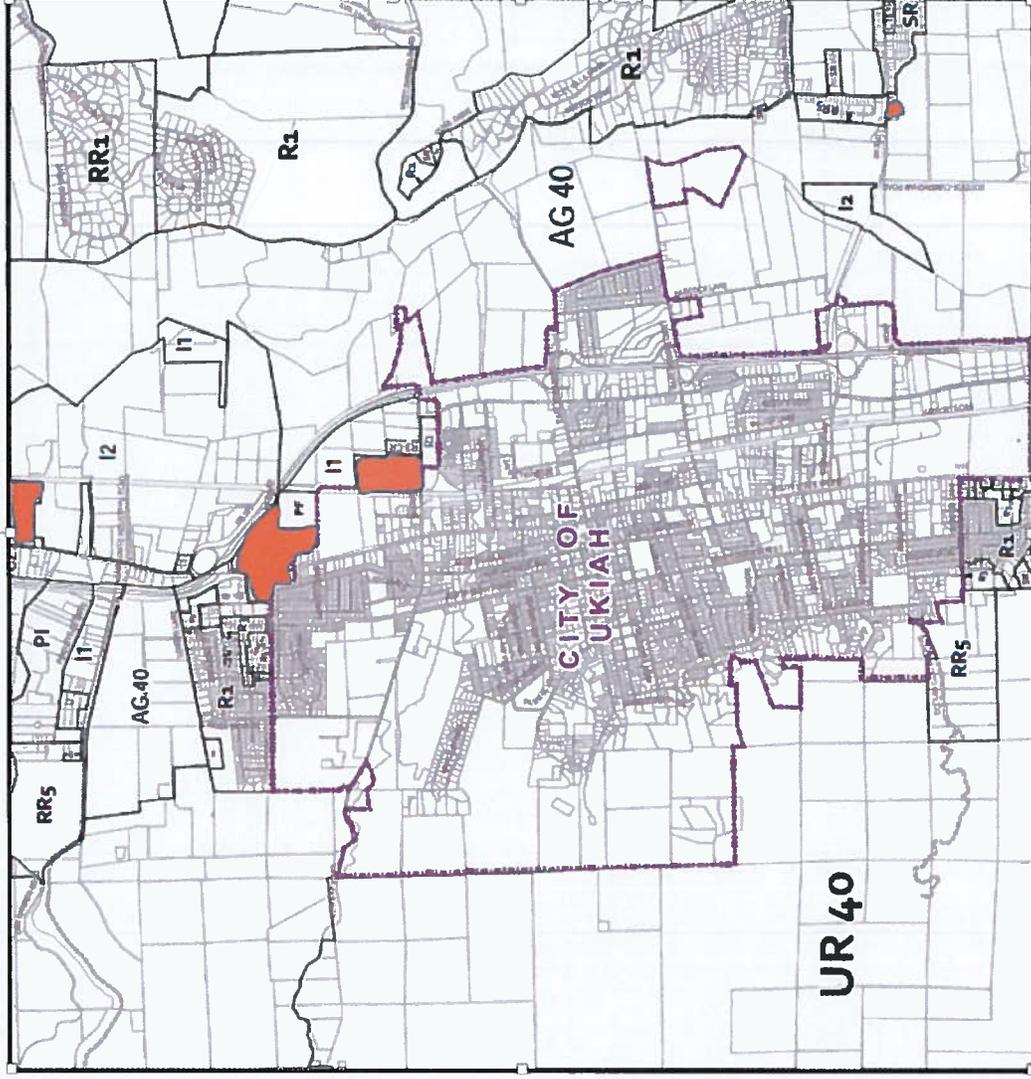


Mendocino County

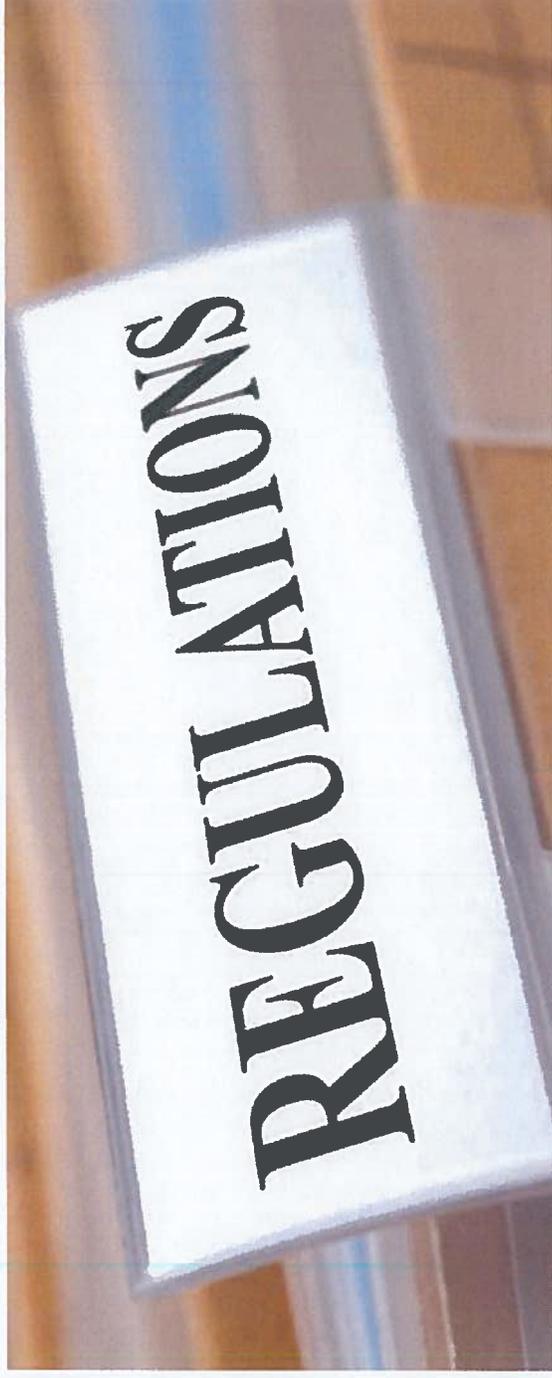
Allowed with Use Permit in:

- LC Limited Commercial
- C1 Neighborhood Commercial
- C2 Retail Business and Service

No specific rules for dispensaries,
treated like retail



The Rules...



The Ordinance- *Dispensary Use Permit*

Establishes a Dispensary Use Permit and renewal process

- Approved by the Zoning Administrator
With noticing and public hearing
- Must be renewed annually by the Planning Director

The Ordinance- *Limits on location*

Allowed in:

- Commercial 1 (C1)
- Commercial 2 (C2)
- Neighborhood Commercial (NC)
- Manufacturing (M)
- Planned Development (PD)(Commercial)
- General Urban (GU)
- Urban Center (UC)
- Downtown Core (DC)

The Ordinance:

Limits on location

Cannot be within 250 feet of a youth-oriented facility- *Defined as public park, school, church, or licensed day care*

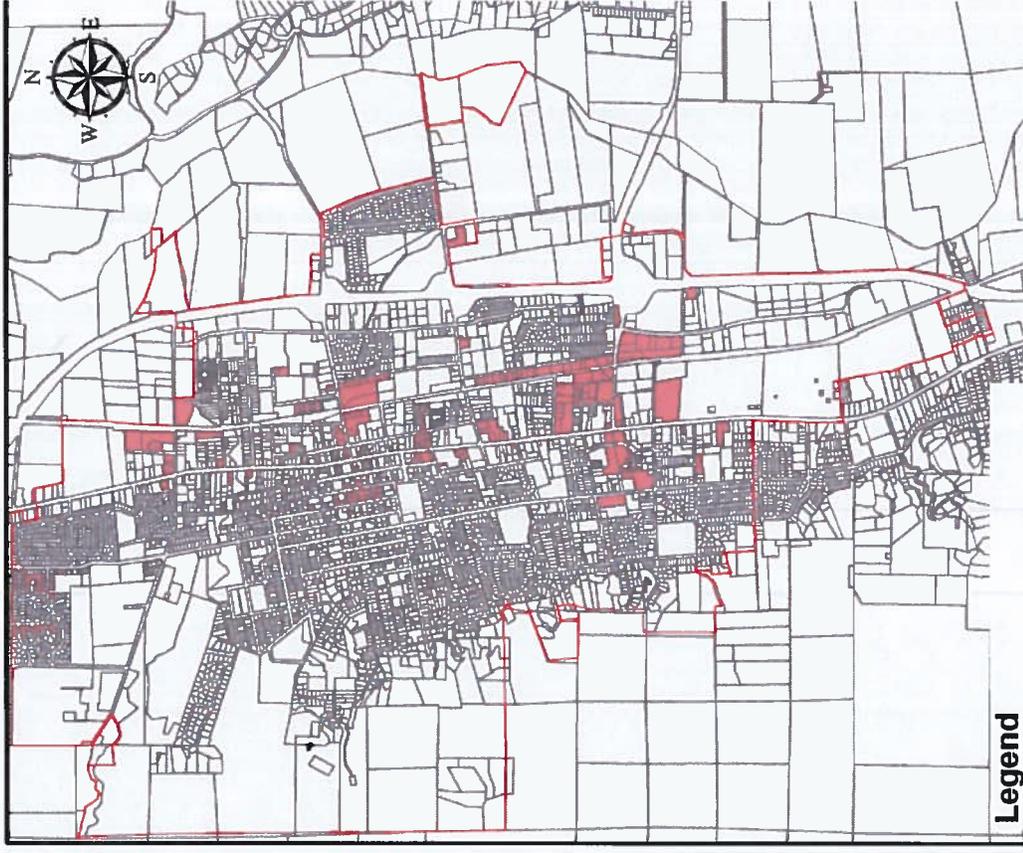
Entrance must be visible- *good views of entrance from street*

Not within or near residentially zoned areas

Residential use on site, directly abutting residential



Planning Commission
09/14/16



Operating Requirements- Summary

- Applicants cannot have any felony convictions
- Employees must be 18 or older
- Size of facility is limited to what is considered appropriate for the neighborhood
- Controlled entry, limited restroom access
- No consumption on site by patients
- Building Code requirements

Delivery of Marijuana

- Allowed from legal dispensaries operating within the City limits



Planning Commission's Role- Appeals

- Hear appeals of Zoning Administrator's decisions
- Hear appeals of Planning Director's decisions on Use Permit renewals
- Approval of commercial sales of goods and services in addition to medical marijuana above a 150 sq.ft.



Planning Commission's decisions are final

LOCAL DISPENSARIES

LOCAL

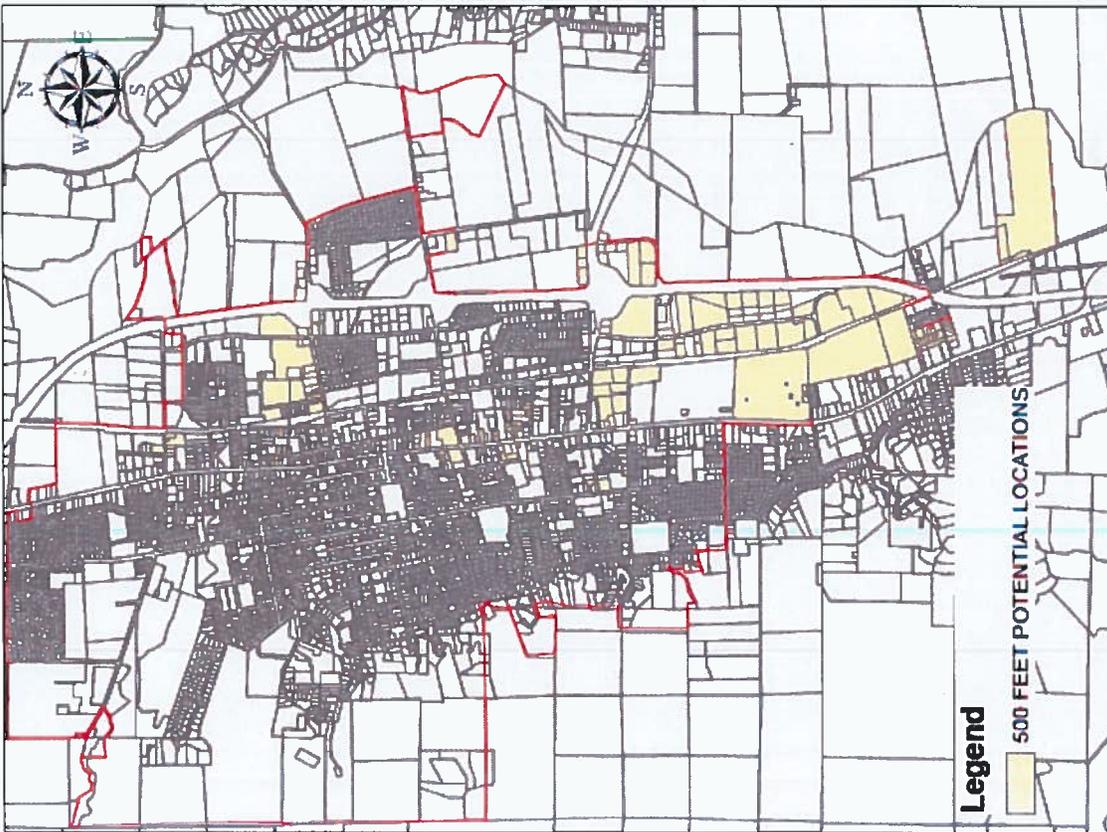
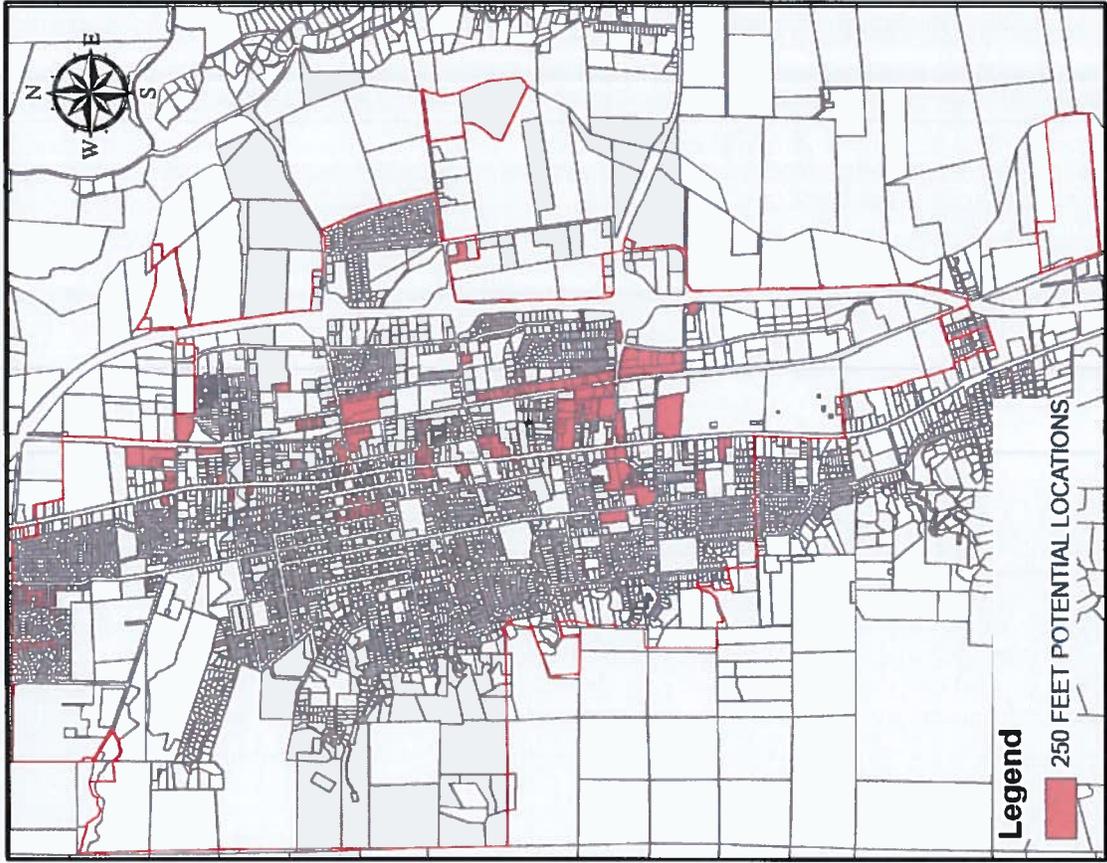
Reflections of Avolon -1293 Talmage Road



Recommendation

- Conduct a public hearing
- Provide a recommendation of approval of the proposed Negative Declaration and Marijuana Dispensary Ordinance





Kevin Thompson

From: Michelle Johnson
Sent: Wednesday, September 14, 2016 1:56 PM
To: Kevin Thompson
Subject: Opposed to the Marijuana Dispensaries
Importance: High

Hi Kevin,

I tried to forward the following message but your voicemail is full. Leslie Kirkpatrick left a voicemail for me stating she is unable to attend tonight's meeting regarding the Marijuana Dispensary Ordinance and would like to voice her concern as a citizen regarding the ordinance. She is opposed to the Ordinance for the following reasons:

- Dispensaries bring an increased level of crime
- Bad Influence

Leslie Kirkpatrick would like the commission to hear about her concerns and can be reached at 707-972-7590 if you have any questions.

-Michelle

UKIAH PLANNING COMMISSION
September 28, 2016
Minutes

COMMISSIONERS PRESENT

Mike Whetzel, Chair
Christopher Watt
Laura Christensen
Mark Hilliker
Linda Sanders

COMMISSIONERS ABSENT

STAFF PRESENT

Kevin Thompson, Interim Planning Director
Darcy Vaughn, City Attorney's Office
Chris Dewey, Director of Public Safety
Councilmember Mulheren, Medical Marijuana Ad Hoc Committee
Councilmember Brown, Medical Marijuana Ad Hoc Committee
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Listed below, Respectively

1. CALL TO ORDER

The regular meeting of the City of Ukiah Planning Commission was called to order by Chair Whetzel at 6:00 p.m. in the Council Chambers of the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE - Everyone cited.

4. APPROVAL OF MINUTES – The minutes from the September 14, 2016 meeting will be available for review and approval at the next regular meeting.

5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

6. APPEAL PROCESS

Chair Whetzel read the appeal process. For matters heard at this meeting the final date to appeal is October 10, 2016 at 5:00 p.m.

7. SITE VISIT VERIFICATION

8. VERIFICATION OF NOTICE – Confirmed by Staff.

9. PUBLIC HEARING

9A. Proposed Medical Marijuana Ordinance.

Staff recommends the Planning Commission review, conduct a public hearing and provide a recommendation of approval of the Marijuana Dispensary Ordinance to the City Council. The Ordinance would create a new section (§5700) to the Municipal Code establishing a Use Permit process and associated development and operational standards for the establishment of Medical Marijuana Dispensaries.

Interim Planning Director Thompson:

- Gave a PowerPoint presentation the contents of which are included in the minutes as attachment 1.
- Attachments 2 and 3 are emails staff received after the Planning Commission packet for this meeting was distributed.

- 1 • On September 14, 2016, the Planning Commission conducted a public hearing to gather public
2 input and provide comments on the proposed Medical Marijuana Dispensary Ordinance. The
3 Medical Marijuana Ad-Hoc committee met to discuss the comments and the following
4 summarizes the Planning Commission's comments and the Ad-Hoc committee's response:
5
- 6 1. **Section 5706 Imposition of Fees.** The Planning Commission had questions regarding what
7 an appropriate fee for a Dispensary Use Permit should be. They stated the fee should cover
8 all the staff processing costs. *Ad-Hoc Comments: The Ad-Hoc committee agreed with staff's*
9 *recommendation that a time and material cost recovery fee structure is best suited for*
10 *processing Dispensary Use Permits. The deposit for a Major Use Permit is \$2,000, plus any*
11 *additional time and materials needed to complete the processing. Dispensary Use Permits*
12 *will be charged and processed using the cost recovery method.*
 - 13 2. **Section 5707 Limitation on Location of Dispensary (A)** The Planning Commission had
14 questions regarding conflicts with the Downtown Zoning Ordinance and the proposed
15 Marijuana Dispensary Ordinance. Adoption of the proposed ordinance will require an
16 amendment to the Downtown Zoning Ordinance, which currently prohibits dispensaries within
17 any of the three downtown zoning designations (GU, UC, DC). *Ad-Hoc Comments: The*
18 *Ordinance adaption by the Council will include an amendment to the Downtown Zoning Code*
19 *allowing dispensaries with a Dispensaries Use Permit in the GU, UC and DC zoning districts.*
20 *This amendment is considered implementation of the Marijuana Dispensary Ordinance.*
 - 21 3. **Section 5707 Limitation on Location of Dispensary (C)(1)** The Planning Commission
22 suggested greater distances for dispensary locations from youth-oriented facilities than the
23 proposed 250 feet. *Ad-Hoc Comments: Subsequent research revealed that State Health and*
24 *Safety Code Section 11362.768 stipulates a dispensary shall be a minimum distance of 600*
25 *feet from any school, but is silent on a minimum distance from youth-oriented facilities. The*
26 *Ad-Hoc Committee suggested two standards specifying minimum distance be incorporated*
27 *into the Ordinance as follows:*
 - 28 1. 600 feet from a school
 - 29 2. 250 feet from any youth-oriented facility (as defined in the Ordinance)
 - 30 4. **Section 5708 Operating Requirements (F)(1) Consumption Restrictions** The Planning
31 Commission believes that this provision contradicts the prohibition on consumption of medical
32 marijuana on the premises by patients. *Ad-Hoc Comments: Remove sections allowing*
33 *employees or volunteers to smoke or vaporize on-site.*
 - 34 5. **Section 5708 Operating Requirements (G)(1) Retail Sales and Cultivation** The Planning
35 Commission requested clarification on the amount of square footage allowed for on-site
36 cultivation and details on the off-site cultivation provisions. *Ad-Hoc Comments: Reduce the*
37 *maximum interior square footage that can be devoted to cultivation from 1,500 to 500.*
38 *Cultivation areas can be used for either immature starter plants for sale or for plants intended*
39 *to produce medical marijuana for sale on-site. References to off-site cultivation facilities*
40 *were eliminated.*
 - 41 6. **Section 5708 Operating Requirements (G)(2) Retail Sales and Cultivation** The Planning
42 Commission requested clarification on provision in the Ordinance requiring Planning
43 Commission approval for additional retail square footage. *Ad-Hoc Comments: Remove the*
44 *section that references Planning Commission approval for increased retail space. The*
45 *maximum retail space for retail paraphernalia will be limited to 150 square feet.*
 - 46 7. **Section 5708 Operating Requirements (5) Retail Sales and Cultivation** The Planning
47 Commission requested clarification on the provision regarding the maximum amount a
48 dispensary can pay for medical marijuana. *Ad-Hoc Comments: Remove the statement that*
49 *the dispensary shall not pay supplier(s) of medical marijuana more than the cost incurred for*
50 *cultivation and preparation.*

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8. **Section 5708 Operating Requirements (J)(K) Patient and Employee Records** The Planning Commission had questions regarding how this provision will be enforced. *Ad-Hoc Comments: It was discussed that the City wanted to establish a system for annual inspections conducted by the Code Enforcement division of the Police Department. This inspection would include a brief review of the records and will likely occur prior to the dispensary's renewal request. No change is suggested for this section.*
9. **Section 5709 Application Preparation and Filing (12) Statement of Need** The Planning Commission asked how an applicant would demonstrate a statement of need for a dispensary. *Ad-Hoc Comments: Remove this section.*
10. **Section 5710 Criteria for Review Section Zoning Administrator** The Planning Commission indicated they wanted Dispensary Use Permits to be reviewed by the Planning Commission with a public hearing. *Ad-Hoc Comments: The Ordinance is very prescriptive, if an applicant meets all the standards the application should be approved and not subject to a political process. No change is suggested for this section.*
11. **Section 5713 Effect of Denial** The Planning Commission pointed out that this provision, if the reason for denial of the permit is not due to a criminal background or fraud, could be excessively punitive. *Ad-Hoc Comments: Remove the word "denial" from the provision. This means only dispensary operators whose permit was not renewed due to violations of the Ordinance would be subject to three year waiting period.*
- The Medical Marijuana Dispensary Ad Hoc Committee was very appreciative of the Planning Commission comments from the September 14, 2016 meeting.
 - Correction necessary from a recent Ukiah Daily Journal article that stated City Council wanted the Medical Marijuana Dispensary Ordinance adopted before the November election and the correction is the Medical Marijuana Dispensary Ad Hoc Committee made that statement rather than Council.
 - Referenced the 'Revenue Comparison' table that was part of the PowerPoint presentation and talked about tax revenue generated for the cities compared.
 - To get an idea the City roughly receives 1.5% of gross sales tax generated.
 - One of the first questions raised related to imposition of fees is what should the City charge for processing a medical marijuana dispensary use permit. The Ad Hoc Committee agreed with staff's recommendation that a time and material cost recovery fee structure is best suited for processing dispensary use permits. The deposit for a major use permit is \$2,000 plus any additional time and materials needed to complete the processing. Dispensary Use Permits will be charged and processed using the cost recovery method.
 - Related to limitation on location of dispensary, the Planning Commission suggested greater distances for dispensary locations from youth-oriented facilities than the proposed 250 feet. The Ad Hoc Committee research indicates that according to the State Health and Safety Code a dispensary shall be a minimum distance of 600 feet from any school, but is silent on a minimum distance from youth-oriented facilities. The Ad Hoc Committee suggests two standards specifying minimum distance be incorporated in the Ordinance: 600 feet from a school; 250 feet from any youth-oriented facility as defined in the Ordinance.
 - Related to criteria for review, the Planning Commission wanted dispensary use permits to be reviewed by the Planning Commission with a public hearing. The Ad Hoc Committee is of the opinion the Ordinance is very prescriptive so if an applicant meets all the standards the application should be approved and not subject to a political process. No change is suggested.

51 **Commissioner Sanders:**

- 52 • The dispensary type that was discussed at the September 14 Planning Commission meeting was
53 similar to a pharmacy and should State law change to legalize recreational marijuana with
54 Proposition 64 will this potential pharmacy also be used for recreational intentions like one would

1 go into a liquor store? How would the State law changes affect the Medical Marijuana Dispensary
2 Ordinance?

- 3 • Requested clarification it is too early to know how to proceed as it relates to Proposition 64
4 because the Planning Commission wanted to look at a Medical Marijuana Dispensary Ordinance
5 after the November election.
- 6 • Would changes to the Ordinance go the Planning Commission or City Council?
7

8 **Darcey Vaughn:**

- 9 • If Proposition 64 is enacted, the City would obviously need to decide whether it is going to either
10 completely ban recreational marijuana sales, which it could do, or could consider allowing
11 regulated recreational sales where a permitting process would likely be adapted to recreational
12 marijuana. Would need to read Proposition 64 more closely in order to provide more informed
13 information in this regard. Her current interpretation is that the City could require medical and
14 recreational marijuana not to be sold in a 'City facility.' Prop. 64 contemplates two separate but
15 mirrored tracks, i.e., a medical track and a recreational retail track, which both allow for some
16 local regulation control, if not outright prohibition. If the Ordinance were to be adopted we can add
17 additional provisions that also apply to the permitting process to recreational marijuana.
- 18 • Approval of changes would go to the Planning Commission because those changes are related to
19 the zoning ordinance.
20

21 **Commissioner Watt:**

- 22 • Requested clarification the proposed Ordinance would affect the sales of medical marijuana and
23 would not allow recreational marijuana to be sold at the medical facility?
- 24 • Inquired regarding State law, Medical Marijuana Regulation & Safety Act (MMRSA) and how this
25 law would affect how it regulates to the dispensaries. In other words, what is the State regulation
26 over the dispensary?
- 27 • Requested clarification the Ordinance represents the land use aspect of it and as such, will there
28 be State agencies that will have other regulatory authority over the dispensaries? Do we know
29 what State agencies will have regulatory authority over the dispensaries yet?
30

31 **Darcey Vaughn:**

- 32 • Regarding the aforementioned question, not as currently written.
- 33 • MMRSA essentially gave regulatory response that created a number of agencies and
34 corresponding responsibility for regulating medical marijuana. These agencies are still writing the
35 regulations for dispensaries so she is unable to disclose what that regulatory restriction is. While
36 there are marijuana regulations in association with AG regulations and/or similar regulations the
37 data in these regulations have not been published.
- 38 • Confirmed the Ordinance does address the land use aspect and there will be State regulatory
39 agencies that have authority over the dispensaries.
- 40 • Confirmed do not know what State agencies will have regulatory authority over dispensaries.
41 Acknowledged there is some degree of regulatory integration regarding licensing of the
42 dispensary and explained the function.
43

44 **Commissioner Hilliker:**

- 45 • Has some questions about the ordinance, as written:
- 46 • Will dispensaries regulate the number of patients allowed per day and/or using the facility and
47 close once it reaches the maximum number allowed. How would the City go about regulating
48 this?
49

50 **Commissioner Christensen:**

- 51 • Asked why we have this urgency to adopt a Medical Marijuana Dispensary Ordinance when we
52 are potentially looking at another change should recreational marijuana be legalized. As such, do
53 we gain something by adopting an ordinance or preventing something that could potentially
54 happen if we do not adopt the Ordinance before the November election. Are we afraid of not
55 doing something? Does not understand the urgency of adopting such an ordinance.

1 **Darcey Vaughn:**

- 2 • Asked that Commissioner Hilliker cite a specific section in the Ordinance.
3 • It is likely the Ad Hoc Committee could better address the reason for wanting to adopt the
4 Ordinance prior to the November election. Could look at it as way to keep the momentum going
5 so that we do not fall through the cracks and ultimately end up effectively waving regulatory
6 authority over the State. There have been amendments to the MMRSA that imposed certain
7 deadlines and that happened after the proposed Ordinance was being drafted that essentially
8 produced some urgency to have an ordinance. The City would need to have a regulatory
9 structure in place by the end of 2017. While 2017 seems like a long time, we may want to take
10 our time to craft something that is possible and works.

11 **Councilmember Mulheren:**

- 12 • As a Medical Marijuana Dispensary Ordinance Ad Hoc Committee member asked about the most
13 effective approach to answer questions concerning the Ordinance posed by the Commission and
14 public.
15

16
17 It was the consensus of the Commission for Councilmember Mulheren to answer questions as they come
18 up.
19

20 **Commissioner Watt:**

- 21 • Is pleased Councilmembers Mulheren and Brown are present to answer question since they are
22 part of the Ad Hoc Committee.
23

24 **Councilmember Mulheren:**

- 25 • Will answer questions about the ordinance as a representative of the Ad Hoc Committee.
26 • The Medical Marijuana Dispensary Ad Hoc Committee was created on July 1, 2015. There has
27 been some discussion whether or not there was an urgency to adopt a Medical Marijuana
28 Dispensary Ordinance. Is of the opinion having an ordinance in place right now is the opposite of
29 urgency and there is no rush to have it completed before the November election. The Ad Hoc
30 Committee has been discussing the Ordinance for over a year. There is a process we as
31 councilmembers go through when serving on an Ad Hoc Committee where tasks are completed
32 and the corresponding findings submitted. The Ad Hoc Committee is of the opinion that medical
33 marijuana and recreational marijuana should be regulated in the same manner.
34 • MMRSA was enacted into on January 1, 2016 and created a statewide regulatory structure for
35 the medical marijuana industry that also allows local governments to regulate the operation of
36 marijuana businesses within their jurisdiction pursuant to local ordinances. MMRSA allows the
37 City to issue permits or licenses to operate marijuana businesses or prohibit their operation to
38 regulate or prohibit the delivery of medical marijuana within its boundaries and to regulate or
39 prohibit the cultivation of marijuana within its boundaries. Pursuant to MMRSA, if the City opts not
40 to expressly prohibit or regulate the cultivation, processing, delivery and/or dispensing of medical
41 marijuana, the State will be the sole licensing authority for these activities in the City.
42 • When the Ad Hoc Committee was created it was to discuss MMRSA and how this law could have
43 an effect in the City limits through the process of creating a Medical Marijuana Dispensary
44 Ordinance. Initially, there was some understanding of urgency but with the AB 266, AB 243, and
45 SB643 which together comprise MMRSA decreased that rush of urgency where the Ad Hoc
46 Committee was able to take some time to look at options and through that process it became
47 apparent to the Committee there were rules in MMRSA including the delivery aspect such that the
48 Ad Hoc Committee wanted to have more regulation and control over medical marijuana
49 dispensaries. It is for this reason the Ad Hoc Committee opted to bring forward a medical
50 marijuana dispensary ordinance and the corresponding regulations thereof.
51 • The persona about marijuana has changed over time. The intent of the Ordinance is to offer
52 enough regulations with some controls without having too many controls as to what a business
53 owner does with his/her business and/or patients.
54 • The Ad Hoc Committee talked to medical dispensary owners to get some information about the
55 operational aspects more or less how this would relate to an annual review.

1 **Commissioner Christensen:**

- 2 • Once the proposed Ordinance is in place what would happen if there was a dispensary that was
- 3 operating and a preschool and/or daycare is proposed in close proximity to the facility and the
- 4 use is allowed in that particular zoning district.
- 5 • Do Health Insurance Portability and Accountability Act (HIPAA) laws apply to patient
- 6 confidentiality for medical marijuana patients in a dispensary?
- 7 • Understands while the intent is to have zoning districts that allow dispensaries with approval of a
- 8 use permit so as to not limit dispensaries such that they have to be located some place out of
- 9 sight, is not sure it should be allowed in the DZC districts. A lot of time and effort went into
- 10 carefully looking at the uses that would be allowed by right, allowed with approval of a use permit
- 11 or prohibited outright in the Downtown area. The DZC specifically prohibit smoke shops, formula
- 12 fast foods restaurants and alcohol sales. Noted a public member from the last Planning
- 13 Commission meeting concerning the Medical Marijuana Dispensary Ordinance is of the opinion
- 14 regulations for the dispensary should be no more stringent that those for regulating alcohol or
- 15 tobacco, etc.

16 **Interim Planning Director Thompson:**

- 17 • The aforementioned inquiry would have to be researched.

18 **Darcey Vaughn:**

- 19 • Even though the dispensary meets the 250-foot location setback regulation it may be if the
- 20 preschool and/or daycare facility is an allowed use, the onus to relocate may be on the part of the
- 21 medical marijuana dispensary.
- 22 • HIPAA laws do apply to dispensaries to some extent but are not enforceable because marijuana
- 23 is considered illegal at the Federal level.

24 **Commissioner Hilliker:**

- 25 • Had the following questions/comments regarding the Medical Marijuana Dispensary Ordinance:
 - 26 • Page 9, Item D2, 'A dispensary shall not be increased in size (i.e., floor area or number of
 - 27 patients) without a prior approval amending the existing Dispensary Use Permit,' and is
 - 28 this statement related to the number of patients a dispensary can have because this is
 - 29 the impression he gets from reading this section of the Ordinance.
 - 30 • Does not perceive a dispensary as any different than going to a drug store to purchase
 - 31 aspirin. While marijuana and its use has a history marijuana can be used for medicinal
 - 32 purposes. Looking at the proposed ordinance and regulations has to take the point of
 - 33 view that marijuana is medicine. Of the two dispensaries he visited found one to be rather
 - 34 oppressive that felt as though he was checking into a jail cell and found the other
 - 35 dispensary to be operated by educated people having a lot of information to give.
 - 36 • The Ordinance appears to restrict what a dispensary business can do and makes a lot of
 - 37 decisions for the business.
 - 38 • Related to medical records and tracking patients asked the dispensary businesses and
 - 39 found that the records are not open and/or available to anyone.
 - 40 • Page 13, Item K, Patient Records, last sentence reads, 'Such records may be maintained
 - 41 on or off-site, and shall be made available for inspection by any City officer or official for
 - 42 purposes of determining compliance with the requirements of this Chapter,' and is of the
 - 43 opinion these City officials need to have distinguished titles and/or be specifically
 - 44 identified. Is okay with the officials being a fire marshal or policeman asking what is being
 - 45 sold at the dispensary, how is business and/or other like questions, but a City meter
 - 46 reader and City employee, for instance, should not be able to ask dispensary-related
 - 47 questions unless it is an emergency. Is of the opinion the Fire Department should be able
 - 48 to go and inspect the premises.
 - 49 • Page 14, Item R, Reporting and Payment of Fees, finds there is a lot of information
 - 50 required on the part of a dispensary in terms of reporting. A dispensary is becoming a
 - 51 legal business but it carries a 'dark shadow'/reputation that the selling of marijuana even
 - 52 for medicinal purposes is illegal, a violation of the law. This is something that needs to be
 - 53
 - 54
 - 55

1 clarified. Managing a dispensary would be difficult if we do not recognize the purpose of a
2 dispensary. Is of the opinion the Ordinance has a lot of restrictions.

- 3 • It may be the City does not necessarily need a Medical Marijuana Dispensary Ordinance
4 prematurely until after the November election and the outcome of Proposition 64.
- 5 • Page 16, item 12 Plan of Operations (c), Controls that will ensure limitations the numbers
6 of patients is adhered to, and interprets this as the Ordinance will establish the number of
7 patients that can be served. One of the dispensaries he visited indicated some days only
8 seven or so persons come while on other days 30 or 40 persons come to the dispensary.
9 Questions how we can have an Ordinance that tells a business how many people it can
10 serve.

11
12 **Chair Whetzel:**

- 13 • As part of the provision process, it will be the City Fire Marshal who will determine how many
14 people can occupy the building at one time.
- 15 • Asked how the Ad Hoc Committee came up with 'Controls that will ensure limitations on numbers
16 of patents is adhered to?'

17
18 **Councilmember Mulheren:**

- 19 • The aforementioned rule is likely a carryover from the Sebastopol Medical Marijuana Dispensary
20 Ordinance. The goal of the Ad Hoc Committee was not to try and tell people how they could run
21 their dispensary but rather to make sure that the dispensary is a safe and secure place for people
22 to get their medication. If the Planning Commission desires a change to the Ordinance, this is the
23 reason we are here tonight for later review by City Council.

24
25 **Darcey Vaughn:**

- 26 • The Ordinance does not provide for regulating the number of patients a dispensary can have.

27
28 **Councilmember Brown:**

- 29 • Noticed of the proposed Ordinance there is not a number of dispensaries recommended because
30 of the supply and demand situation. We do not know how many people are going to take
31 advantage of the medical marijuana dispensary. The intent is to have the best operating
32 dispensaries, professional and structured that are maintained under local control without State
33 intervention.
- 34 • One of the reasons for requiring annual review of dispensary operations is to see how well they
35 are doing. If there are too many people for a specific location for a particular dispensary operation
36 this has to be looked at during the use permit renewal time.

37
38 **Interim Planning Director Thompson:**

- 39 • The matter of the number of patients might be related to when we ask the dispensary applicant to
40 demonstrate the need for the dispensary that somehow ties back to the number of patients.

41
42 **Chair Whetzel:**

- 43 • The matter of number of patients is basically going to be determined by the occupation of the
44 building rather than the number of patients per se. The Fire Marshal will determine how many
45 people can occupy the building at one time.

46
47 **Councilmember Brown:**

- 48 • His understanding of other dispensaries is that they only allow so many people in the lobby at one
49 time and this is how they maintain control of the number of people in the dispensary so they can
50 keep an eye on them. Certainly the Fire Marshal would play a role in this.

51
52 **Chair Whetzel:**

- 53 • As part of the Ordinance provision it might be important to quantify the number of persons that
54 can be in a dispensary at any given time, such as five patients at one time.

1 **Councilmember Brown:**

- 2 • When a dispensary submits its initial application for a use permit, the size of the operation and
3 number of employees will also dictate how many people the dispensary can service.
4 • If a large number of persons go to a particular dispensary, this is an indication another dispensary
5 may be necessary or a need for more regulations. Number of patients is directly correlated to a
6 supply and demand situation.
7

8 **Commissioner Hilliker:**

- 9 • Interprets the Ordinance as 'we' are going to control the number of patients in total that a
10 dispensary business can serve. The number of patients that come to a particular dispensary also
11 depends upon the operation of the dispensary.
12 • Referred to page 19 of the Ordinance, Section 5711 Investigation and Action on Applications, and
13 noted the process appears to be thorough and well thought out. Questions whether there should
14 be some kind of timeline associated with the permitting process for establishing a dispensary
15 business because it is likely applicants have money invested in the business and desires to get it
16 operational. Is of the opinion timeline for processing a dispensary use permit should be
17 reasonable. The dispensary business needs to be able to move forward.
18

19 There was Commission/staff discussion concerning the filing process for a dispensary use permit and that
20 it should be 'a normal' procedure.
21

22 **Commissioner Sanders:**

- 23 • It appears a timeline for process is already established in the Ordinance.
24

25 **Chair Whetzel:**

- 26 • Referenced the 'Revenue Comparison' data sheet that was part of the PowerPoint presentation
27 and requested clarification that medical marijuana is not subject to sales tax.
28 • If Proposition 64 passes it is likely sales tax to the City will be reduced to essentially 'nothing.'
29 • Would like to know how the Ad Hoc Committee came up with 250-foot dispensary location
30 requirement from a youth-oriented facility for a marijuana dispensary.
31

32 **Darcey Vaughn:**

- 33 • Medical marijuana would not be subject to sales tax if Proposition 64 passes unlike recreational
34 marijuana, but will be subject to the State excise tax.
35 • It is essentially true sales tax to the City would be reduced to practically no revenue for medical
36 marijuana should Proposition 64 pass.
37

38 **Councilmember Mulheren:**

- 39 • One of the discussions the Ad Hoc Committee had is where a medical marijuana dispensary
40 might be located and it was the opinion of the Committee that dispensaries should be located in
41 the most visible places possible. The discussion included the Downtown area and when looking
42 at the DZC map surrounding most of this area it is residential. The DZC was adopted about five
43 years ago where things have changed since then, such as new Councilmembers, allowing for live
44 music in certain zoning districts in the area, working on parking in the Downtown, etc. Is of the
45 opinion the DZC was not meant to be a 'historical endeavor,' but rather meant to be adaptive and
46 subject to changes overtime as necessary as the community changes.
47 • Related to the 250-foot location Ad Hoc Committee discussion advised the measurement is linear
48 footage not aerial and talked about a dispensary could occur on State Street where it would have
49 sufficient line-of-site for law enforcement purposes and would not be located in an area where
50 children activities would occur.
51 • The Ad Hoc Committee was not trying to limit people from what they can do with their dispensary.
52 The Ad Hoc Committee is of the opinion the 250-foot location for a dispensary to operate was
53 adequate. Acknowledged there is a low vacancy rate currently in the Downtown so there are very
54 few places where a dispensary could operate in this area. However, businesses come and go in
55 our Downtown.

1 **Chair Whetzel:**

- 2 • The Downtown area has churches where youth-oriented activities occur and/or other areas that
3 have youth-oriented activities occur during the day and evening and questioned how to define
4 those areas that could be well within the 250-foot location of the dispensaries?
5

6 **Councilmember Mulheren:**

- 7 • Regulating people's businesses is something she wants to avoid, especially how frequently
8 businesses turn over in our community. The community has businesses that have been in
9 existence for a long time while other businesses come and go within six months. A possible
10 business that could be a good business and a good neighbor in our community should be given
11 the opportunity.
12

13 **Chair Whetzel:**

- 14 • Pointed out in a few months it is possible the City will receive no sales tax benefit from a business
15 that sells medical marijuana should Proposition 64 pass. It appears the overall intent was for the
16 City to receive sales tax revenue from medical marijuana dispensaries businesses in addition to
17 the revenue generated from the permitting process that would allow a dispensary to operate.
18 • Did not see any information in the Ordinance about operational hours, i.e., would a dispensary
19 operate 24 hours a day, for instance? 12 hours? From 10:00 a.m. to 6:00 p.m.?
20

21 **Councilmember Mulheren:**

- 22 • Acknowledged that while the City may potentially not receive a sales tax benefit from the sale of
23 medical marijuana at dispensaries, people need dispensaries for medicinal purposes so there is a
24 need for such dispensaries. There is a separate group of business people and community
25 members that truly would like to legitimize medical marijuana use. The Medical Marijuana
26 Dispensary Ordinance is not a new discussion and confirmed there is not a push to get the
27 Ordinance adopted before the November election.
28 • The Ad Hoc Committee did discuss operational hours but again the intent was not to try and
29 regulate hours for businesses. Business owners are going to have a plan that works best for
30 them.
31

32 **Chair Whetzel:**

- 33 • The Planning Commission regulates hours for use permit projects. Supports putting restrictions
34 on hours of operation for dispensary businesses.
35

36 **Councilmember Mulheren:**

- 37 • We are here tonight to review the Ordinance and for the Planning Commission to make
38 comments and recommendations.
39

40 **Commissioner Sanders:**

- 41 • How many visits of dispensaries did the Ad Hoc Committee make before working on the
42 proposed Ordinance?
43

44 **Councilmember Brown:**

- 45 • Did not visit any dispensary but relied on information from many people who frequent/operate
46 dispensaries.
47 • Has learned that there are a lot of dispensaries where most of the business was conducted at the
48 back door.
49 • Well run dispensaries keep very good records, are very structured and maintain clientele that is
50 professional. This is the goal of the Ad Hoc Committee.
51

52 **Councilmember Mulheren:**

- 53 • Does not exactly know how dispensaries run. Did visit two dispensaries and did a considerable
54 amount of research online concerning medical marijuana dispensaries. There are rules about
55 what happens to poorly run medical marijuana dispensary businesses.

1 **Commissioner Sanders:**

- 2 • Are there any poorly run dispensaries located in the Mendocino County area?
- 3 • Is still unclear why the Planning Commission is being asked to vote on the Medical Marijuana
- 4 Dispensary Ordinance before the November election. Are there any further comments to some of
- 5 the concern of the Commissioners as to why the Commission is being asked to complete the
- 6 Ordinance so quickly.
- 7 • At the last Planning Commission meeting regarding the Medical Marijuana Dispensary
- 8 Ordinance there was concern among the Commissioners about the area where dispensaries
- 9 could be located near youth-oriented activities and schools. Since this time the Ordinance has
- 10 been updated to 600 feet from a school and 250 feet from any youth-oriented facility (as defined
- 11 in the Ordinance). Some of the Commissioners including herself have a problem with the
- 12 250-foot distance rule from any youth-oriented facility that is in the Ordinance. Has concern
- 13 about how many dispensaries are going to be in our community and has received a lot of public
- 14 feedback about this. Staff and probably Councilmembers have also heard comments from those
- 15 persons questioning the 250-foot distance rule in the Ordinance. Understands the Planning
- 16 Commission would not be involved in the permitting process for medical marijuana dispensary
- 17 projects but rather the Zoning Administrator because the Planning Commission is a political body
- 18 and the Zoning Administrator is not. Understands the intent for the Ordinance is to stay clear of
- 19 political overtones as much as possible. The Commissioners are here to look at health and
- 20 safety including preservation of property values and other considerations of our community and
- 21 asked the Ad Hoc Committee if thought was given for all the constituents that live in our
- 22 community that a distance of 250 feet is appropriate.

23
24 **Commissioner Christensen:**

- 25 • What is the definition of a youth-oriented facility? Does this definition include movie theaters,
- 26 dance/theater studios, museums, libraries etc.?

27
28 **Councilmember Mulheren:**

- 29 • Confirmed there is one poorly run dispensary in the Ukiah area.
- 30 • Confirmed the Ad Hoc Committee is not asking the Commission to complete the Ordinance
- 31 process before the November election. Recreational marijuana differs from medical marijuana.

32
33 **Councilmember Brown:**

- 34 • Finds it important to plan and not delay having a Medical Marijuana Dispensary Ordinance in
- 35 place should Proposition 64 pass the State will dictate what we can and/or have to do. We have
- 36 time to adopt an Ordinance that effectively works well for the dispensary businesses and
- 37 community.
- 38 • The 600 feet from where children congregate on a regular basis is 250 feet from youth-oriented
- 39 facilities. Looking at a map using the 600 feet from schools rule and 250 feet from youth-oriented
- 40 facility there is not a lot of areas where a dispensary could be located.
- 41 • Acknowledged the location of a dispensary is a concern. Would not particularly want a dispensary
- 42 located right across the street from his house. This is the reason we have to carefully take a look
- 43 at locations appropriate for a dispensary.

44
45 **Darcey Vaughn:**

- 46 • Schools are not included in the definition of youth-oriented facilities. According to Ordinance
- 47 Section 5702, item S, Youth-Oriented Facility is defined as a public park, church, and licensed
- 48 daycare facility.
- 49 • It may be the Planning Commission could recommend an expanded definition of Youth-Oriented
- 50 Facilities to include museums and libraries.

51
52 **Councilmember Mulheren:**

- 53 • As a parent and business owner understands the importance of dispensaries following the
- 54 regulations set forth in the Ordinance as it pertains to health and safety and preservation of
- 55 property values.

1 **Commissioner Watt:**

- 2
- 3 • Likes that the Ad Hoc Committee is present to answer questions.
 - 4 • Was the Ad Hoc Committee approached by perspective dispensary operators during the period concerning consideration of this Ordinance?
 - 5 • Is there a market demand for a dispensary in Downtown Ukiah?
 - 6 • Has the Ad Hoc Committee talked to people that are unable to legally obtain medical marijuana and therefore, there is a demand for that service to be in Downtown Ukiah? Did the Ad Hoc
 - 7 Committee find that people in need of medicinal marijuana were unable to obtain it in a legal
 - 8 fashion, therefore, supporting the need for a dispensary in Downtown Ukiah?
 - 9
 - 10 • Again, has the Ad Hoc Committee found there is a need for medical marijuana dispensaries
 - 11 because people are not able to obtain what they need?
 - 12 • Is it the opinion and intent of the Ad Hoc Committee that this Ordinance will give the City the
 - 13 opportunity to encourage potential dispensary business owners to want to go through a very
 - 14 prescriptive process to obtain a use permit to operate a highly reputable enterprise.
 - 15

16 **Commissioner Hilliker:**

- 17 • Talked to dispensary owners/management in another location other than Ukiah and it appears
- 18 people come to the facility because it is clean and respectable and they cannot get what they
- 19 need in Ukiah. Cited an example of an elderly couple that use medical marijuana and the
- 20 problems they experience travel-wise of not being able to get what they want in Ukiah.
- 21

22 **Councilmember Brown:**

- 23 • Acknowledged the Ad Hoc Committee was approached early on by one of the local dispensaries
- 24 and the owner would like to see dispensaries be able to operate 'up front' and professionally all
- 25 conforming to the rules of the Ordinance so that patients get the help they need and are
- 26 effectively served.
- 27 • Is of the opinion there a market demand for a dispensary in the Downtown area. Marijuana is
- 28 more readily being recognized as medicinal for many people.
- 29 • As he understands it, if a person has a medical need for marijuana there are numerous doctors
- 30 that will write a prescription.
- 31 • Again, is of the opinion there is a need for a medical marijuana dispensary in Downtown Ukiah
- 32 that is of high quality.
- 33

34 **Councilmember Mulheren:**

- 35 • She was approached by existing dispensary owners, potential owners desiring to open a
- 36 dispensary, talked to other dispensary owners in other communities as well as medical marijuana
- 37 advocates in an effort to obtain information and found there are people who use marijuana for
- 38 medicinal purposes and there are people who cultivate marijuana for medical use. The Ordinance
- 39 gives them the opportunity to legitimize their business.
- 40 • People want to be able to obtain medical marijuana in a place that is safe and provides for a
- 41 professional environment.
- 42 • The intent of the Ad Hoc Committee is to make it workable for potential medical marijuana
- 43 dispensary owners to be able to go the permitting and associated development/operational
- 44 standards process for the establishment of dispensaries that are reputable.
- 45

46 **PUBLIC HEARING OPENED: 7:40 p.m.**

47 **Steely Anohe:**

- 48
- 49 • Was the General Manager of a medical marijuana dispensary in Berkeley, one of the most
- 50 heavily regulated cities in this regard.
- 51 • Has a lot of experience and understanding about medical cannabis and how important it is for
- 52 communities to have reputable and professional medical dispensaries that are managed/operated
- 53 well.
- 54 • Has read the City of Ukiah Medical Marijuana Dispensary Ordinance and appreciates the work
- 55 done to make this working regulatory document one that effectively protects the health, safety

1 and general welfare of its citizens and provides the necessary standards so that medical
2 marijuana users can get what they need in a highly professional and reputable environment.
3 Finds the City of Ukiah Medical Marijuana Dispensary Ordinance to be one of the best crafted
4 ordinances that he has looked at.

- 5 • Related to questions about recreational marijuana in connection with questions about why we
6 should not wait to have a medical marijuana Dispensary Ordinance adopted, Proposition 64
7 basically the way it is written merges like a puzzle piece perfectly with medical marijuana. There
8 are only a few components that are different. Finds that many cities are drafting ordinances
9 before the public votes on Proposition 64 in November because it complements the medical
10 aspect of marijuana. The state of Colorado was a good model because the people that were able
11 to get recreational permits first were the operators that were already operating medical marijuana.
12 The way it works is that a person discloses whether he or she is recreational or medical. If the
13 marijuana use is recreational, this is taxed differently. If the use is medical there may be a longer
14 consultation. In cities where medical marijuana dispensary ordinance have been adopted prior to
15 the November election it will take a while for each city and State to figure out what approach to do
16 in the event Proposition 64 passes.
- 17 • Related to the question of whether to wait or not wait on adopting an Ordinance, it has been his
18 experience and knowledge of ordinances is that it really fits 'right into medical.' Related to
19 MMRSA in association with the State's assessment of how MMRSA is different than the medical
20 aspect and as such, cities have the authority and control to dictate what they want by way of a
21 Medical Marijuana Dispensary Ordinance for themselves and this may be another reason why the
22 City of Ukiah should adopt an ordinance that works effectively for the City and also complies with
23 the State MMRSA statewide regulatory structure for the medical marijuana industry that allows
24 local governments to regulate the operation of marijuana businesses within their jurisdiction
25 pursuant to local ordinances.
- 26 • Berkeley has a huge population and it is located in the Bay Area and this city did fine with three
27 medical marijuana dispensaries. Recommends the City think about limiting and/or having some
28 kind of language component that addresses the number of dispensaries it wants to see. If
29 orchestrating dispensaries within a local jurisdiction is done right and operated by people who are
30 experienced then the business will likely be successful. There is the question as to why medical
31 dispensaries are more heavily regulated than other businesses and it has been his experience it
32 is related to security, law enforcement, cash-only operation components in addition to specialized
33 employee training and depth of knowledge that one should have in order to help patients.
34 Because of the very nature of the dispensary operation this merits certain regulations.
- 35 • Related to the distance factor, has yet to find a compelling argument of why a dispensary needs
36 to be any greater than 250 feet. What would requiring another 100/150 feet to the distance factor
37 really do? Dispensaries monitor who comes and goes and whether or not there is loitering and
38 this is a favorable thing. One benefit, dispensaries located in downtown areas are closer to law
39 enforcement.
- 40 • The City should well-receive a dispensary business that is willing to go through the rigorous
41 permitting process and/or all other necessary hoops in order to establish a professional and
42 highly reputable business that will serve their patients fittingly.
- 43 • Many uncertain/unanswered questions regarding cannabis can be done in an advisory manner
44 and he is open to assisting in this regard with his experience.
- 45 • Again, legalization of recreational marijuana is not going to 'change anything' and the
46 corresponding proposition/associated regulations are actually crafted very well to merge with
47 MMRSA and/or medical cannabis. The recreational marijuana initiative is a very well written
48 component where the only change is going to be how it is taxed.

49
50 **Teri Johnson:**

- 51 • She and her husband use Compassionate Heart, a local medical marijuana dispensary for
52 medicinal purposes. Her husband is terminally ill and it is imperative he has access to medical
53 marijuana.
- 54 • Well operated medical marijuana dispensaries offer mercy and compassion to their patients and
55 emphasized the importance for the Ukiah of City to be open to allowing professional and

1 legitimate medical marijuana dispensary(s) that serves the citizens of Ukiah. Many of the
2 patients that also use Compassionate Heart live in the City limits so there is already an
3 established need in this community for a medical marijuana dispensary.
4

5 **Pinky Kushner:**

- 6 • With the possible onset of recreational marijuana being legalized with Proposition 64, important
7 the City look closely about what an appropriate fee for a dispensary use permit should be that
8 would be sufficient to cover the all of the costs with everything the process involves.
9
- 10 • Referenced the Ordinance and commented:

- 11 ▪ Page 5, Section 5702, L, Person with an identification card, does the County/City have a
12 system to issue these card?
- 13 ▪ Page 6, Section 5704 (Terms of Permits and Renewals as Required), should refer to
14 Section 5709, F, because Section 5704 addresses renewals and the actual application
15 preparation and filing is Section 5709 and is of the opinion this requires public
16 notification. Also is of the opinion an original application requires neighborhood and
17 newspaper notification for a dispensary within the 250 feet location requirement. Likewise
18 for the application to renew the use permit for a dispensary operation should require both
19 neighborhood and newspaper notification. The notification for renewal should include any
20 complaints/calls that have been submitted/received within the 250 feet location
21 requirement.
- 22 ▪ Page 8, Section 5707, Limitation on Location of Dispensary, related to the DZC and
23 noted the DZC has a residential as well as a commercial use component. By allowing a
24 medical marijuana dispensary in GU, UC, and DC zoning districts of the DZC you are
25 allowing a dispensary in locations where there is residential and has no solution in this
26 regard. Referred to Commissioner Christensen's comments that the 250-foot location
27 limitation should extend to public libraries and museums and/or other places she
28 mentioned and agrees with this concept.
- 29 ▪ Page 8, Section 5708, Operating Requirements, F, Consumption Restrictions, regulations
30 say no smoking or vaporization of marijuana on the premises and/or any public place that
31 should include no onsite ingestion of marijuana either by pill or in some other form.

32 G, Retail Sales and Cultivation, regulations state, 'except for immature nursery stock
33 marijuana plants, marijuana plants grown by the dispensary shall only be utilized for
34 production of processed marijuana to dispense to patients.' Would like to see a definition
35 for 'immature nursery stock.'

- 36 ▪ Page 19, Section 5711, Investigation and Action on Application, and asked if the Ad Hoc
37 Committee reviewed the requirements under 'ABC' requirements and are there any
38 situations under ABC that take into account things the Ad Hoc Committee has not
39 considered?
- 40 ▪ Is of the opinion it is important that dispensary business owners are required to describe
41 what they are selling. Will the marijuana sold be checked for pesticides, mold and/or
42 other contaminants?
- 43 ▪ Page 24, Section 9254, Marijuana Cultivation, (amended version), the City of Ukiah will
44 not allow cultivation for more than 12 mature plants. Consideration should be given to
45 how many ounces 12 mature plants represents and/or can produce. Important to
46 consider the problems with growing marijuana in the City limits and finds it not a good
47 thing to do.
- 48 ▪ All those involved with crafting and bringing the Ordinance forward has done a wonderful
49 job and is very impressed with the Ad Hoc Committee's work on the Ordinance.
- 50 ▪ Now is the opportunity to determine whether or not the City of Ukiah should allow
51 marijuana cultivation within the City limits on a private parcel.

52
53 **Michael Rubinstein:**

- 54 • Is the owner and operator of Passionate Heart and has been doing this for almost 10 years.
- 55 • Is of the opinion should not compare the operation of a liquor store to a marijuana dispensary
56 because dispensaries distribute medicine to people in need, i.e., cancer patients, persons

1 suffering from post-dramatic stress disorder, anxiety, etc. Patients seek recommendations from
2 medical doctors who prescribe marijuana for medicinal purposes.

- 3 • Sees that his patients are getting high quality cannabis from local farmers.
- 4 • The community has the opportunity to establish a medical marijuana dispensary ordinance that
5 will provide regulations for the operation of high quality dispensaries and with keeping this under
6 local jurisdiction and with keeping the integrity high as a service to our community.

7
8 **Roseanne Ibarra, Executive Director of First Five Mendocino:**

- 9 • Requests the Planning Commission consider expanding the 250 limitation on location to include
10 youth center services, childcare centers and/or other similar child-related facilities to match that
11 limitation of 600 feet from a school.

12
13 **Susan Boling:**

- 14 • Supports dispensary limitation on location of 600 feet from a school.
- 15 • Most of the cities, counties, and states she looked at regarding medical dispensaries ordinances
16 did not differentiate the distance between dispensaries and schools and matched the
17 corresponding regulations to ABC requirements and to the State's public health and safety laws.
18 As such, sees no reason to differentiate that.
- 19 • Plans to vote 'yes' on legalizing recreational marijuana.
- 20 • Has no problem with allowing a medical marijuana dispensary in the City limits. Her concern is
21 how the dispensaries are operated that would include such questions as: 1) hours of operation 2)
22 what kind of signage would be allowed. Is concerned about the effect of using signage to
23 advertise marijuana may have on the impression of children just like the advertising of tobacco in
24 retail establishments.
- 25 • Wants to make certain related to limitation on location of dispensary that children are protected
26 and the way to do this is to regulate distance from schools, parks, libraries, daycare centers, etc.
27 Children are very impressionable and this is reason it is so important that dispensaries are not
28 located close to youth-oriented activities, schools or daycare centers.

29
30 **Jennifer Steger:**

- 31 • Son is a dispensary patient because he had reconstructive knee surgery and does not take
32 prescription drugs.
- 33 • Supports that medical marijuana dispensaries are allowed in the City limits.
- 34 • Talked about number of persons that can potentially be allowed in a dispensary at one time and
35 the reason for possible regulation in this regard, distance limitation on location, signage, and
36 noted signage as it relates to tobacco, for instance, is a big problem.
- 37 • Uses marijuana for medicinal purposes and not recreational.
- 38 • Has observed patients in medical marijuana dispensaries and finds them to be responsible
39 people.

40
41 **Virgil Garden:**

- 42 • Supports adoption of the Medical Marijuana Dispensary Ordinance.

43
44 **Casey Steger:**

- 45 • Has a school-related knee injury and uses marijuana for medicinal purposes.
- 46 • Is dependent upon other persons to get his medicinal marijuana such that having a dispensary in
47 town would be very beneficial for him and/or for other persons living in the City limits.
- 48 • Supports the adoption of a Medical Marijuana Dispensary Ordinance.

49
50 **PUBLIC HEARING CLOSED: 8:18 p.m.**

51
52 **Commissioner Hilliker:**

- 53 • With the people he has spoken to and after listening to the public testimony tonight sees there is
54 a need for a dispensary in the City limits and a corresponding Medical Marijuana Dispensary

1 Ordinance. It is important we have some sort of facility in the City that can provide marijuana for
2 medicinal purposes for people in need whatever the case may be.

- 3 • Related to the matter of concern of protecting children in connection with the 250 distance
4 limitation restriction for dispensaries, if the Ordinance is followed children walking by a dispensary
5 should not really know any more than there is a single sign identifying the business. The
6 Ordinance does address signage for those persons concerned about signage for dispensaries.
7 As such, does not know if dispensaries are even going to be a draw to children. Is of the opinion
8 people come to a dispensary to get what they need and go home. They are not smoking,
9 vaporizing, ingesting, etc., marijuana on the premises. The contamination and/or explosion
10 concerning the use of drugs is related to prescription drugs and/or 'hard drugs.' While he can see
11 the association of labeling a dispensary as a place where 'drugs' are sold, the drug is not
12 considered a 'hard drug' such as the ones found in households that often are mismanaged.
13 Cannot make the connection of correlating marijuana for medicinal use with prescription hard
14 drugs.
- 15 • Councilmember Brown is correct in saying that the City needs to plan ahead for having a Medical
16 Marijuana Dispensary Ordinance in place in order to preserve City policies objectives with regard
17 to the medical marijuana industry given the proliferation of medical marijuana businesses within
18 the County's jurisdiction. If the City has an adopted Ordinance that is sound and works well, we
19 are a step ahead should recreational marijuana be legalized.
- 20 • Supports adoption of the Ordinance, as written with perhaps some changes as discussed tonight.

21
22 **Commissioner Christensen:**

- 23 • As a Commissioner, it is her job to represent the community and to look at the Ordinance as
24 closely as possible and to make certain every question has been asked so what we adopt is
25 useful.
- 26 • There are many reasons why allowing for a dispensary is a good thing.
- 27 • We are talking about medical marijuana dispensaries tonight that function more like a pharmacy
28 and not about recreational marijuana or liquor stores. We do not worry about our children walking
29 past CVS or Rite Aid, for instance. There is still this perception/understanding that marijuana is
30 not an acceptable medicine because it is not legal. There is the idea that people who use
31 marijuana for recreational purposes obtain it through a dispensary.
- 32 • Many people are of the opinion Proposition 64 will pass. We are looking at an Ordinance in
33 conjunction with a medical dispensary but her concern is by enacting this Ordinance now will we
34 be looking at recreational dispensaries less closely? We already have marijuana dispensaries
35 operating in the County but if Proposition 64 passes we will be considering/adding another level
36 of regulation as to whether or not we want to allow recreational dispensaries in the Downtown.
37 The Ordinance does not talk about recreational marijuana but rather only talks about medical
38 marijuana dispensaries when maybe with the onset of recreational marijuana being legalized we
39 should think about what happens next. If we only think about today then we will likely end with an
40 Ordinance that is not well planned.
- 41 • Definitely wants people to be able to get their medicine. While Mendocino County is known for
42 marijuana cultivation, we currently do not allow medical marijuana dispensaries in our town. With
43 Ukiah being the 'Mendocino County seat' we should to be able to get ahead of what we want to
44 allow in terms of marijuana medicinally and/or recreationally in our town. We ought to have a
45 medical marijuana dispensary in our town.
- 46 • Has a concern particularly for those persons advocating for children with allowing dispensaries in
47 the City limits. Is of the opinion children would not be drawn into a dispensary. Acknowledged the
48 importance of talking about the distance limitation for schools and youth-oriented facilities to
49 narrow this down as to what is appropriate. Does not support the concept of waiting and seeing
50 how the rules in the Ordinance play out having to possibly make modifications after-the-fact, but
51 rather make sure the Ordinance is comprehensively and adequately covers all possible issues
52 with regard to distance limitation for dispensaries and the like.
- 53 • Would like the Commission to talk about the distance limitation for dispensaries from schools and
54 youth-oriented facilities and be specific whether or not we should allow recreational marijuana

1 dispensaries in the Downtown area. When the DZC was adopted it was very specific that while
2 pharmacies are allowed smoke shops/liquor stores are not.

3
4 **Commissioner Watt:**

- 5 • Many good comments came out of the public hearing.
6 • Sees that while the proposed Ordinance relates to medical marijuana there is still the element of
7 recreational marijuana that will likely have to be addressed in an ordinance of some kind should
8 Proposition 64 pass so there is a potential future that will have to be looked at that concerns the
9 possible need to allow for recreational marijuana dispensaries in the City limits and/or how this
10 should be portrayed.

11 Regarding Medical Marijuana Dispensaries:

- 12 • Could possibly support approval of the Ordinance with a few changes and questions.
13 • Related to distance limitation for dispensaries concerning 'Youth-oriented facility' needs
14 to be further defined to include libraries, museums.
15 • Asked if there is a revised map showing potential locations for dispensaries and what is
16 the setback? Does the map include the library or museum? Asked if the parcels from the
17 distance location map that are in pink meet the requirement?
18 • Supports a larger setback for the youth-oriented facilities same as for a school, but does
19 not know what that means on the potential locations for dispensaries map.
20 • Is of the opinion the hours of operation are an important consideration.
21 • It appears the matter of signage has been sufficiently addressed.
22 • Acknowledged the discussion concerning the need to publicly notice for the initial and
23 renewal of use permits for dispensaries and to make certain notification is part of the
24 process.
25 • When the State rules go into effect that regulate medical marijuana dispensaries is the
26 City going to have a role in this regard or is this going to be entirely up to a State agency?
27 • The regulations we are talking about are related to land use. Would like to know about
28 the other aspects of the regulations that the State will have over a dispensary and will the
29 City have a role or not as it concerns testing, records, tracking/all of those aspects that
30 are not land use. Is there a need to have something in the Ordinance that says we have
31 to comply with what the State rules are or is this already covered?
32 • There are times when people come in and get a City permit for something and they also
33 have to get permits from other entities. It may be the City cannot issue a particular permit
34 until permits are obtained from other entities. Do we have to indicate in the Ordinance
35 that other relevant and necessary State permits must be obtained before an initial
36 dispensary use permit can be approved? Is of the opinion if the aforementioned to
37 include language concerning possible necessary State permits is not covered in the
38 Ordinance, it should be.
39 • Questions whether or not to allow medical marijuana dispensaries in the DZC district
40 since marijuana is not recognized as legal nationally and there exists that persona and/or
41 'shadow of black market' image about marijuana where he might have a lot different
42 opinion if, in reality, this were not the case. The proposed Ordinance has many rules
43 because marijuana is not legal nationally and again, there is still that 'dark shadow of
44 black market' representation about marijuana even though this concept is starting to
45 change. We do not know what is going to happen regarding legalization of recreational
46 marijuana so he understands it is difficult to formulate a Medical Marijuana Ordinance
47 that is adaptive and functions well when there are many unknown variables yet to be
48 defined.
49 • Is of the opinion the initial use permit for a medical marijuana dispensary should be
50 reviewed by the Planning Commission rather than the Zoning Administrator.
51 • Again, the definition of youth-oriented facilities needs to be expanded upon and supports
52 the 600-foot distance setback for a dispensary for a school. Would like to see the hours
53 of operation clearly specified.
54 • Related to consumption of marijuana on site, supports prohibiting the smoking of
55 marijuana on-site but is okay with ingesting marijuana on-site.

- Providing for public notification pertinent to the initial and renewal of a medical marijuana dispensary use permit is important.

Darcey Vaughn:

- There will be State regulations but the purpose of the MMRSA was to leave a lot of room for local control. The City can still regulate dispensaries and dispensary operations as long as the way the City regulates is it at least as stringent as how the State regulates it. Sometimes the State will grandfather in local regulations that predate the regulations.
- Has knowledge the City does have a role in the aforementioned and of course all of these things have to be regulated at the State level. City and County ordinances usually refer to the State laws so as to give constituents notice that there are also State regulations.
- MMRSA and proposed Proposition 64 require applicants to have a certain kind of marijuana licenses to show they have complied with local regulations.

Interim Planning Director Thompson:

- Presented the map that shows potential locations for dispensaries based on 250-foot setback and 600-foot setback. Confirmed the map does not take into consideration the library or museum. The map is pretty representative of where dispensaries could go. Confirmed the parcels in pink do meet the requirement.

Commissioner Sanders:

- Does understand the rationale for all the rules to obtain a medical marijuana dispensary use permit.
- Appreciates comments made by the Commissioners above in terms of the regulation and why a dispensary business is really different than all other businesses in the City of Ukiah. The Federal government recognizes marijuana as illegal and this is the reason for all the regulations.
- Is of the opinion it is premature to adopt a Medical Marijuana Dispensary Ordinance until 2017 so there is time to put something effective together.
- Understands there is a need to have a reputable dispensary so that people can have access to their medicine.
- Cannot support recommending adoption of the Ordinance in its current form with the 250-foot distance limitation for dispensaries for youth-oriented facilities and supports this distance be increased to 600 feet. Would like to see an updated map showing this distance limitation.

Chair Whetzel:

- Will the City limit the number of permits available or will they be unlimited? How will applications be processed if there are a significant number of applications submitted?
- His preference would be to limit the number of permits that become operational businesses because if a business fails then another permit can be considered.
- Preference would be to allow for a minimum of 10 permits available. It is doubtful the City would even be able to accommodate 10 dispensaries. It is not likely there is space for 10 dispensaries.
- Recommends a 500-foot distance limitation on everything, schools, library, museum, youth-oriented facilities and understands the 600-foot distance limitation for dispensaries is the State regulation. The City is looking at 250 and 600-foot distance limitations for the Ordinance and he supports a 500-foot setback from all youth-oriented activities, school, museums, and libraries.
- If Proposition 64 passes, the City will not receive any sales tax revenue from medical marijuana dispensary sales and will only receive the use permitting fees.
- Thanked the public for their comments and input regarding the discussion concerning the Medical Marijuana Dispensary Ordinance.
- Would like the Commission to review the Ordinance a third time with the changes being made to it.
- Would like hours of operation to be considered.

Interim Planning Director:

- The number of permits will be limited at this point.

- 1 • While there may be no sales tax gain on medical marijuana there is the potential for retail sales
2 tax with the sales of paraphilia and other associated devices sold at the dispensary.
3

4 **Councilmember Brown:**

- 5 • The Ad Hoc Committee considered allowing two dispensaries three at the most in the City limits
6 and these dispensaries would have to be quality and the best professionally operated.
7 If we do go to the 600-foot distance limitation this would limit the number of dispensaries that can
8 operate in the City limits. Related to the concept of supply and demand, the 600-foot distance
9 limitation for dispensaries would definitely reduce the supply and demand. For instance, if 15
10 dispensary applications are received, it is unlikely this number of dispensaries would be able to
11 open a business because there is no room with the proposed distance limitations for
12 dispensaries.
13 • It may take some time to craft an Ordinance that works well for everyone.
14 • Out of 10 dispensaries, it is likely only two dispensary businesses will survive and this represents
15 capitalism at its best.
16

17 **Commissioner Hilliker:**

- 18 • Would like to see a better definition for 'Youth-Oriented Facilities.'
19 • Would like to see some kind of description what dispensaries will be selling in addition to medical
20 marijuana.
21

22 There was Commission discussion regarding hours of operation, what type of products are typically sold
23 in dispensaries likely requiring a larger building footprint for retail operations other than marijuana for
24 medicinal purposes.
25

26 **Public Hearing Re-Opened: 8:52 p.m.**

27
28 **Steely Anoh:**

- 29 • The dispensary he is affiliated with in Berkeley operates from 9:00 a.m. to 9:00 p.m. The Oakland
30 dispensary is open until 8:30 p.m. This gives people commute time to go and get their medicine.
31 • Since Ukiah is essentially a rural area, would recommend an earlier start time.
32 • Talked more about dispensary operating hours and what seemed to typically work for clients.
33

34 **Michael Rubinstein:**

- 35 • Recently changed his dispensary operating hours to 7:00 p.m. at the request of his patients.
36 Being open later in the evening allows his clients not have to rush to get to the dispensary. The
37 dispensary opens at 10:00 a.m.
38

39 **Commissioner Mulheren:**

- 40 • Is pleased to see that the public came to speak.
41 • It may be the Planning Commission should review the ordinance again for the changes made
42 thereof. The Planning Commission can either choose to recommend adoption with the suggested
43 changes to Council or not recommend approval.
44

45 There was discussion about the process and whether or not the Planning Commission needs to look at
46 the draft ordinance again.
47

48 **Commissioner Christensen:**

- 49 • Related to medical marijuana dispensary versus recreational marijuana dispensary if and when
50 Proposition 64 passes how much does the medical portion of that law change what we are
51 discussing now and would it be necessary to look more closely at the Ordinance in terms of new
52 State regulations or is the Ordinance intent to pretty much get us on the right track?
53 • Does Proposition 64 in any way and/or sort of by rights give a medical dispensary the opportunity
54 to just become a recreational dispensary? Would like to have a whole other conversation about a
55 recreational dispensary. A medical dispensary is different from a recreational dispensary.

- Asked if the Commission moves the Ordinance forward to City Council do we include language that says this excludes future recreational marijuana dispensary. Does not want to really say in the Ordinance document that we can never have recreational facilities and/or retail sales outlets per se but also does not want to leave the door necessarily open to have this component tagged onto the back of the Ordinance that pertains to medical marijuana dispensaries and asked should there be language written into the ordinance prohibiting this from happening?
- Is not against recreational marijuana dispensaries/facilities, but the Ordinance we are currently reviewing concerns medical marijuana dispensaries and this is what we are considering at this point.

Commissioner Sanders:

- Related to the distance setback limitation for dispensaries and the added language for libraries and museums and youth-oriented facilities could support a minimum distance of 500 feet for all these facilities/activities.

Darcey Vaughn:

- Her interpretation concerning Proposition 64 is that it was drafted to be compatible with the medical marijuana regulation safety act. As such, would use the same State agencies that are already authorized to regulate health and safety testing, laborer issues and that provide for regulations that address taxation and licensing. Is of the opinion, we do not have to 'reinvent the wheel' when it comes to discussing recreational marijuana. In fact, the City could ban recreational dispensaries entirely or recreational retail space within a dispensary.
- Council will make the final decision concerning what they want to see in the Ordinance but the Planning Commission can make recommendations. It is important that all possible legal loop holes are adequately addressed particularly for having to regulate the existence of recreational marijuana retail spaces. The aforementioned can be included in the Commission's recommendation to Council for consideration.

PUBLIC HEARING CLOSED: 8:55 p.m.

The Planning Commission made the following comments, recommendations regarding the Medical Marijuana Dispensary Ordinance:

1. **Section 5702 Definitions:** The Planning Commission recommended an expanded definition of youth oriented facilities to include: museums and libraries.
2. **Section 5707 Limitation on Location of Dispensary (C)(1):** The Planning Commission recommended an increase the minimum distance a dispensary can locate from a youth oriented facility from 250-feet to 500-feet.
3. **Section 5708 Operating Requirements (f):** The Planning Commission recommended the inclusion into the Operating Standards section, hours of operation of: 9:00 a.m. to 8:00 p.m.
4. **Section 5703 Dispensary Use Permit Required to Operate (c):** The Planning Commission recommended the addition of strong language that indicates approval of a Medical Dispensary does not automatically entitle the permit holder to a recreational retail outlet for a marijuana permit, and that the regulation of medical marijuana dispensaries in the City does not allow or permit recreational marijuana businesses or activities.
5. **Section 5701 Interpretation and Applicability (b):** The Planning Commission recommended the addition of language requiring compliance with the Fire Code.
6. **Section 5710 Criteria for Review Section Zoning Administrator (b):** The Planning Commission recommended that Dispensary Use Permits should be heard by the Planning Commission, not the Zoning Administrator.
7. **5704 Term of Permits and Renewals Required:** The Planning Commission recommended inclusion of a public notice requirement for renewal applications.
8. The Planning Commission recommended limiting the number of dispensaries allowed within the City limits to five. The Ad Hoc indicated it did not want to limit the number of dispensaries

1 based on the notion that the annual renewal process will weed out the bad dispensaries, and
2 limiting the number could prevent the well-operated dispensary the opportunity to apply for a
3 Dispensary Use Permit.

- 4 9. **5703 Dispensary Use Permit Required to Operate:** The Planning Commission
5 recommended amending the Ordinance to require that applicants for a Dispensary Use
6 Permit obtain all applicable State licenses and permits prior to applying for a Dispensary Use
7 Permit.

8 **Commissioner Watt** was not supportive of the Ordinance as presented at the September 14, 2016
9 Commission meeting and cannot support the document even with the changes incorporated from the last
10 meeting and the way it is currently written still does not address his concerns.

11 **M/S Christensen/Hilliker** to adopt Initial Environmental Study and proposed Negative Declaration for the
12 Medical Marijuana Dispensary Ordinance. Motion carried (5-0) by all AYE voice vote.

13 **M/S Christensen/Hilliker** to recommend City Council approve the Medical Marijuana Dispensary
14 Ordinance with the changes made above. The motion carried with the following roll call vote:

15 AYES: Commissioners Hilliker, Christensen, Sanders, Chair Whetzel

16 NOES: Commissioner Watt

17 **10. PLANNING DIRECTOR'S REPORT**

18 **Interim Planning Director Thompson:**

- 19 • Gave an update on upcoming planning projects.
20

21 **11. PLANNING COMMISSIONERS' REPORT**

22 **Commissioner Hilliker:**

- 23 • Has observed the four single family units that were approved on Ford Street are progressing
24 nicely and noted some of them have been sold.
25 • Noted the Redwood Tree Car Service Station has begun work on the approved renovation project
26 for the site.
27

28 **12. ADJOURNMENT**

29 There being no further business, the meeting adjourned at 9:42 p.m.
30
31

32 _____
33 Cathy Elawadly, Recording Secretary
34

Attachment # 1

Marijuana Dispensary Ordinance Revisions



Planning Commission
04/28/2016

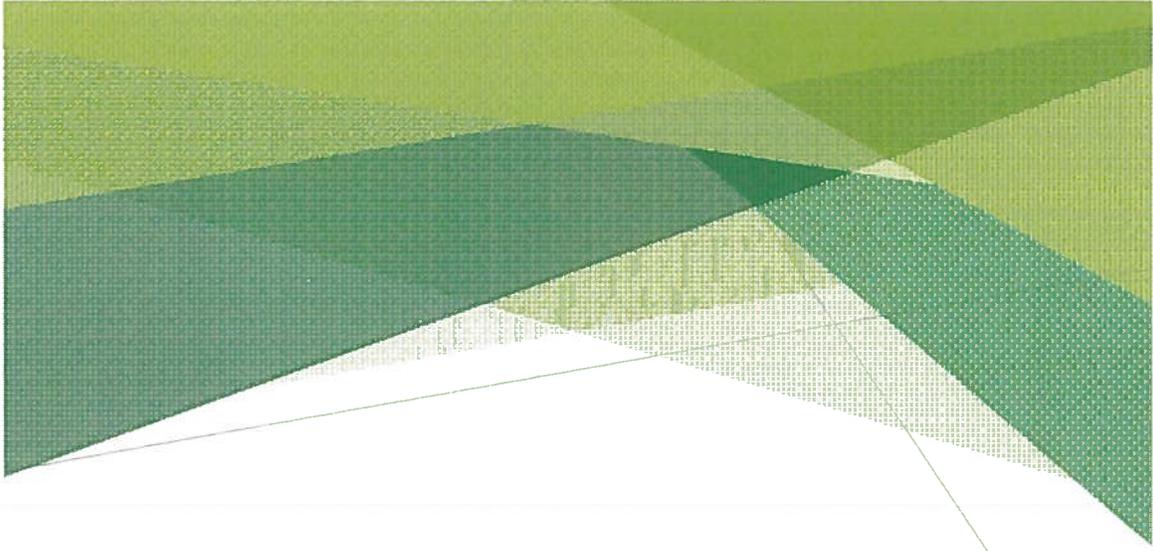
The Team

- ▶ Darcy Vaughn- City Attorney's Office
- ▶ Chris Dewey- Chief of Police
- ▶ Kevin Thompson- Interim Planning Director
- ▶ Marijuana Ad Hoc Committee



Revenue comparison

City	Total Sales	Taxes	Number of Disp.
Santa Rosa	\$20.6M	\$1.79M	10
Sebastopol	\$5.4M	\$489k	1
Cotati	\$3.4M	\$303k	2
Guerneville	\$372k	\$30k	1
Sonoma	\$75k	\$6k	1
Petaluma	\$51k	\$4k	1
Glen Ellen	\$47k	\$3.8k	1
Forestville	\$4.8k	\$402	1



1. Section 5706 Imposition of Fees.

- ❖ The Planning Commission had questions regarding what an appropriate fee for a Dispensary Use Permit should be. They stated the fee should cover all the staff processing costs.

Ad-Hoc Comments: The Ad-Hoc committee agreed with staff's recommendation that a time and material cost recovery fee structure is best suited for processing Dispensary Use Permits. The deposit for a Major Use Permit is \$2,000, plus any additional time and materials needed to complete the processing. Dispensary Use Permits will be charged and processed using the cost recovery method.



2. Section 5707 Limitation on Location of Dispensary (A)

- ❖ The Planning Commission had questions regarding conflicts with the Downtown Zoning Ordinance and the proposed Marijuana Dispensary Ordinance. Adoption of the proposed ordinance will require an amendment to the Downtown Zoning Ordinance, which currently prohibits dispensaries within any of the three downtown zoning designations (GU, UC, DC).

Ad-Hoc Comments: The Ordinance adaption by the Council will include an amendment to the Downtown Zoning Code allowing dispensaries with a Dispensaries Use Permit in the GU, UC and DC zoning districts. This amendment is considered implementation of the Marijuana Dispensary Ordinance.



3. Section 5707 Limitation on Location of Dispensary (C)(1)

- ❖ The Planning Commission suggested greater distances for dispensary locations from youth-oriented facilities than the proposed 250 feet.

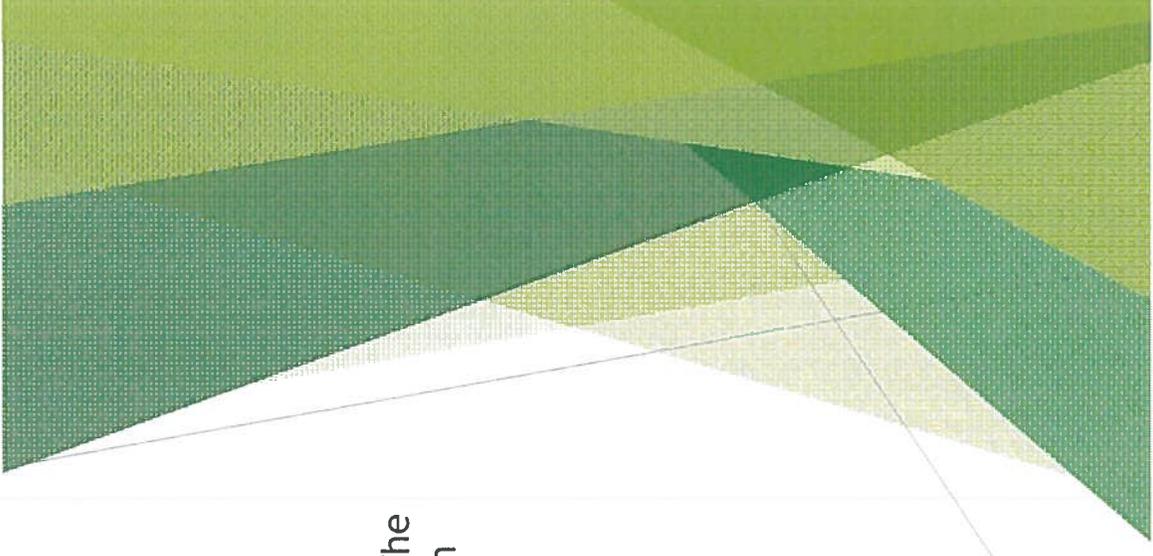
Ad-Hoc Comments: Subsequent research revealed that State Health and Safety Code Section 11362.768 stipulates a dispensary shall be a minimum distance of 600 feet from any school, but is silent on a minimum distance from youth-oriented facilities. The Ad-Hoc Committee suggested two standards specifying minimum distance be incorporated into the Ordinance as follows:

- ▶ 1. 600 feet from a school
- ▶ 2. 250 feet from any youth-oriented facility (as defined in the Ordinance)

4. Section 5708 Operating Requirements (F)(1) Consumption Restrictions

- ▶ **Section 5708 Operating Requirements (F)(1) Consumption Restrictions** The Planning Commission believes that this provision contradicts the prohibition on consumption of medical marijuana on the premises by patients.

Ad-Hoc Comments: Remove sections allowing employees or volunteers to smoke or vaporize on-site.



5. Section 5708 Operating Requirements (G)(1) Retail Sales and Cultivation

- ❖ The Planning Commission requested clarification on the amount of square footage allowed for on-site cultivation and details on the off-site cultivation provisions.

Ad-Hoc Comments: Reduce the maximum interior square footage that can be devoted to cultivation from 1,500 to 500.

Cultivation areas can be used for either immature starter plants for sale or for plants intended to produce medical marijuana for sale on-site.

References to off-site cultivation facilities were eliminated.



6. Section 5708 Operating Requirements (G)(2) Retail Sales and Cultivation

- ❖ The Planning Commission requested clarification on provision in the Ordinance requiring Planning Commission approval for additional retail square footage.

Ad-Hoc Comments: Remove the section that references Planning Commission approval for increased retail space. The maximum retail space for retail paraphernalia will be limited to 150 square feet.

7. Section 5708 Operating Requirements (5) Retail Sales and Cultivation

- ❖ The Planning Commission requested clarification on the provision regarding the maximum amount a dispensary can pay for medical marijuana.

Ad-Hoc Comments: Remove the statement that the dispensary shall not pay supplier(s) of medical marijuana more than the cost incurred for cultivation and preparation.



8. Section 5708 Operating Requirements (J)(K) Patient and Employee Records

- ❖ The Planning Commission had questions regarding how this provision will be enforced.

Ad-Hoc Comments: It was discussed that the City wanted to establish a system for annual inspections conducted by the Code Enforcement division of the Police Department. This inspection would include a brief review of the records and will likely occur prior to the dispensary's renewal request. No change is suggested for this section.

9. Section 5709 Application Preparation and Filing (12) Statement of Need

- ❖ The Planning Commission asked how an applicant would demonstrate a statement of need for a dispensary.

Ad-Hoc Comments: Remove this section.

10. Section 5710 Criteria for Review Section Zoning Administrator

- ❖ The Planning Commission indicated they wanted Dispensary Use Permits to be reviewed by the Planning Commission with a public hearing.

*Ad-Hoc Comments: The Ordinance is very prescriptive, if an applicant meets all the standards the application should be approved and not subject to a political process.
No change is suggested for this section.*



11. Section 5713 Effect of Denial

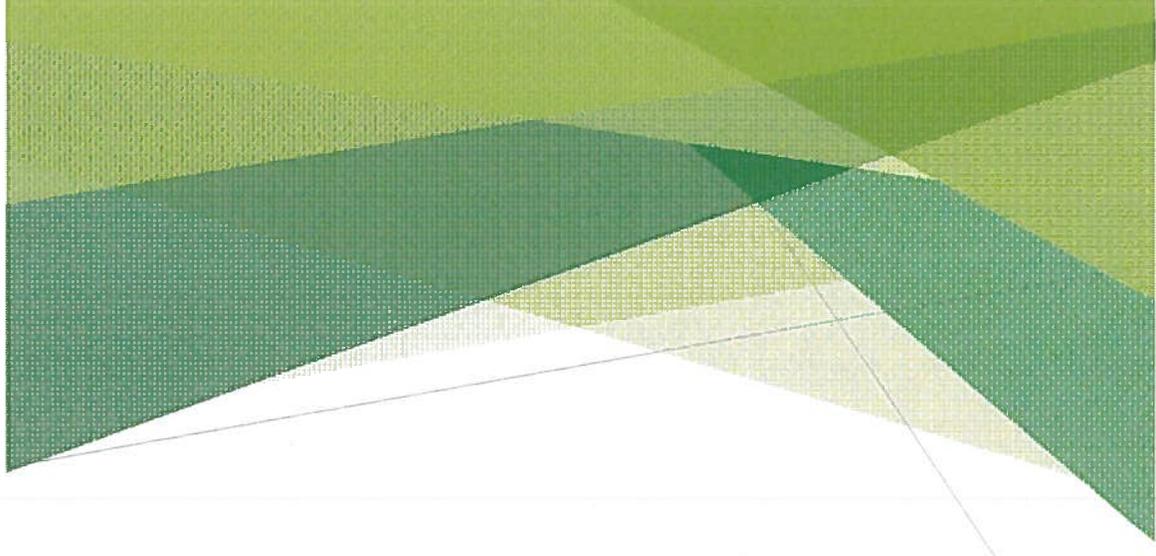
- ❖ The Planning Commission pointed out that this provision, if the reason for denial of the permit is not due to a criminal background or fraud, could be excessively punitive.

Ad-Hoc Comments: Remove the word "denial" from the provision. This means only dispensary operators whose permit was not renewed due to violations of the Ordinance would be subject to three year waiting period.

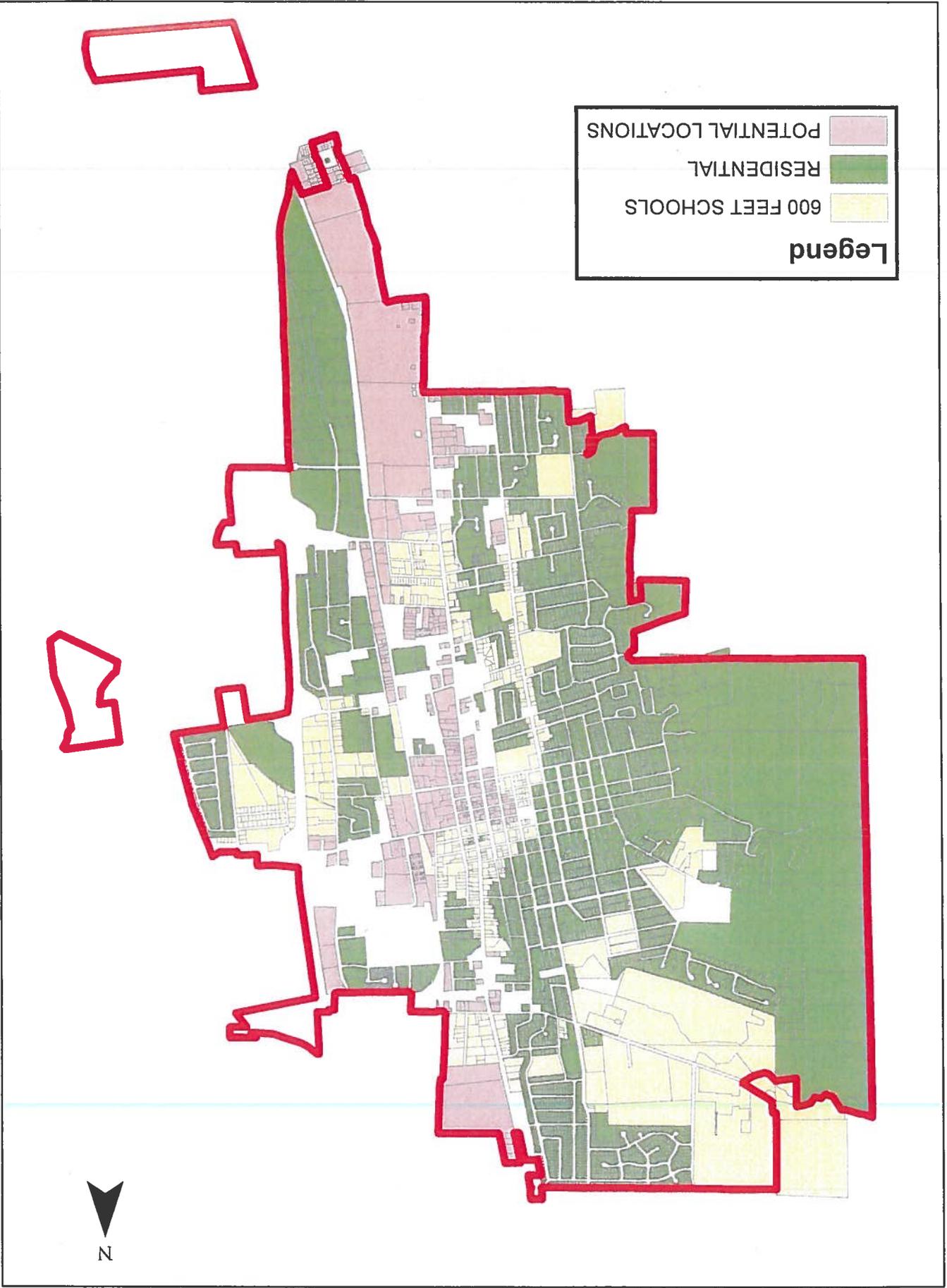


Recommendation

- ❖ Conduct a public hearing
- ❖ Provide a recommendation of approval of the proposed Negative Declaration and Marijuana Dispensary Ordinance



CITY OF UKIAH MARIJUANA, ORINANCE MAP



0 0.125 0.25 0.5 0.75 1 Miles

Kevin Thompson

From: Maureen Mulheren <themoyouknow707@gmail.com>
Sent: Wednesday, September 28, 2016 11:10 AM
To: Kevin Thompson
Subject: Fwd: Cannabis

Can you please forward this to the Planning Commission Members for tonight's discussion.
Thanks in advance.
Mo

----- Forwarded message -----

From: City of Ukiah Website <webmaster@cityofukiah.com>
Date: Wed, Sep 28, 2016 at 11:04 AM
Subject: Cannabis
To: themoyouknow707@gmail.com



Councilmember Mulheren,

Someone has sent you a message using the City of Ukiah's website. The details are below.

Regards,
City of Ukiah



From : Michael K Johnson <micro-mike@sbcglobal.net>
Subject : Cannabis
Message Body :

Hi Jim. I met with you and Jim several months ago about dispensaries in Ukiah. I am sick with liver cancer and probably will not be able to attend the meeting tonight but want to restate my desire to have a good location in town where my elderly patients feel safe while getting their medicine. Forcing your sick elders to go to truck stops and industrial neighborhoods to get their medicine isn't much better than Lawes Ave. after dark. It is cruel and our sick and elders deserve better. Please allow us to contribute to Ukiah with our sales taxes and the support we bring to a community. Thank you. Michael Johnson 743-1384

--

Maureen Mulheren
Connect Insurance
Lic # 0G38950
304 N State Street
Ukiah, CA 95482
ph 7073913664
[facebook.com/tmykconnectinsurance](https://www.facebook.com/tmykconnectinsurance)

Kevin Thompson

From: Sage Sangiacomo
Sent: Wednesday, September 28, 2016 3:36 PM
To: Darcy Vaughn; Chris Dewey; Kevin Thompson; Jim O. Brown; 'Maureen Mulheren Wattenburger (themoyouknow@gmail.com)'
Subject: FW: Marijuana dispensary ordinance

See correspondence received (below) related to the Planning Commission meeting.

Sage Sangiacomo
City Manager

City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482
P) 707-463-6221
F) 707-463-6740
ssangiacomo@cityofukiah.com
www.cityofukiah.com
www.visitukiah.com

-----Original Message-----

From: deborahse@att.net [mailto:deborahse@att.net]
Sent: Wednesday, September 28, 2016 10:43 AM
To: Christopher Watt <wattc@lacoassociates.com>; Linda Sanders <kaderli@juno.com>
Cc: Kevin Thompson <kthompson@cityofukiah.com>; Sage Sangiacomo <ssangiacomo@cityofukiah.com>
Subject: Marijuana dispensary ordinance

Dear Commissioners Watt and Sanders,

I am writing as a resident of the City of Ukiah to express my strong objection to allowing dispensaries of any kind in the downtown core (Zone DC) or the General Urban or Urban Center zones (GU, UC) that surround the DC. The downtown core and the streets that surround it are a key part of the lovely small town feel that Ukiah has retained year after year and were a major reason my husband and I decided to move to Ukiah. We enjoy bringing our family to the restaurants and shops, but I cannot image Pumpkinfest or the Friday night movies with dispensaries right there. It will change the spirit of Ukiah permanently. Relying on police reports and the like to determine if a given business can stay will prove to be difficult. Once established, any given business will be hard to dislodge.

I recognize that there is a desire to capture tax revenue. However, there are plenty of other locations within the city limits that can accommodate dispensaries. Why destroy a lovely functioning downtown if you don't have to?

I recognize that the public comment period on this ordinance has passed but I was unaware of it until very recently and will be unable to attend the meeting tonight.

Thank you for your consideration of this email.

Sincerely,

Deborah Stanger Edelman

1

ITEM NO. 7A

Community Development and Planning Department

300 Seminary Avenue

Ukiah, CA 95482

planning@cityofukiah.com

(707)463-6203



2

3 **DATE:** November 09, 2016

4

5 **TO:** Planning Commission

6

7 **FROM:** Michelle Johnson, Associate Planner

8

9 **SUBJECT:** Request for approval of a Major Use Permit to allow a temporary homeless shelter for a
10 total of 60 people (56 guest and 4 staff member) per night at 1045 South State Street;
11 APN 003-083-02.
12 File No.: 2235 UP-PC

13

14

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DEPARTMENT RECOMMENDATION

17

18 The Planning Department recommends that the Planning Commission approve Major Use Permit No. 2235
19 UP-PC, as conditioned, based on its consistency with the Ukiah General Plan, the use and development
20 standards of the C-2 Zoning District, Article 15.5 of the Ukiah Municipal Code, and the Emergency Winter
21 Shelter Operations Plan submitted by the applicants.

22

PROJECT DESCRIPTION

23

24
25 Request for approval of the Major Use Permit to allow the establishment of a temporary winter
26 homeless shelter capable of serving 56 guests per night with four staff members. The proposed
27 temporary winter shelter would include the following:

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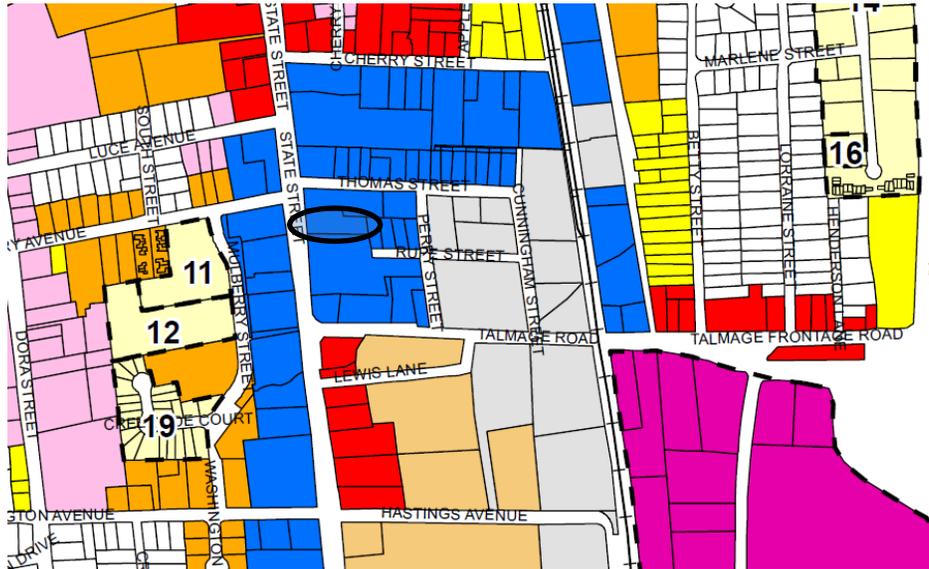
37

- two outdoor portable toilets;
- two indoor ADA accessible toilets;
- 90 (30 X 3) square feet ADA accessible ramp for the proposed outdoor buildings;
- 224 (28 X 8) square feet portable shower unit;
- two washing machines located within the portable shower unit to wash bed linens and towels;
- 152 (19 X 8) square feet portable office building; and
- two clothes dryers to be located within the portable office building for drying bed linens towels;
- enclosed designated outdoor smoking/ recreation area
- 60 feet temporary fence to provide privacy for the two existing tenants of the building.

Inland Valley Emergency Winter Shelter
1045 South State Street
Major Use Permit
File No.: 2235 UP-PC

1 Several organizations are involved to advise and assist within their expertise and provide case
2 management, mental health services and other resources when possible.

3
4 **PROJECT SETTING:** The proposed homeless shelter facility would be located within an existing single-story
5 commercial building on the corner of Thomas Street and State Street. The eastern portion of the building
6 is currently vacant. The west and middle portion of the building are currently occupied by Bio Dynamic
7 Iron Custom Bike Shop and an Auto Mechanic Service Shop.



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26 The property grounds have two small parking lots; one on the east side of the building where the proposed
27 portable toilets and designated smoking area will be located within the existing 5,518 square feet chain
28 link fence enclosure. In the second parking lot on the north side of the building the applicant will install
29 an ADA accessible ramp for the 224 (28 X 8) portable shower unit and two washing machines and a 152
30 (19 X 8) square feet portable office building with desks and two dryers adjacent to the portable shower
31 unit (see attachment 4; Site Plans date stamped November 02, 2016). This block contains a mix of
32 Commercial and Residential uses zoned (C-2) Heavy Commercial to the north, south, west and (R-1) Single-
33 Family Residential to the east.

34
35 The sleeping quarters would be located in the east wing of the commercial building along with two ADA
36 restrooms. Shelter guests will enter through the Thomas Street entrance, after being transported via vans
37 from Plowshares Peace and Justice Center where the in-take process will occur.

38
39 **SHELTER MANAGEMENT PLAN:**

40
41 On August 16, 2000, the City Council adopted Resolution 2001-15 establishing Homeless Shelter Use and
42 Development Guidelines. This requires the applicants for homeless shelter facilities to submit a Shelter
43 Management Plan among other things. The Management Plan should address client transportation
44 needs, supervision, food service (if proposed), services, interior and exterior building improvements,
45 pets, and measures that will be taken to ensure compatibility with surrounding land uses. In response

1 to this requirement, the applicants prepared and submitted the detailed Emergency Winter Shelter
2 Management Plan (*see attachment 3; Emergency Winter Shelter Operation Policy*).

3
4 The following is a summary of the plan:

5
6 **Shelter Occupancy:** The shelter plan calls for sheltering 56 persons and 4 staff members for a total of 60
7 people. According to the occupancy description guests would be assigned a cot, linen, blanket, and
8 pillow. The Inland Valley Shelter will provide accommodations which protect the family unit whenever
9 possible, allowing parents and children to remain together. In addition, bathroom facilities, smoking
10 area, and an activity area would be provided. Guests would be given a Shelter Orientation to read. If a
11 guest needs special accommodations, shelter staff will read the Shelter Orientation Document and
12 answer any questions.

13
14 **Transportation:** According to the operations plan, all shelter guests will be required to complete the in-
15 take process at the Plowshares Peace and Justice Center located on 1346 South State Street between
16 5:00 p.m. and 6:00 p.m. each evening. Guests will then be provided with an entry ticket and shuttled by
17 volunteers directly to the shelter site at 1045 South State Street, which is approximately .5-mile south of
18 the proposed shelter. In the morning, guests will be transported back to the Plowshares Peace and
19 Justice Center, where breakfast will be served. Guests with vehicles will be required to park them
20 overnight in Plowshares Peace and Justice Center overflow parking lot. This will limit vehicle trips and
21 parking on-site. Exceptions may be made to this policy in the event that an individual or family is required
22 to attend an evening appointment, such as a back-to-school event.

23
24 The facility is close to the Hillside Health Clinic and government offices. Guests will be able to utilize other
25 service locations, such as the food bank and youth resource center by using mass transit or walking.

26
27 **Staff Supervision:** The Homeless Services Action Group (HSAG) is the lead operator and will ensure that
28 a minimum of two staff members will be on duty at all times to supervise the guests and maintain safety,
29 inside and outside. These staff members will be “Wide-Awake” and expected to address any problem
30 conditions or behaviors during regular sleeping hours of shelter guests. All staff on duty for any shift will
31 be wide-awake and trained in Mental Health First Aid and Conflict De-escalation Skills.

32
33 Shelter policy will require that guests remain within the facility during the evening, with the use of the
34 designated outdoor smoking and recreation area monitored by staff. According to the applicants, any
35 guest choosing to leave the shelter facility grounds will be required to leave for the night to reduce the
36 potential for loitering in the area.

37
38 Trained staff will also be responsible for registering potential shelter guests during the intake process
39 that will be conducted at the Plowshares Peace and Justice Center. Intake staff will generally consist of
40 persons that have worked with the issuance of motel vouchers to homeless persons, and their training
41 will be expanded to include risk assessment and alcohol and other drug screening. Staff from
42 Manzanita will provide Mental Health First Aid training for Shelter staff and case management for
43 Manzanita clients at the shelter location when needed.

1 Staff from the Redwood Community Services, Plowshares, Project Sanctuary, and Manzanita will provide
2 the shelter staff with specialized assistance, as needed. These agencies employ persons with recent and
3 broad experience in shelter intake procedures, assessment counseling, and the supervision of shelter
4 guests.

5
6 **Food Service:** No on-site food services are proposed; food services will be provided at the Plowshares
7 community dining facility.

8
9 **Client Services:** The primary purpose of the proposed facility is to provide overnight shelter and its staff
10 will not be directly responsible for the provision of client counseling or other similar services. However,
11 staff is generally familiar with such programs and will be able to assist shelter guests with referrals to
12 help programs during the intake process.

13
14 **Shelter Security:** In monitoring previous shelter operations within City the limits, Planning Department
15 staff noted the most frequent complaints centered on the congregation of shelter occupants on site or
16 adjacent to abutting properties. In response to these concerns, the management plan for the shelter
17 proposed in this project, will require that all guests check in with staff at the Plowshares Peace and Justice
18 Center. Shuttle transport will be provided between the two facilities. In addition, guests with vehicles
19 will be required to park them at the Plowshares Peace and Justice Center to discourage their use at the
20 shelter.

21
22 The security plan also requires that shelter guests remain inside during their stay or limit outdoor visits
23 to an area on the property that is specifically designated for recreation and smoking. Those guests who
24 fail to comply with this policy will be required to leave the facility for the night.

25
26 The security plan also requires that shelter staff is provided with phones and are trained to contact the
27 Ukiah Police Department in the event that a shelter guest is doing something illegal or acting in a manner
28 that is considered a potential threat to other guests, staff, or the neighborhood at large.

29
30 **Compatibility with Surrounding Land Uses:**

- 31
32 The proposed location for the Temporary Emergency Winter Shelter is surrounded by the following uses:
- 33 North: The Perfect Detail Car Wash and other Commercial Businesses zoned (C-2)
34 Heavy Commercial; and Single-Family Residences zoned (C-2) Heavy
35 Commercial;
 - South: Vacant undeveloped land, Ukiah Signs and Chevron Gas Station zoned (C-2)
Heavy Commercial;
 - West: Vacant undeveloped parcel, Quality Inn, and The Express Gas Station zoned
(C-2) Heavy Commercial; and
 - East: Residence, Crop Production Service, Dunn-Right Painting, Ukiah Recycling
and other service uses zoned (C-2) Heavy Commercial and (M)
Manufacturing.

33
34 **OPERATIONAL STANDARDS:**

1 The Resolution 2001-15 also contains Operation Standards as discussed below:

2

3 Proximity to Residences, Schools, and Public Parks: The proposed shelter is located in a primarily
4 commercial area along State Street. Victory Outreach Church which provides daycare is located .2-mile
5 and St Mary's School .5-mile mile to the north, respectively.

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25 Homeless facilities should be located far enough from residential developments, schools, and public
26 parks that they will not create adverse impacts. In this case, the proposed facility abuts one residential
27 property and is more than .5 a mile from parks and schools. However, the management plan requires
28 that all guests be checked in at a separate facility and transported to the site whereby lessening time
29 that guests congregate outside the facility. It also requires that guests remain within the facility once
30 they are checked in and provides for a sufficient number of staff to monitor their attendance. It is staff's
31 opinion that these operational functions will effectively limit the adverse impacts typically associated
32 with shelter activities, particularly loitering.

33

34 **Hours of Operation:** The homeless shelter will be open from November 16th, 2016 or as soon as possible
35 thereafter until March 15th, 2017 or until 120 days have passed, on a daily basis, from: 6:00pm to 8:00am
36 7 days a week. Individual guests may remain on site during the day to engage in life skill, counseling,
37 volunteer work and other supportive and housing services if accompanied by a case manager or shelter
38 employee.

39

40 **Separation from other Shelters:** The proposed shelter facility would be 1.6 miles from the Ukiah
41 Community Center and 1.7 miles to the Ford Street Project. Both of these facilities provide non-shelter
42 services to homeless persons, but they do not provide overnight shelter to homeless persons and are
43 located far enough from the proposed shelter site that no cumulative impacts are anticipated.

44

Inland Valley Emergency Winter Shelter
1045 South State Street
Major Use Permit
File No.: 2235 UP-PC

1 The proposed shelter is located in a mostly commercial area; with a few single family residences. Staff
 2 would normally be very concerned with the potential for conflicts as persons travel through or loiter in
 3 these residential and commercial areas, but guests of the facility will be shuttled directly from the
 4 Plowshares Peace and Justice Center facility on South State Street once they are checked in and shuttled
 5 back in the morning. Therefore, these typical impacts are not anticipated as part of this shelter activity.
 6

7 Planning staff also notes that the Plowshares Peace and Justice Center is located on a primary bus route
 8 and HSAG staff is trained to assist homeless persons with bus vouchers and other transportation services.
 9 It is also near a variety of other services, including stores, government offices, and other services used
 10 by homeless persons.
 11

12 The project site is less than one mile from the buildings housing the Ukiah Fire and Police Departments
 13 and the Ukiah Valley Medical Center, and emergency response to the shelter is expected to be prompt.
 14

15 **Shelter Size and Capacity:** The proposed shelter should be large enough that shelter guests can be fully
 16 be accommodated within interior portions of existing buildings and commensurate with the size of the
 17 subject property. As indicated in the project description, the shelter will typically provide sleeping
 18 facilities for up to 56 persons. This capacity is expected to meet the needs of the local homeless
 19 population, even during emergency conditions.
 20

21 **Screening, Lighting, and Access, and Noise:** Resolution 2001-15 requires Homeless shelters be enclosed,
 22 except for entry and screening areas. In this case, the applicants have provided off-site screening at a
 23 permitted community services facility, with shuttles providing direct transport between the two
 24 facilities. The operations plan for the shelter also requires guests to remain within the facility once they
 25 have arrived, so there will be no changes to the exterior appearance of the building or outdoor activities
 26 associated with its operation.
 27

28 Staff also notes that the proposed in-take/shuttle component will preclude the need to ensure
 29 pedestrian facilities, although public sidewalks provide access to all areas of the project site.
 30

31 **UKIAH AIRPORT MASTER PLAN.** This project site is located in the B1 Approach/Departure Zone and
 32 Adjacent to Runway Zone. This zone allows residential uses with a density of up to 60 persons per acre
 33 and uses consistent with existing uses in the area. A summary of the requirements applicable to the
 34 Project are provided below.
 35

Table 3: Summary of B1 Compatibility Criteria	
Compatibility Criteria	Staff Analysis
Normally Acceptable Uses (B1 Zone): Single-story offices, single-family homes on existing lots, low-intensity retail, office, and low intensity manufacturing.	The proposed winter shelter is similar in use to that of single-family residential and is consistent with the Normally Acceptable Uses.
Maximum Density (B1 Zone): 60 people per acre	Based on a 1.67-acre parcel, 100 (1.67 *.06) people are allowed on the site at any time. The projected density for the temporary winter shelter is 60 people, the retail service portion of the building has density of 6 people (1440 /350=4*1.5), and the automobile service shop has a density of 5 people (3*1.5). The

Table 3: Summary of B1 Compatibility Criteria	
Compatibility Criteria	Staff Analysis
	combined density of the three uses would be 71 people of the which does not exceed the maximum density allowed.
Open Land (B1 Zone): 15% Recommended	The footprint of the building comprises 9% of the parcel leaving 91% of the parcel as “open land” which exceeds the minimum recommended for the B1 zone.

STAFF REVIEW: All appropriate City departments (*see attachment 5; Department Comments*) have reviewed the proposed temporary winter homeless shelter, and comments have been provided below:

Building Department-David Willoughby 707-467-5718

A building permit is required to construct and open the shelter at this location, below are a list of items that will need to be addressed and/or provided as part of the permit process:

- 1 building permit application.
- 3 copies of a plot plan showing the property lines, the parking lot and any structures on the parcel and distances from these items to the property line.
- 3 sets of plans which includes the building data (building square footage, shelter square footage, occupancy load, etc. a site plan, existing floor plan and a proposed floor plan that show all of the bed locations, exit doors, door hardware, 110V illuminated exit lights, 110V smoke detectors, bathrooms, water heaters, furnace, fire wall between the new temporary homeless shelter and the adjacent tenant space, etc.
- A plan for the landing and ramp to the portable office and shower unit.

This building is currently permitted as a retail space at the front, a church in the middle and storage at the end. There is an open violation for the occupancy change to a motorcycle repair shop and the associated work completed for this all without permits. This violation will need to be cleared (a permit issued and finalized and a certificate of occupancy issued) prior to the issuance of any further permits including for the temporary emergency winter shelter.

Public Works-Ben Kageyama 707-463-6284

Approval of a new sewer connection is limited to one-season use as a winter homeless shelter. Since the proposed showers are a temporary connection, no sewer connection fees shall be due. The applicant shall obtain a sewer discharge permit from the City of Ukiah prior to occupancy, including payment of a one-time wastewater discharge permit fee of \$420. Sewer usage will be measured from the property's water service, unless a separate submeter is provided by the applicant

Fire Department-Kevin Jennings 707-463-6262

Fire & Life Safety Requirements.

- 1 1. One Class 2-A rated fire extinguisher for each building of project, dormitory, showers, and
2 general office space. A- If no obstructions noted an exterior extinguisher can service both the
3 showers and office spaces if located on the exterior landing "if no obstructions are present". This
4 exterior extinguisher shall be securely mounted in a protective case. B – Dormitory extinguisher
5 shall be located on the interior, in close proximity to the exits. T19 Sec. 567 & 568.
6
- 7 2. Interior, internally illuminated exit signs with emergency lighting shall be located at exit. This
8 signage shall be hard wired with a battery backup capable of operation for a period of not less
9 than 90 minutes. CFC Sec. 1011.3 & 1011.6.3
10
- 11 • All exit access, exits and exit discharges shall be continuously maintained and free from
12 obstructions. CFC Sec. 1030.2
13
- 14 • Any drapes, hangings, curtains and other decorative material, that would tend to increase
15 the fire and panic hazard shall be made from a nonflammable material or shall be treated
16 and maintained in a flame retardant condition with a flame-retardant solution approved by
17 the State Fire Marshal. T-19 Sec. 3.08
18
- 19 • New and existing buildings shall have approved address numbers placed in a position to be
20 plainly legible from the street or road fronting the property. CFC Sec. 505.1
21
- 22 • American Red Cross standards for long term sheltering is referenced within this project
23 submission. It should be noted that this office does not utilize these standards, but only the
24 California Fire Code, 2013 edition for fire and life safety issues, especially those for egress in
25 which this item is located. California Fire Code Table 1004.1.2 requires 50 sf. per person for
26 "dormitories". This would be the standard enforced in future shelter operations. Since this
27 is a temporary shelter arrangement, your request for a lesser amount is granted. However,
28 prior to receiving an occupancy certificate the Fire Marshal shall provide an inspection
29 verifying that all conditions for life and safety have been met, and that access to the exits
30 are clearly open and unobstructed. Essentially this means having all cots "40" in place so that
31 the Fire Marshall can visually see the layout and egress.
32

33 **Police Department-Sean Kaeser 707-463-6262**

- 34
- 35 1. Prior to Implementation of the shelter a viable operations plan be submitted and in place.
- 36 2. An identified 24-hour responsible party/parties with contact information for coordination.
- 37 3. An identified onsite supervisor with contact information.
- 38 4. An identified overall supervisor with contact information.
- 39 5. An identified process to address neighborhood complaints.
- 40 6. Coordination with surrounding stakeholders.
- 41 7. The facility provides adequate 24-hour restroom facilities.
42

43 **Electric Department-Jimmy Lozano 707-467-5774**

44

Inland Valley Emergency Winter Shelter
1045 South State Street
Major Use Permit
File No.: 2235 UP-PC

- 1 1. The existing 100A Service Panel that feeds the proposed shelter (Building C) may be suitable to
2 serve the needs of the shelter, based on the information from the Applicant/Owner. The COU
3 Electric Department would normally recommend that the Applicant/Owner determine estimated
4 power demand load/kVA and load calculation information for the proposed service
5 panel/project.
 - 6 a) Connected kVA and Load calculations – will help to determine if the existing transformer
7 bank or overhead secondary service size is sufficient for the 100A Service Panel, that will
8 feed Building C and the two (2) additional buildings at 1045 South State Street.
9
- 10 2. There is one (1) existing overhead secondary wire, which currently feeds all three (3) buildings
11 at 1045 South State Street and may or may not need to be upgraded in order to serve the Inland
12 Valley Emergency Winter Shelter service panel requirements.
13
- 14 3. All future site improvements shall be submitted to the Electric Utility Department for review and
15 comment. At that time specific service requirements, service Voltage and developer costs and
16 requirements will be determined.
17
- 18 4. Any fees associated with the addition or replacement of any existing or upgraded electrical
19 facilities (transformers, secondary conductors) to the proposed building site at 1045 South State
20 Street would be the responsibility of the applicant/owner.
21

22 **CONCLUSIONS:** After reviewing the Emergency Winter Shelter Operation Plan for this project, it is
23 Planning Department staff's conclusion that the authors of this plan are highly cognizant of the potential
24 adverse impacts that this homeless shelter could cause to the abutting neighborhood. Staff further
25 concludes that the plan is carefully crafted to deal with potential impacts, and will allow the facility to
26 operate with minimal impacts so long as the staffing levels are consistent with those in the plan and staff
27 members are adequately trained and diligent in carrying out the plan's detailed strategies.
28

29 **ENVIRONMENTAL REVIEW**

30
31 The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA)
32 pursuant to Section 15303 Class 3 (c), New Construction and Conversion of Small Structures, which allows
33 structures up to 10,000 square feet to be converted from one use to another in urbanized areas when the
34 use does not involve significant amounts of hazardous materials, where all necessary public services and
35 facilities are available, and the surrounding area is not environmentally sensitive based on the following.
36

- 37 ■ The total building square footage is 6,600 square feet.
- 38 ■ The business does not use large amounts of hazardous materials.
- 39 ■ The site is developed with an existing building, public utilities, and services that are already
40 available at the site where no expansion of the existing buildings are proposed as part of the
41 project.
42

43 **PUBLIC NOTICE**

44
45 A notice of public hearing was provided in the following manner:

Inland Valley Emergency Winter Shelter
1045 South State Street
Major Use Permit
File No.: 2235 UP-PC

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- posted in three (3) places on the Project site on October 28, 2016;
- mailed to property owners within 300 feet of the project site on October 28, 2016; and
- published in the Ukiah Daily Journal on October 30, 2016.

As of the writing of this staff report, no correspondence has been received in response to the project.

DECISION TIMELINE

The proposed project is subject to the requirements of the Permit Streamlining Act (PSA). The PSA requires that a decision be made on the project within 60 days of the application being deemed complete. This application was submitted to the Planning and Community Development Department on and was deemed complete on October 21, 2016. As such, a decision must be made on the project no later than, December 20, 2016. The applicant may request a onetime extension of the decision timeline.

Attachments

1. Draft Use Permit Findings
2. Draft Conditions of Approval
3. Revised Inland Valley Emergency Winter Shelter date stamped November 1, 2016
4. Revised Site Plan date stamped November 2, 2016; Google Map and Photos date stamped October 24, 2016
5. Department Comments

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DRAFT FINDINGS

**Draft Major Use Permit Findings
Inland Valley Emergency Winter
1045 South State Street
File No: 2235-UP-PC**

- 1. The proposed temporary winter homeless shelter is consistent with the goals, policies and Siting Criteria of the Ukiah General Plan Housing Element, because it would provide homeless services on an immediate need basis; it contains a program for transporting clients to services; and it provides assistance to those in need of essential services with referrals to counseling and other programs.
- 2. The proposed temporary winter homeless shelter is consistent with the provisions of Article 15.6 of the Ukiah Municipal Code because it provides all required submittal materials, including an Management Plan that is consistent with the Operational Standards articulated in Resolution 2001-15. Additionally, it is a “permitted use” in the C-2 (Heavy Commercial) Zoning District.
- 3. The proposed temporary winter homeless shelter would be compatible with surrounding land uses and would not adversely impact public health, safety or general welfare for the following reasons:
 - (a) The proposal includes a detailed Operations Plan that contains a screening and transportation component designed to limit impacts to surrounding residential and commercial land uses. This plan also contains provisions for a monitoring/security program one-hour before the facility opens and for one-hour after it closes to disburse clients and ensure no impacts to surrounding land uses; a full-time staff on the facility; and transportation services at closing time in the morning and opening time in the evening;
 - (b) Guests will be required to remain within the shelter facility once they have arrived;
 - (c) Guests using the designated outdoor smoking/recreation area will be monitored; and
 - (d) The shelter would be operated only during the winter months between early November of 2016 and March of 2016, limiting the duration of any inconveniences or nuisances.
- 4. The proposed shelter is exempt from the provisions of the California Environmental Quality Act, in accordance with Statutory Exemption Section 15269(c) since the facility consists of an emergency winter shelter.

DRAFT CONDITIONS OF APPROVAL

**Draft Major Use Permit Conditions of Approval
Inland Valley Emergency Winter
1045 South State Street
File No: 2235-UP-PC**

Standard Conditions:

- 1. All use, construction, or occupancy shall conform to the application approved by the Planning Commission, and to any supporting documents submitted therewith, including maps, sketches, renderings, building elevations, landscape plans, and alike.
- 2. 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.

Fire Department Conditions:

- 3. Applicant shall be required to obtain any permit or approval, which is required by law, regulation, or ordinance, be it required by Local, State, or Federal agency. Specifically, the following fire protection measures shall be completed and approved by the Ukiah Fire Marshal prior to the opening of the shelter facility:
 - A. One Class 2-A rated fire extinguisher for each building of project, dormitory, showers, and general office space. A- If no obstructions noted an exterior extinguisher can service both the showers and office spaces if located on the exterior landing "if no obstructions are present". This exterior extinguishers shall be securely mounted in a protective case. B – Dormitory extinguisher shall be located in the interior, in close proximity to the exits. T19 Sec. 567 & 568.
 - B. Interior, internally illuminated exit signs with emergency lighting shall be located at exit. This signage shall be hard wired with a battery backup capable of operation for a period of not less than 90 minutes. CFC Sec. 1011.3 & 1011.6.3
 - C. All exit access, exits and exit discharges shall be continuously maintained and free form obstructions. CFC Sec. 1030.2

- 1 D. Any drapes, hangings, curtains and other decorative material, that would tend to increase the
2 fire and panic hazard shall be made from a nonflammable material or shall be treated and
3 maintained in a flame retardant condition with a flame-retardant solution approved by the State
4 Fire Marshal. T-19 Sec. 3.08
- 5
- 6 E. New and existing buildings shall have approved address numbers placed in a position to be
7 plainly legible from the street or road fronting the property. CFC Sec. 505.1.
- 8
- 9 F. Prior to receiving an occupancy certificate the Fire Marshal shall provide an inspection verifying
10 that all conditions for life and safety have been met, and that access to the exits are clearly open
11 and unobstructed. Essentially this means having all cots "40" in place so that the Fire Marshall
12 can visually see the layout and egress.
- 13

14 **Building Department Conditions:**

- 15
- 16 4. The applicant shall obtain a Building Permit prior to occupancy of the shelter facility. The following
17 items will be required upon submittal of the Building Permit:
18
 - 19 A. 1 building permit application
 - 20 B. 3 copies of a plot plan showing the property lines, the parking lot and any structures on the
21 parcel and distances from these items to the property line.
 - 22 C. 3 sets of plans which includes the building data (building square footage, shelter square
23 footage, occupancy load, etc. a site plan, existing floor plan and a proposed floor plan that
24 show all of the bed locations, exit doors, door hardware, 110V illuminated exit lights, 110V
25 smoke detectors, bathrooms, water heaters, furnace, fire wall between the new temporary
26 homeless shelter and the adjacent tenant space, etc.
 - 27 D. A plan for the landing and ramp to the portable office and shower unit.
- 28
- 29 5. All previous unpermitted work must obtain a building permit and be brought up to current code.
30 There is an open violation for the occupancy change to a motorcycle repair shop and the associated
31 work completed for this all without permits. This violation will need to be cleared (a permit issued
32 and finalized and a certificate of occupancy issued) prior to the issuance of any further permits
33 including for the temporary emergency winter shelter.
- 34
- 35 6. In addition to any particular condition, which might be imposed, any construction shall comply with
36 all building, fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in
37 effect at the time a Building Permit is approved and issued.
- 38

39 **Planning Department Conditions:**

- 40
- 41 7. The operation of the temporary winter homeless shelter shall be permitted from November 16, 2016
42 to March 15, 2017, unless an unusual circumstance arises, such as an extended cold winter season,
43 and after a specific written request, the Planning Director grants an extension of time.
- 44

- 1 8. The approved Inland Valley Emergency Shelter Policy shall be strictly followed and enforced by the
2 applicants. Failure to do so may cause revocation of the Use Permit.
- 3
- 4 9. Prior to opening the temporary winter homeless shelter, City staff shall inspect the interior and
5 exterior portions of the facility to ensure that all pertinent components of the approved Inland Valley
6 Emergency Shelter Policy are in effect.
- 7
- 8 10. Shelter staff shall be diligent in disbursing shelter clients from the site and away from adjoining
9 residences and businesses a minimum of 1-hour before opening and 1-hour after closing. Loitering is
10 prohibited.
- 11
- 12 11. An outdoor area shall be provided for guests that wish to leave the shelter to smoke or take breaks
13 from the close quartering of the shelter facility. Shelter staff shall monitor the use of this area to
14 ensure that guests do not cause excessive noise, littering, or other nuisance impacts.
- 15
- 16 12. The grounds around the shelter shall be routinely cleared of litter and debris, and the site shall be
17 kept in a neat and clean condition. Additionally, the site shall be cleared of all existing debris including:
18 scrap metal, inoperable vehicles and boats, prior to commencing operation of the shelter.
- 19
- 20 13. Shelter staff shall meet with police and sheriff personnel to discuss proper police contact procedures
21 and law enforcement patrol schedules.
- 22
- 23 14. Shelter staff shall provide, if necessary a regular weekly meeting time to meet with neighbors of the
24 shelter property and staff phone numbers for emergency contacts.
- 25
- 26 15. The shelter facility shall be limited to a maximum of 56 guests.
- 27
- 28 16. A temporary privacy fence shall be installed to the satisfaction of the Planning Director. The purpose
29 of the privacy fence is to separate the shelter operations from the existing businesses to the west.

30
31

32 **Public Works Condition:**

33

- 34 17. Approval of new sewer connection is limited to one-season use as a winter homeless shelter. Since
35 the proposed showers are a temporary connection, no sewer connection fees shall be due. The
36 applicant shall obtain a sewer discharge permit from the City of Ukiah prior to occupancy, including
37 payment of a one-time wastewater discharge permit fee of \$420. Sewer usage will be measured
38 from the property's water service, unless a separate submeter is provided by the applicant.

39

40 **Police Department:**

41

- 42 18. Prior to Implementation of the shelter a viable operations plan be submitted and in place.
- 43
- 44 19. An identified 24-hour responsible party/parties with contact information for coordination.

- 1
- 2 20. An identified onsite supervisor with contact information.
- 3
- 4 21. An identified overall supervisor with contact information.
- 5
- 6 22. An identified process to address neighborhood complaints.
- 7
- 8 23. Coordination with surrounding stakeholders.
- 9
- 10 24. The facility provides adequate 24-hour restroom facilities.

11
12 **Electric Department:**

- 13
- 14 25. The existing 100A Service Panel that feeds the proposed shelter (Building C) may be suitable to serve
- 15 the needs of the shelter, based on the information from the Applicant/Owner. The COU Electric
- 16 Department would normally recommend that the Applicant/Owner determine estimated power
- 17 demand load/kVA and load calculation information for the proposed service panel/project.
- 18
- 19 a) Connected kVA and Load calculations – will help to determine if the existing transformer
- 20 bank or overhead secondary service size is sufficient for the 100A Service Panel, that will
- 21 feed Building C and the two (2) additional buildings at 1045 South State Street.
- 22
- 23 26. There is one (1) existing overhead secondary wire, which currently feeds all three (3) buildings at
- 24 1045 South State Street and may or may not need to be upgraded in order to serve the Inland Valley
- 25 Emergency Winter Shelter service panel requirements.
- 26
- 27 27. All future site improvements shall be submitted to the Electric Utility Department for review and
- 28 comment. At that time specific service requirements, service Voltage and developer costs and
- 29 requirements will be determined.
- 30
- 31 28. Any fees associated with the addition or replacement of any existing or upgraded electrical facilities
- 32 (transformers, secondary conductors) to the proposed building site at 1045 South State Street would
- 33 be the responsibility of the applicant/owner.
- 34
- 35

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INLAND VALLEY EMERGENCY WINTER SHELTER Policies

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CITY OF UKIAH
BUILDING/ PLANNING DEPARTMENT

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INLAND VALLEY EMERGENCY WINTER SHELTER (IVS)

Policies

OVERVIEW

The Inland Valley Emergency Winter Shelter (IVS) is a seasonal temporary shelter located at **1045 So. Street, Ukiah, CA**. The shelter facility will be able to accommodate 54 guests per night and three staff. There are no other shelters located within .50 miles. The facility is close to Plowshares, the Hillside Health Clinic, and government offices and guests are able to utilize other service locations such as the food bank and youth resource center by using mass transit or walking.

Separate space will be maintained for intake and more confidential client services. Partner organizations may request to use the office space to provide “in the field” and “street outreach” client services.

PHILOSOPHY

The purpose of the Inland Valley Emergency Winter Shelter is to provide a warm, dry, safe place to sleep for guests who have nowhere else to go with the intent of minimal negative impact on the neighboring community.

Chronic homelessness has a high priority due to its particularly tragic and costly impact on the individual, family and community. While this cohort is relatively small compared to the larger homeless population, those experiencing chronic homelessness represent not only the neediest clients served by the Shelter and the wider service system but also the most problematic in terms of resource utilization and associated costs as these clients often have multiple health, co-occurring substance abuse and mental health issues, histories of unemployment, hospitalization, criminal backgrounds and legal issues. As a whole, this segment of the homeless population historically tends to utilize a disproportionate share of services and resources.

The emergency homeless shelter was established to provide a safe alternative to the streets during the winter months for the **most vulnerable** homeless individuals in Mendocino County and to provide access to case management services.

SHELTER OPERATOR

The Homeless Services Action Group (HSAG) is the lead operator, handling on staffing and facility matters, with financial matters supported by Adventist Health through their 501 (c) 3. Several organizations are involved as a collaborative to advise and assist within their expertise and provide case management, mental health services and other resources when possible.

- Redwood Community Services is providing facility consultation, program development and human resource management consulting. TAY Crisis/behavioral health services.
- Plowshares will provide emergency daytime shelter as needed during poor weather conditions and their meal program Monday through Friday.
- Project Sanctuary is providing program development and Domestic Violence counseling and assistance.
- Manzanita will provide Mental Health First Aid training for Shelter staff and case management for Manzanita clients at the shelter location when needed.

OTHER SERVICES

The shelter will utilize the Mental Health Crisis services available for adults and transition age youth as needed.

HOURS OF SHELTER OPERATION

The homeless shelter will be open from November 16th, 2016 or as soon as possible thereafter until March 15th, 2016 or until 120 days have passed, on a daily basis, with operation occurring:

6:00pm to 8:00am 7 days a week

Individual guests may remain on site to engage in life skill, counseling, volunteer work and other supportive and housing services if accompanied by a case manager or shelter employee. **Loitering will not be permitted.**

STAFFING

HSAG will ensure that a minimum of two staff will be on duty at all times to supervise the guests and maintain safety, inside and outside. These staff will be "Wide-Awake" and expected to address any problem conditions or behaviors during regular sleeping hours of shelter guests. HSAG shall provide to each neighbor within 300 feet of the shelter the *phone number to the staff* at the homeless shelter and the names and contact numbers for HSAG Leadership to provide follow-up and review for any concerns not promptly resolved by the homeless shelter staff. Shelter staff will work with neighboring businesses and law enforcement to prevent or address concerns.

All staff on duty for any shift will be wide-awake and trained in Mental Health First Aid and Conflict De-escalation Skills.

Shifts 4:30 pm to 1:00 am (Shelter Worker)
 12:30 am to 9:00 am (Shelter Workers)
 4:30pm to 1:00 am (Shelter Shift Manager)

The Shelter Shift Managers will work flexible hours during both shifts to ensure quality services, staff training and policy review.

FACILITY HEALTH AND SAFETY

OBJECTIVE

The IVS will follow all federal, state, county regulations regarding Health and Safety for our guests and the facility. Physical Plant maintenance issues are addressed in the Maintenance policy and procedure.

Responsible: IVS Employees and Shelter Manager

PHYSICAL PLANT

- The IVS cannot exceed the maximum occupancy authorized by the City of Ukiah Fire Department for the entire shelter which will be clearly posted in the facility.
- Doors will not be blocked and floors will be free of tripping hazards and there will be 44 inches between objects in all walkways to the Exit areas.
- Exits will be clearly marked and Exit Plans will be posted in appropriate area.
 1. A map designating the location of the gas main will be conspicuously posted and known to the shelters on- site emergency-response designee.
 2. A gas shut-off tool must be attached near the gas main.
 3. Instructions for using the gas shut-off tool must be posted next to the tool
- The daily room inspection by staff will specifically check that all outlets remain safe.
- IVS has a Chore List to ensure a safe, sanitary, clean and comfortable environment. Person(s) responsible for tasks indicated on the Chore List will be clearly identified and trained.
- Trash inside the facility is contained in appropriate trash receptacles and adequate supplies and equipment for housekeeping functions are available. A schedule is established and posted for collecting and discarding trash. Trash receptacles will be emptied on a regular basis
- Cleaning supplies are properly labeled and kept in a separate storage area out of the reach of children.
- A Material Safety Data Sheet for Storage of Chemicals will be obtained from the Ukiah Fire Department and maintained where chemicals are stored on site. An additional copy of the sheet must be maintained in a location that can be accessed easily by staff and guests in the event of emergency and will be available upon request.
- A First Aid Kit will be kept on site at all times and staff will be trained in first aid and CPR. Urgent medical issues will be referred to the Emergency Room and other appropriate medical care providers.

MAINTENANCE

OBJECTIVE

The Inland Valley Emergency Winter Shelter shall maintain a safe environment for guests and has a clearly identified person to whom guests can report maintenance problems. See Policy and Procedure on Health and Safety.

- The shelter addresses maintenance problems within a reasonable time period.
- The shelter has a checklist of routine maintenance activities and their frequency in a Maintenance and Repair Log
- All shelter equipment and furnishings are maintained so they are clean, safe and appropriate for the intended function.

Responsible: Shelter Staff (including volunteers) and Shelter Manager, Facility Manager

BUILDING REPAIRS

- The Inland Valley Emergency Winter Shelter has a building maintenance plan that is maintained by HSAG containing procedures that ensure regularly scheduled visual inspections for health and Safety issues.
- Staff will perform facility checks for neatness, cleanliness and safety.
- The results of the checks will be logged into a binder and kept on site.
- Routine maintenance is performed by qualified personnel, volunteers or commercial services as needed. Maintenance requests are given to the Facility Manager.

SAFETY AND URGENT REPAIRS

- Safety issues will be brought to the attention of the Facility Manager and any corrections that must be made will be clearly noted.
- A timeline for the correction will be established, and the issue will be corrected in a timely manner and logged in the Maintenance and Repair Log.

HEATING

- IVS will maintain a temperature of at least 65 degrees during the winter months.

PEST CONTROL

- IVS will work actively to prevent pest infestation within the shelter and to control or eradicate pests as possible.
- The shelter takes precautions such as wiping up spills and crumbs frequently; checking incoming boxes for insects and rodents excluding guests' personal belongings; and elevating garbage containers off the floor. The shelter has pest-control inspections when needed.
- Material Safety Data Sheets for Exterminators are requested from any exterminators hired and will be kept on file. A Material Safety Data Sheet for Storage of Chemicals is maintained where

the chemicals are stored on site. An additional copy of the sheets must be maintained in a location that can be accessed easily by staff and guests in the event of emergency and must be available upon request.

TELEPHONES

- The Inland Valley Emergency Winter Shelter has a phone available during operating hours to contact the fire department, paramedics, police and site supervisor personnel, and posts a list of emergency numbers.
- The Shelter has or provides access to a phone that guests can use within reasonable limits. This phone is made as private as possible.
- The Inland Valley Emergency Winter Shelter takes incoming emergency phone messages for guests during business hours and has a process for making these messages available to them. To protect guest confidentiality, messages are taken without confirming whether or not the individual is a guest of the IVS.

SLEEPING AREA

- At a minimum, the shelter provides guests with a bed or a cot.
- Each guest is supplied with sheets, a pillow and pillowcase and at least one blanket. Bed linens are changed with each change of guest and, if occupied continuously by one person, clean linens are provided at least once a week.
- The shelter implements routine procedures for disinfecting the bed, mat, or cot and its cover with each change of guest.
- Appropriate cribs or beds will be provided to people with children.
- All children's furniture and equipment meets national safety standards. Donated furniture and equipment also must meet these standards.

INTAKE

The purpose of the shelter is to assist those in our community who are at the greatest risk of negative effects from exposure to the elements. Eligibility for this shelter will NOT be based on a first-come, first-serve basis, but will instead be based on the highest level of need..

Data collected at intake includes the name, gender, age, ethnicity, number of persons in household, housing and disability status, and Mendocino County residency. All staff is required to do intakes and all guests MUST have an intake (including a Vulnerability Index – Service Prioritization Decision Assistance Tool, VI- SPDAT, if they are interested in assistance in finding

longer-term housing) completed by the end of the shift on the day of admit. Shelter workers will make sure to follow the steps to complete the intake process.

Intakes and assessments will begin on November 10, 2015, at ??? office at, Ukiah. After the shelter is open, intakes can be conducted at the shelter site starting at 5:00pm; calling ahead is recommended to (707)462-1932.

Each guest will be assigned a cot, linen, blanket, and pillow. Priority will be given to the following applicants:

- Ill or disabled – a case manager or medical note from another agency as proof or it can be verified by sight. Illness that is communicable without contact (other than a cold) will be referred to a medical facility.
- Elderly
- Pregnant and Parenting
- Adults with Children

Guests will not be discriminated against based on sex, age, race, ethnicity, sexual orientation, religion, or disability.

Guest will be screened and Registered Sex Offenders will not be permitted in the facility as children may be present.

GUEST ORIENTATION

- Guests should be shown their bed, the bathroom facilities, smoking area, activities area etc.
- Guests are given the Shelter Orientation to read. If a guest needs special accommodation, shelter staff will read the Shelter Orientation and answer any questions.
- Each new or returning guest is given a blanket, fresh linens and a towel. Linen exchange day is given at intake.
- House rules and other policies will be reviewed and places where they are posted should be pointed out.
- Fire exits will be pointed out and will be well-marked.

Returning guests should be re-oriented each time they have been absent for 30 days or more.

Once guests sign in, they are not allowed to leave the property. Guests leaving the property after signing in will be considered self-discharged. Any exceptions will be made on a case-by-case basis by prior arrangement with staff.

PROTECTION OF THE FAMILY UNIT

The IVS will provide accommodations which protect the family unit whenever possible, allowing parents and children to remain together.

VISITORS

The IVS does not permit guests to have visitors.

- Exceptions to the no visitors policy includes Case Managers, Probation/Parole Officers, Clergy, designated members of open 12-step meetings, and other service related individuals who have been approved by IVS Management.

LAUNDRY

- Clean bedding will be provided to each new guest and bedding will be washed every 7th day of use or as needed.
- Guests are given clean bedding and towels on admission. Bedding will be laundered and reissued on a 7 day rotation. Each guest is assigned a laundry day on admit.
- On the scheduled laundry day, the guest is to strip their bed and put soiled bedding into dirty laundry receptacle in each dormitory. Staff will reissue clean bedding for the guest to remake their bed each week

TOILET AND SHOWERS

OBJECTIVE

The Inland Valley Emergency Winter Shelter has a sufficient supply of functional, clean, and reasonably private toilets, wash basins and showers through a mobile unit that is separated by sex and accessible to guests with disabilities.

Persons with infants and young children will be provided adequate space and equipment such as bathtubs, portable tubs, and basins for the bathing and changing of infants and young children. The shelter will attempt to accommodate guests' special needs in the provision of facilities.

BATHING

- Separate bathrooms for male and female guests are provided in ratios appropriate to the capacity of the shelter.
- Bathing and toilet facilities are maintained in working order with hot and cold running water.
- Showers have non-skid strips.
- Showers are accessible during evening hours only from check-in at 6pm until 9pm. Showers are available on a first come-first serve basis.
- Hot water used for washing and bathing does not exceed 104 degrees Fahrenheit.

TOILETRIES

- The shelter provides toilet tissue, soap, and a means for washing and drying hands.
- Towels and soap must be provided for showers.
- Containers are provided for disposal of feminine hygiene products.

- To the extent practicable, the shelter will provide for guests' special needs. If accommodation cannot be made, alternative arrangements will be made with other agencies when possible.

GUESTS RIGHTS

The Inland Valley Emergency Winter Shelter will provide guests with on- going opportunities to voice opinions, to participate in IVS operation, and to make suggestions regarding house rules.

- Weekly meetings will be held with guests and staff.
- Shelter guests are entitled to be treated in a manner that respects their dignity and individuality.
- Guests are entitled to enjoy a safe and healthful living environment in the Shelter.
- EWS staff will provide reasonable accommodations under fair housing laws when such accommodations are necessary because of their disability.
- Guests are entitled to remain in the EWS and not be involuntarily removed or terminated without reasonable notice, good cause, and due process procedures.
- The EWS will provide fair, appropriate and standardized procedures for determining eligibility, admissions, sanctions, dismissals, and for resolving grievances.
- Shelter guests will be afforded reasonable privacy and confidential treatment of personal, social, financial, medical, and behavior health records, except as necessary by law or by consent.
- Guests have the right to voice concerns.
- Guests have the right to refuse medication and to refuse to participate in "therapeutic treatment" or activities.
- Guests have the right to choose health care providers.

NON-DISCRIMINATION

EWS guests must be protected against all forms of discrimination.

The Inland Valley Emergency Winter Shelter staff will respect and reasonably accommodate personal and cultural differences associated with race, religious creed, color, national origin, ancestry, language, disability (physical or mental), medical condition, marital status, familial status, age, gender, sexual preference, source of income, or political affiliation.

The IVS will take immediate action up to and including disciplinary action and/or termination against an employee who violates the IVS policy against harassment and/or discrimination.

REASONABLE ACCOMODATION

- IVS staff will not ask questions about a guest's disability, unless it is directly related to the provision of service to the guest.
- If a guest requests a change in policy or procedure as an accommodation of his/her disability, IVS will grant the accommodation when the accommodation is both reasonable and necessary.

When a reasonable accommodation request is made, the shelter manager may obtain medical verification from the requestor that the accommodation is reasonable and necessary. Admission to the shelter will not be denied because of disability.

CODE OF CONDUCT

The following Agreements will be signed by each guest upon intake to EWS:

- **RESPECTFUL** - IVS guests will maintain respectful behavior towards all staff, volunteers, guests, and the neighborhood. Being respectful includes not swearing, stealing or pressuring anyone.
- **PEACEFUL** - Guests will not participate in any violent or abusive behavior, physical or verbal including the use of abusive language and/or threats towards others. Violations may be grounds for immediate termination from the IVS.
- **SUBSTANCE FREE** - No use of alcohol/drugs at the IVS. Do not have alcohol or any illegal substance in your possession while at the IVS. Smoking is allowed only in designated outside areas.
- **CLEAN** - IVS guests are expected to maintain an acceptable level of personal hygiene.
- **PERSONAL SPACE** is to be kept free of clutter and beds are to be made daily.
- **SAFE & PRIVATE**- IVS guests are entitled to reasonable privacy. No sexual contact of any kind. No visitors are allowed at the IVS, and guests are not allowed in other guests sleeping areas. Access to the IVS is by Thomas Street only.
- **NEIGHBORLY**: IVS guests will respect the neighborhood by not littering or loitering.
- **COOPERATIVE**- IVS guests will participate in daily chores and requests of staff

The IVS may not be suitable for guests who are unable or unwilling to comply with the Participation Agreement. Violations of the rules will result in consequences. Depending on the severity of the violation (i.e. overt violence, abuse of children), a guests may or may not receive a verbal and/or written warning. Guest will read and initial the Immediate Termination Policy (See Exhibit ____)

STANDARD		STANDARD
No violent, threatening or abusive behavior		No borrowing possessions or money from other guests or staff
No alcohol or drugs		No sexual activity or pornography
No weapons or anything that could be intended to use as a weapon		No loitering/littering in the center or neighborhood at anytime
Maintain adequate hygiene		No visitors on the IVS grounds
No un-caged pets		Smoking only in designated outdoor areas

Other Non-Negotiable Rules:

Any non-violent violation except as noted above will be given verbal and written notices with action steps for the guest to come into compliance. Non-violent terminations are subject to the *Second Chance* process, and all terminations can access the *Grievance Process* with possible re-admittance after a determined period away from the Shelter.

PETS

Pets will only be permitted if kennel or space and animal crates are available. These are available on a first come first serve basis. Animals must have the ability to remain quiet throughout the night or guest will need to vacate the shelter. HSAG will make contact with local animal shelters and veterinarians to assist with Rabies vaccines and other medical needs of pets (pending).

GRIEVANCES

EWS will have an internal procedure for resolving grievances. The grievance process and a statement regarding the guest's rights including reasonable accommodation and will post them in a place conspicuous and accessible to guests.

- Each guest will receive a copy of the grievance policy and form.
- The policy will be posted in at least two places in the facility
- IVS will provide an opportunity for mediation or a hearing within 72 hours.
- A person initiating a grievance will be given a copy of their written grievance.
- The Quality Assurance Committee comprised of Shelter and HSAG Board Members will review the grievance. HSAG Director will be requested to assist.
- If guests are unable to resolve the situation, they may submit a written appeal.
- The HSAG Staffing Working Group will return a written response within 72 working hours.
- There will be no reprisal for utilizing the appeals process.

CONFIDENTIALITY

Staff and volunteers will be asked to sign an agreement (Exhibit ___) outlining the following information; Staff at IVS will not share personal information about guest's goals and needs. When we refer guests to other community services and programs, relevant information will be shared with staff in those programs. A Release of Information form is required to share information with programs outside of the Inland Valley Emergency Winter Shelter and HSAG. We encourage guests to authorize the sharing of information necessary to ensure that service providers are working together to support our guests goals. Guests will not be denied services based on their willingness to sign the Release of Information Form. Confidentiality will be maintained after they leave the IVS.

IVS and HSAG are required by law to share information about guests under the following circumstances:

- If they are at imminent risk of harming themselves
- If they made a threat to harm another person
- If there exists a possibility/suspicion of child or dependent adult abuse while the guest is receiving services at the Shelter

PROPERTY SEARCHES

The IVS rules include the policy and procedures governing how and when searches of guest's private possessions may be conducted. Searches may only be conducted when IVS staff has a sufficiently compelling reason to conduct such searches, and the search is the least intrusive means to accomplish the goal.

- Before a search is conducted, the IVS's written search policy will be given to the person to be searched.
- IVS staff will be trained on how and when to conduct searches.
- A search is required in order to find a weapon, illegal material, drugs, alcohol, or stolen property.
- Searches must be conducted in the presence of at least two IVS staff members.
- If the person does not consent to the search, and "probable cause" to search exists, the person must be given the choice of being discharged or being searched.
- Whenever possible, the individual must be given an opportunity to be present during all inspections of his or her belongings.
- Illegal contraband confiscated during a search may be turned over to law enforcement.
- When circumstances permit, senior management should supervise interactions with law enforcement.

Documentation of a search must include:

- When a search was conducted; Date, day, time
- What was the "probable cause" that required the search; and
- The individuals' name(s), gender(s) and role(s) who were present at the search.
- Was law enforcement was present? If so, who
- What was the outcome of the search?

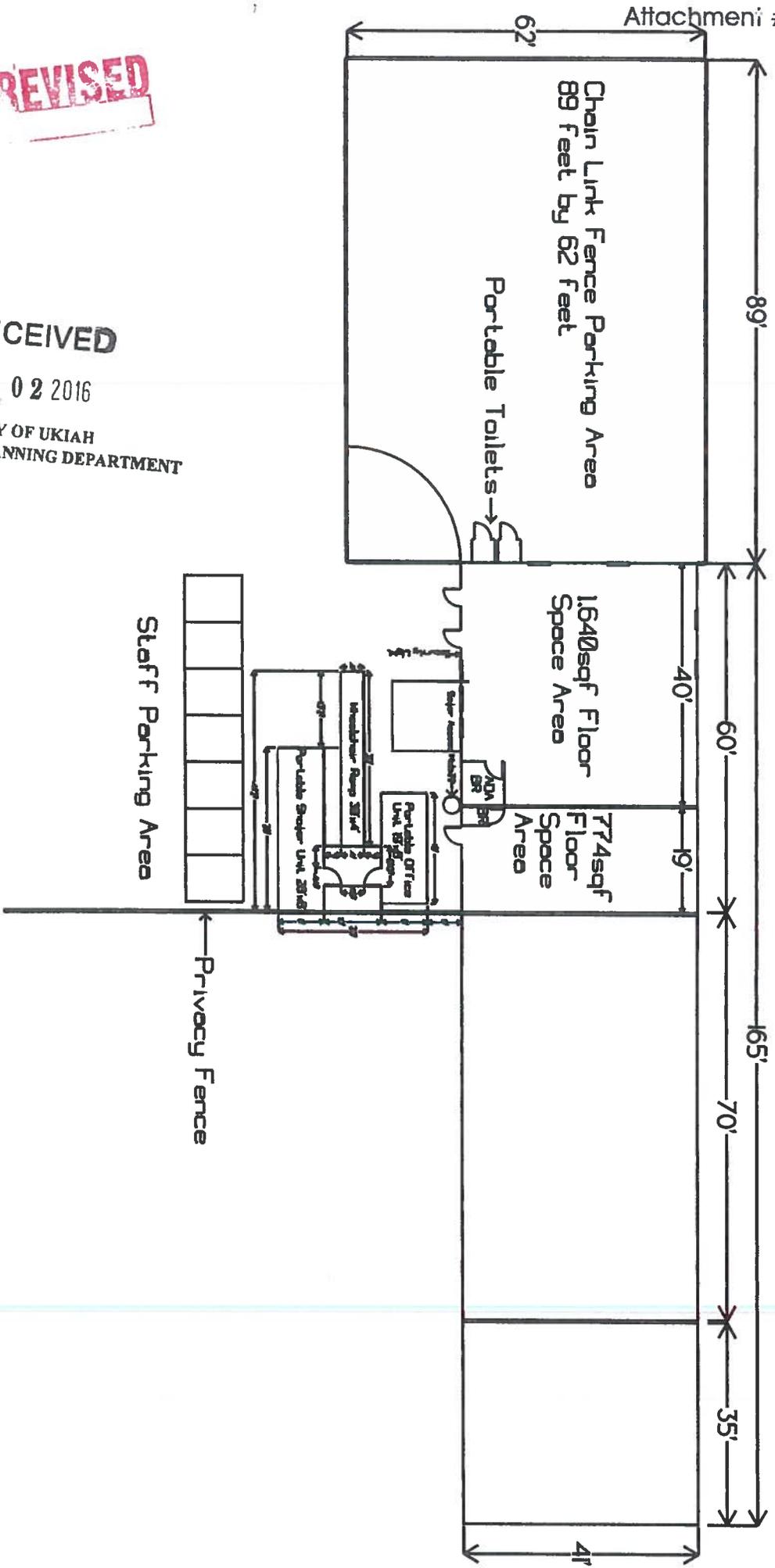
(See Exhibit ___)

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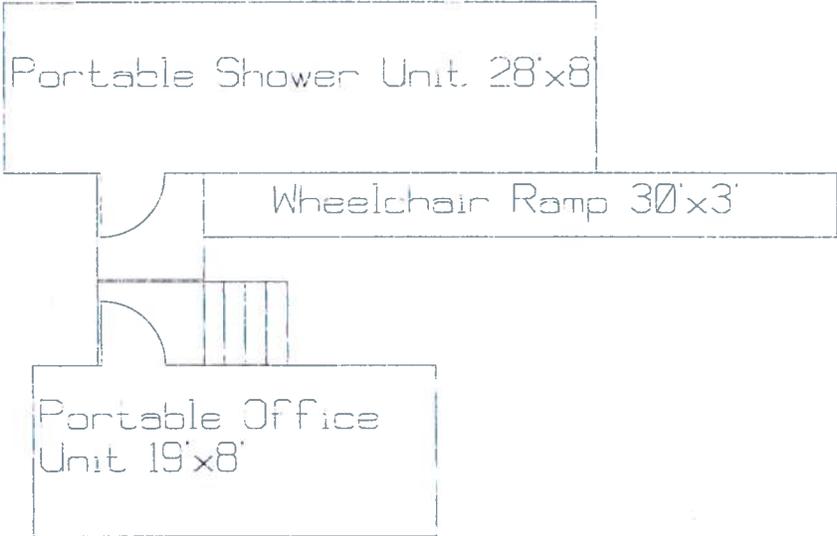
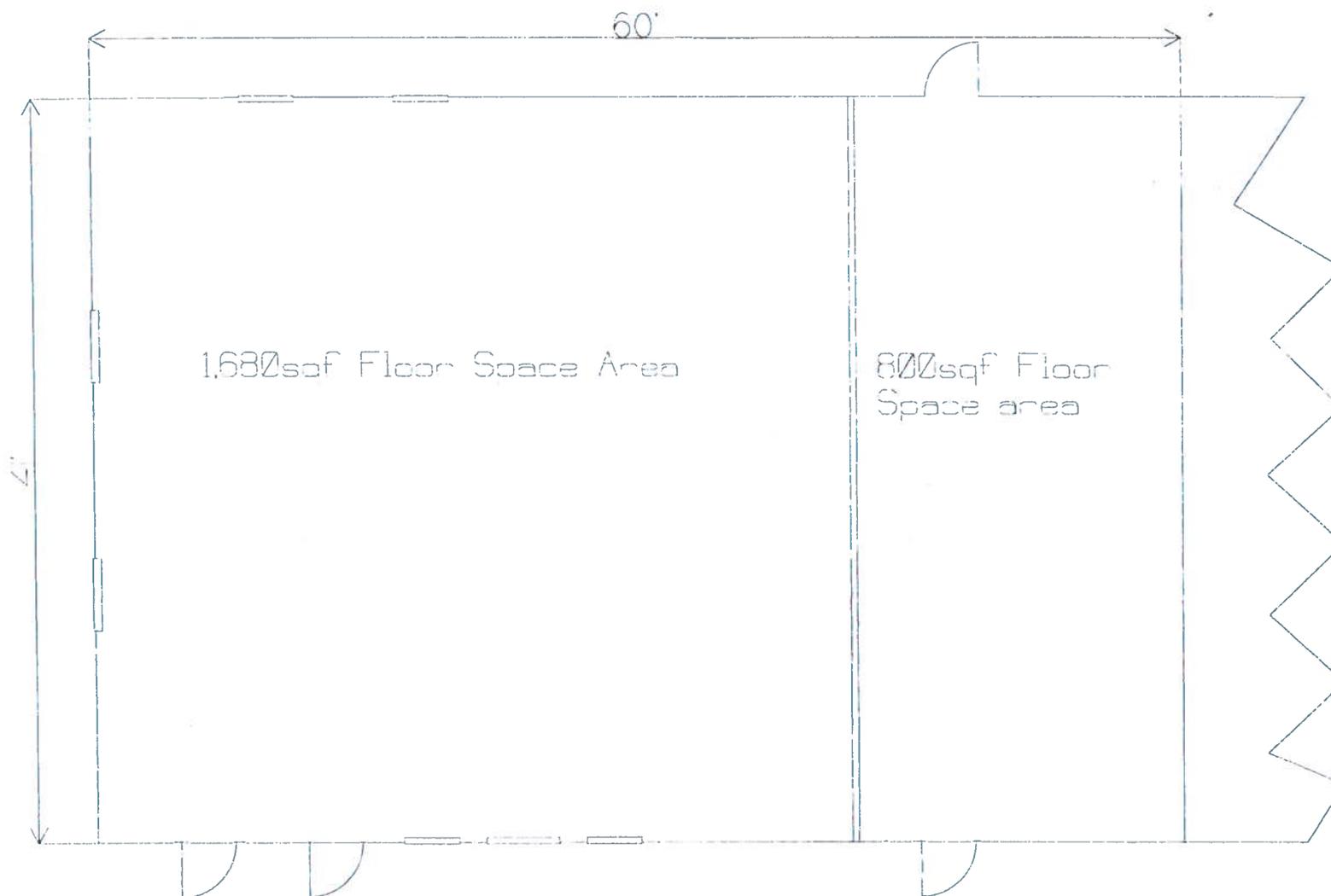
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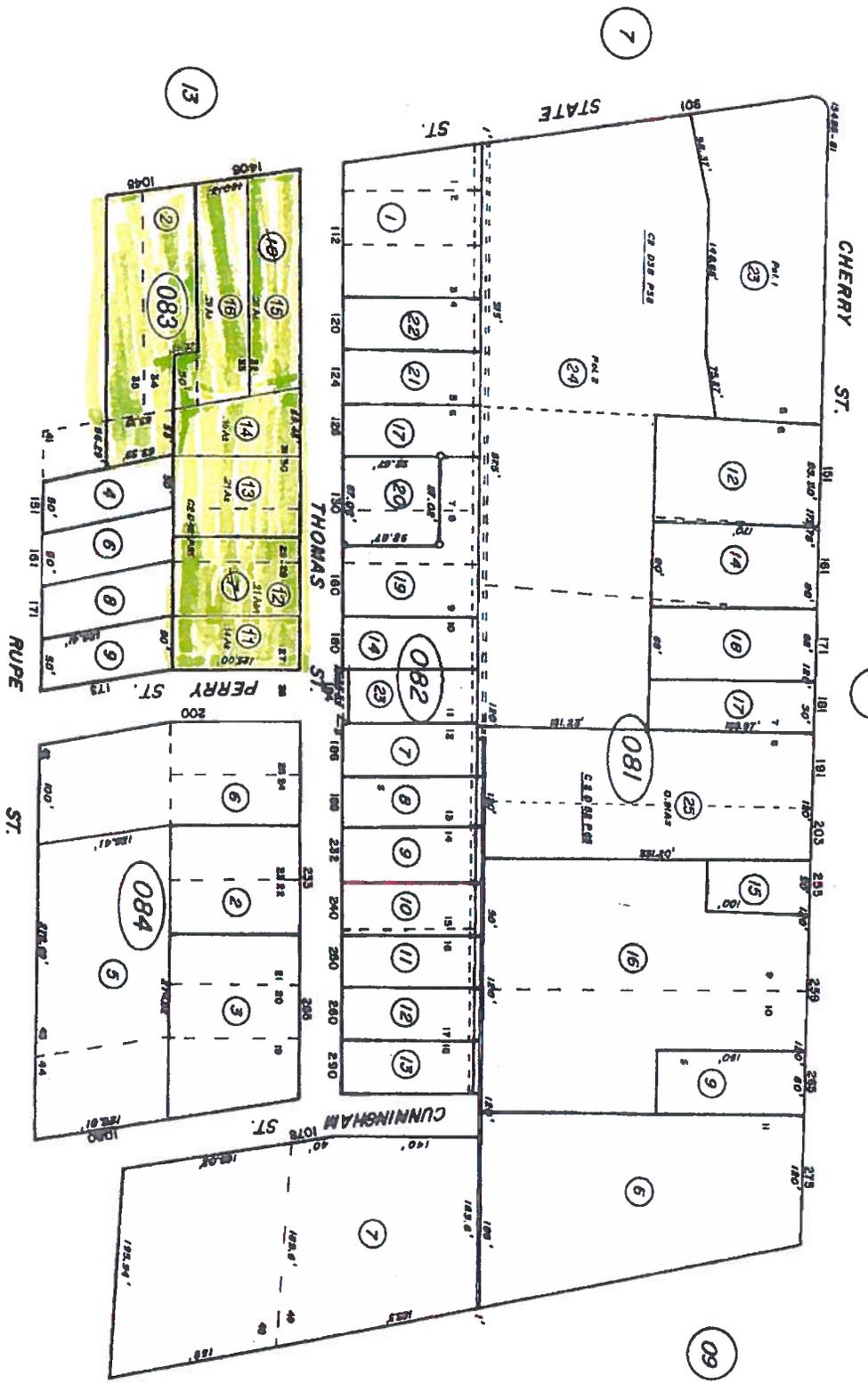
Measure
Area measurement
Segment: 1,119, 178,208 Feet
Perimeter: 3,560, 1,460,44 Feet
Area: 1,679,848 Acres



UKIAH CITY Lots 5 to 11 McCowens Suburban Addition, Lots 1 to 35, 48, 49, Fr. 41 to 44 Cunningham & Thomas Subdivision
Parcel Map C2 038 P38

3-08

3-08



NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

Assessor's Map
County of Mendocino, Calif.
Updated October 7, 2015

Robbie Gitlin's Property at 1045 So. State St., Facility Update 707 671-4335 Map



Robbie Gitlin's property at 1045 So. State St. consists of three office areas. Total length of this building is 165 feet of which HSAG wishes to convert the Eastern end (60 feet) into a Winter Shelter for the Homeless.

Follows are pictures of the current structure/land scape and drawings of what the Exterior of the Winter Shelter area will look like.

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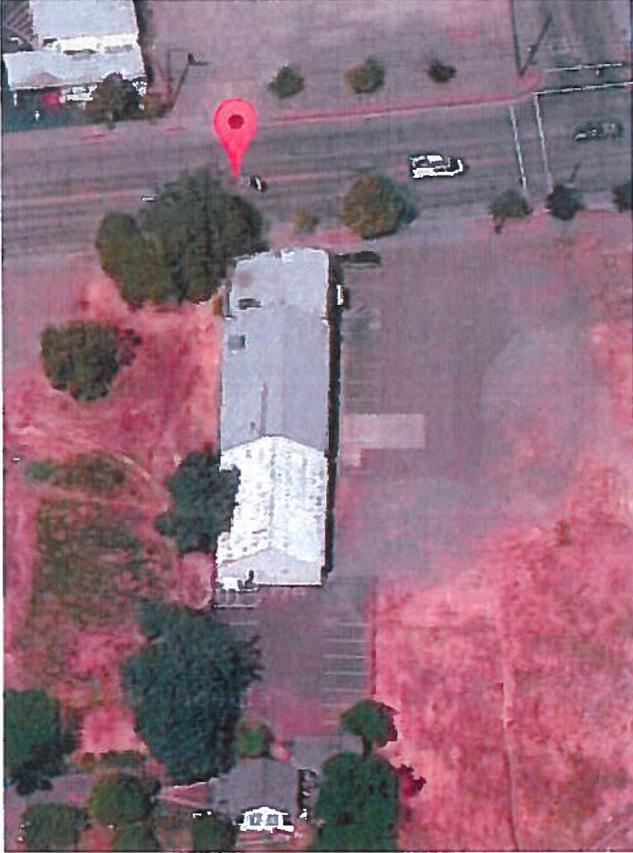
"American Red Cross Sheltering guidelines recommend that 20 square feet per person be made available for short-term, or "evacuation" sheltering, and up to 40 square feet per person for "long term" sheltering" Work with the 40 square feet. $1600\text{sqf} \div 40\text{sqf} = 40$ Cots at the most!!

1045 S State St., Ukiah, CA Satellite~Aerial View



1045 S State St., Ukiah, CA Satellite~Aerial View

Full Length (165') of 1045 South Side Facing Towards Talmage



Portion of 1045 South Side East End of Building (60') Pursued by HSAG to be the Homeless Winter Shelter



Far East End of 1045 Facing East (41') Eastern End of W.S



Front, Street Side View of 1045 S. State St., East Side of State Street



East End of 1045 S State St. (60') Facing North.

This will be the entrance side for the Homeless to the Winter Shelter





1,680sqf Floor Space Area

800sqf Floor Space area

Portable Shower Unit 28'x8'

Wheelchair Ramp 30'x3'

Portable Office Unit 19'x8'

RECEIVED

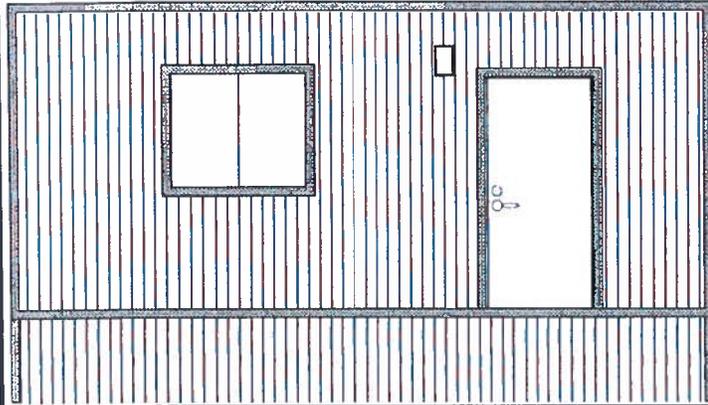
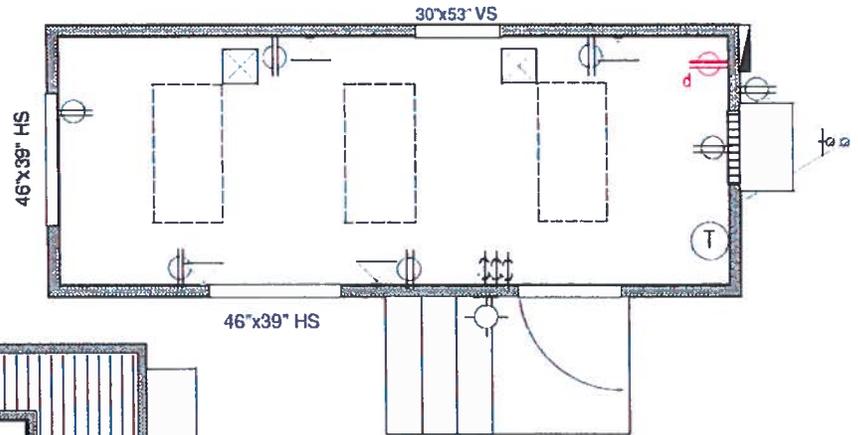
OCT 24 2016

**CITY OF UKIAH
BUILDING/ PLANNING DEPARTMENT**

UNIT #1322

8' x 20' OFFICE BUILDING

SCALE: 1/4" = 1'



Matching skirting (Optional)

PACIFIC MOBILE STRUCTURES, INC.
800/441-8603

DATE: 10/1/15

DRAWN BY: Deann

STANDARD FEATURES

- 30 gauge galvanized standing seam roof
- 8' suspended T-Grid Ceiling with recessed lighting
- T1-11 4" exterior siding
- 1 Ton HVAC w/ t-stat controls
- Wisc. birch paneling interior walls
- Vinyl composition tile flooring
- 36" x 80" steel clad exterior door w/deadbolt, passage, & latchguard
- Siding color - PMSI Grey
- Trim color - PMSI Blue

LEGEND

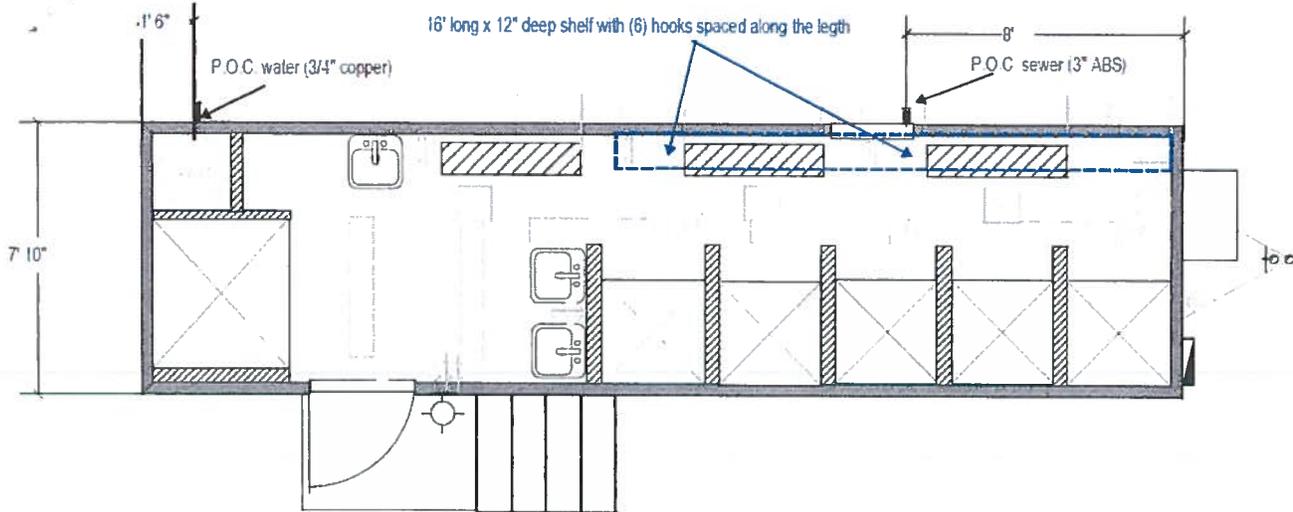
- porch light
- duplex elec. outlet
- 2' x 4' (4-tube) light fixture
- light switch
- supply air grill
- return air grill
- 125 amp panel box

This drawing is the property of Pacific Mobile Structures, Inc. and may not be duplicated without prior approval.

UNIT #8189

8' x 31' SHOWER BUILDING

SCALE: 1/4" = 1'



- = 50 CFM Fans
- = 1' x 4' light fixtures (2 tube lay-ins)
- = Benches by PMSI

PACIFIC MOBILE STRUCTURES, INC.
800/441-8603

DATE: 10/26/15

DRAWN BY: Deann

STANDARD FEATURES

- 30 guage galvanized standing seam roof
- suspended T-Grid Ceiling with recessed lighting
- Duratemp exterior siding 8" O.C
- Endwall HVAC w/ t-stat controls

- 75 Gallon water heater
- 1/4" Stuccado snow interior walls
- Linoleum with 6" self-cove
- 36" x 80" steel clad exterior door w/deadbolt, passage
- Siding color - PMSI Grey
- Trim color - PMSI Blue

LEGEND

- 1' x 4' (2-tube) light fixture
- 125 amp panel box

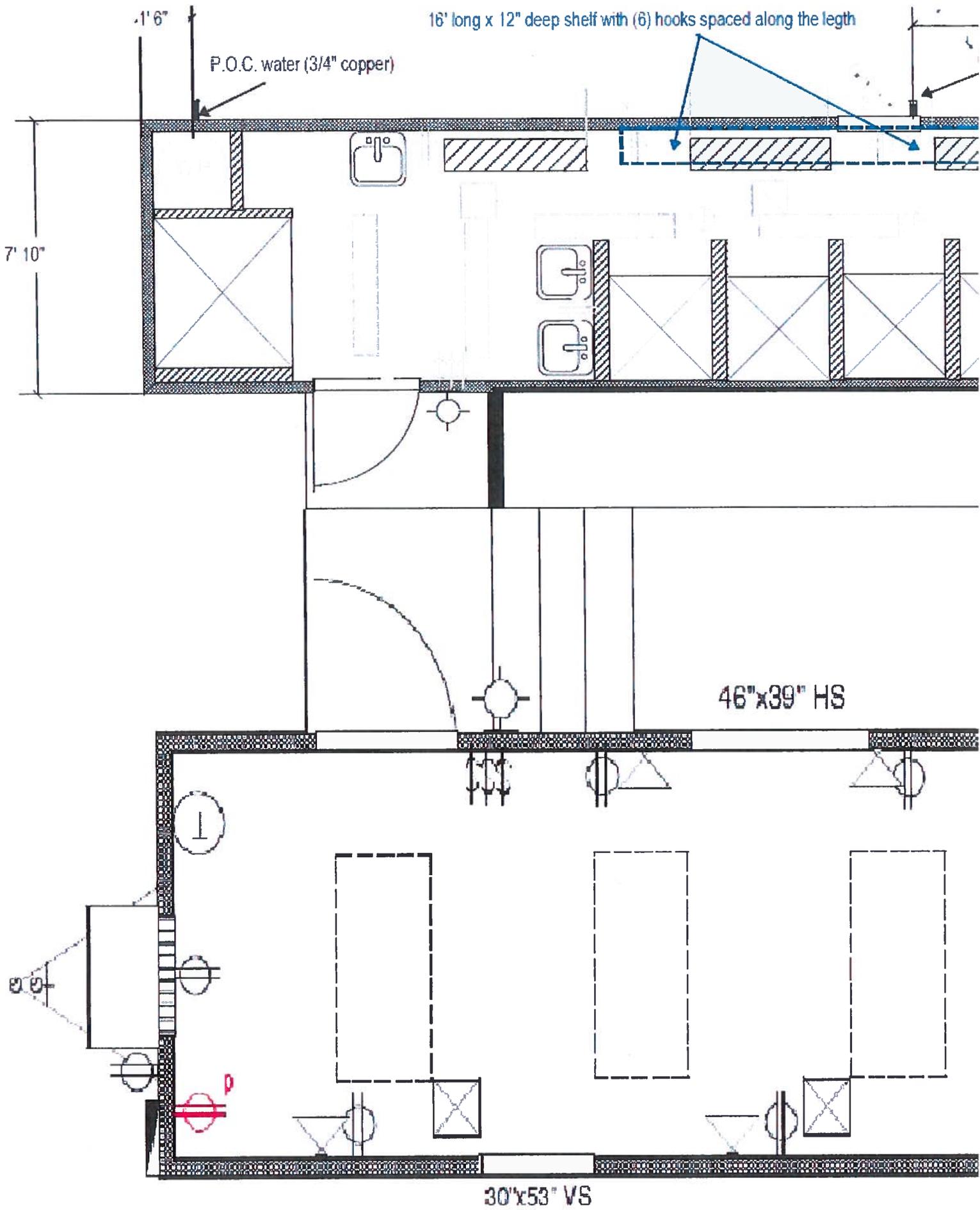
- Thermostat
- porch light
- duplex elec outlet
- light switch
- supply air grill
- return air grill

This drawing is the property of Pacific Mobile Structures, Inc. and may not be duplicated without prior approval.

RECEIVED

OCT 24 2016

CITY OF UKIAH
BUILDING/PLANNING DEPARTMENT





Ukiah Police Department
Safety, Professionalism, Community Service

Chris Dewey
Chief of Police

October 27, 2016

Project Review – The Inland Valley Emergency Winter Shelter, File #Munis 2235

In reviewing this application the Police Department has the following requests:

1. Prior to implementation of the shelter a viable operations plan be submitted and in place.
2. An identified 24 hour responsible party/parties with contact information for coordination.
3. An identified onsite supervisor with contact information.
4. An identified overall supervisor with contact information.
5. An identified process to address neighborhood complaints.
6. Coordination with surrounding stakeholders.
7. The facility provides adequate 24 hour restroom facilities.

By: 
Lt. Sean Kaeser

Michelle Johnson

From: Nancy Sawyer
Sent: Wednesday, November 02, 2016 10:35 AM
To: Shannon Riley; Michelle Johnson
Cc: Sean Kaeser; Chris Dewey; Justin Wyatt
Subject: FW: Call Log info re: Homeless shelter Nov. 2015-March 2016

From the Development team meeting and per our conversation regarding above, please find information below. Please advise if the information needs any clarification for your purposes. This is part one of the information requested. Part two to follow shortly.

Nancy Sawyer, ICPS

Community Service Officer-#C11,

Business Liaison&Volunteer Coordinator

Ukiah Police Department

300 Seminary Ave., Ukiah, CA 95482

Phone (707) 467-5708, Fax (707) 462-6068

nsawyer@cityofukiah.com



Ukiah Police Department

Safety, Professionalism, Community Service

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From: Nancy Sawyer
Sent: Wednesday, October 26, 2016 5:38 PM
To: Sean Kaeser
Cc: Dave McQueary; Justin Wyatt; Chris Dewey
Subject: Call Log info re: Homeless shelter Nov. 2015-March 2016

Call log info from dates of 11/25/15 – 3/30/16 during time shelter was open, for addresses in the surrounding area and the Homeless shelter address as follows:

- 943 Mazzoni-Homeless Shelter
- 120 Brush St.-Suite Deals
- 171 Brush St. complex-all units
- 160 Brush St.-Daniel Steel
- 946 Mazzoni-Ukiah Door and Trim
- 923 Mazzoni-B&B industrial
- 966 Mazzoni-North Coast Energy Services and complex area
- 975 Mazzoni-Eagle Distributing

Call Log report statistics for above dates: 74 calls in total

Misc. Service-2, Theft-1, Susp. Circs.-12, Disturbance-14, Site Visit-2, Security checks-30, Follow-up-4, Assault-1, Animal issue-1, Found Property-1, Speeding cite-1, Vandalism-1, Alarm/unknown cause-2, Arrest-1, Burglary-1

Last year we ran a **report from dates of September 1 – November 24, 2015** prior to the shelter opening. Results for same addresses listed above as follows: **5 calls in total**

Disturbance-1, Vandalism-2, Security Check-1, Agency Assist/parolee-1

If you have any questions, please advise.

Nancy Sawyer, ICPS

Community Service Officer-#C11,

Business Liaison&Volunteer Coordinator

Ukiah Police Department

300 Seminary Ave., Ukiah, CA 95482

Phone (707) 467-5708, Fax (707) 462-6068

nsawyer@cityofukiah.com



Ukiah Police Department

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Michelle Johnson

From: Jimmy Lozano
Sent: Tuesday, November 01, 2016 2:21 PM
To: Michelle Johnson; Kevin Thompson
Subject: Project Review Committee Referral: The Inland Valley Emergency Winter Shelter @ 1045 South State Street (MUNIS 2235 - The Homeless Services Action Group)

Hi Michelle/Kevin;

Regarding Project Review Committee Referral (MUNIS 2235) for The Inland Valley Emergency Winter Shelter – Homeless Action Services Group. I have listed the City of Ukiah Electric Department’s comments/clarifications for the winter shelter at 1045 South State Street.

Comments/Clarifications from COUED:

1. The existing 100A Service Panel that feeds the proposed shelter (Building C) may be suitable to serve the needs of the shelter, based on the information from the Applicant/Owner. The COU Electric Department would normally recommend that the Applicant/Owner determine estimated power demand load/kVA and load calculation information for the proposed service panel/project.
 - a. Connected kVA and Load calculations – will help to determine if the existing transformer bank or overhead secondary service size is sufficient for the 100A Service Panel, that will feed Building C and the two (2) additional buildings at 1045 South State Street.
2. There is one (1) existing overhead secondary wire, which currently feeds all three (3) buildings at 1045 South State Street and may or may not need to be upgraded in order to serve the Inland Valley Emergency Winter Shelter service panel requirements.
3. 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.
4. Any fees associated with the addition or replacement of any existing or upgraded electrical facilities (transformers, secondary conductors) to the proposed building site at 1045 South State Street would be the responsibility of the applicant/owner.

Aside from the above comments and requirements, I look forward to seeing the project move forward for the proposed site.

Any questions please let me know.

Jimmy

Jim Lozano
City of Ukiah Electric Utility
1320 Airport Road
Ukiah, Ca. 95482
PH: 707-467-5774
FX: 707-467-2811
jlozano@cityofukiah.com



City of Ukiah
UKIAH FIRE DEPARTMENT
PROJECT REVIEW COMMENTS

PROJECT: The Inland Valley Emergency Winter Shelter
APP NO.: Munis #2235
LOCATION: 1045 South State Street
DATE: 10-26-2016
REVIEWED BY: Kevin Jennings, Division Chief – Fire Marshal

Fire & Life Safety Requirements.

- One Class 2-A rated fire extinguisher for each building of project, dormitory, showers, and general office space. A- If no obstructions noted an exterior extinguisher can service both the showers and office spaces if located on the exterior landing “if no obstructions are present”. This exterior extinguishers shall be securely mounted in a protective case. B – Dormitory extinguisher shall be located interior, in close proximity to the exits. T19 Sec. 567 & 568.
- Interior, internally illuminated exit signs with emergency lighting shall be located at exit. This signage shall be hard wired with a battery backup capable of operation for a period of not less than 90 minutes. CFC Sec. 1011.3 & 1011.6.3
- All exit access, exits and exit discharges shall be continuously maintained and free form obstructions. CFC Sec. 1030.2
- Any drapes, hangings, curtains and other decorative material, that would tend to increase the fire and panic hazard shall be made from a nonflammable material or shall be treated and maintained in a flame retardant condition with a flame-retardant solution approved by the State Fire Marshal. T-19 Sec. 3.08
- New and existing buildings shall have approved address numbers placed in a position to be plainly legible form the street or road fronting the property. CFC Sec. 505.1
- American Red Cross standards for long term sheltering is referenced within this project submission. It should be noted that this office does not utilize these standards, but only the California Fire Code, 2013 edition for fire and life safety issues, especially those for egress in which this item is located. California Fire Code Table 1004.1.2 requires 50 sf. per person for “dormitories”. This would be the standard enforced in future shelter operations. Since this is a temporary shelter arrangement, your request for a lesser amount is granted. However prior to receiving an occupancy certificate the Fire Marshal shall provide an inspection verifying that all conditions for life and safety have been met, and that access to the exits are clearly open and unobstructed. Essentially this means having all cots “40” in place so that the Fire Marshall can visually see the layout and egress.

PRC COMMENTS

DATE: November 2,, 2016
PLANNING PERMIT #: 21092235
OWNER/APPLICANT: Gitlin
PROPERTY ADDRESS: 1045 S. State St.
PROJECT NAME: Inland Valley Emergency Winter Shelter
FROM: David Willoughby (Building Official) 

The following comments are intended to aid the applicant in realizing possible requirements for the project and are not intended as a plan review.

A building permit is required to construct and open the shelter at this location, below are a list of items that will need to be addressed and/or provided as part of the permit process:

- 1 building permit application
- 3 copies of a plot plan showing the property lines, the parking lot and any structures on the parcel and distances from these items to the property line.
- 3 sets of plans which includes the building data (building square footage, shelter square footage, occupancy load, etc. a site plan, existing floor plan and a proposed floor plan that show all of the bed locations, exit doors, door hardware, 110V illuminated exit lights, 110V smoke detectors, bathrooms, water heaters, furnace, fire wall between the new temporary homeless shelter and the adjacent tenant space, etc.
- A plan for the landing and ramp to the portable office and shower unit.

This building is currently permitted as a retail space at the front, a church in the middle and storage at the end. There is an open violation for the occupancy change to a motorcycle repair shop and the associated work completed for this all without permits. This violation will need to be cleared (a permit issued and finalized and a certificate of occupancy issued) prior to the issuance of any further permits including for the temporary emergency winter shelter.

Michelle Johnson

From: Ben Kageyama
Sent: Wednesday, November 02, 2016 3:16 PM
To: Michelle Johnson
Cc: Jarod Thiele; David Willoughby
Subject: RE: Questions regarding the Temporary Winter Shelter - Reply-Revised Drawings

Michelle

The following is my recommended condition of approval:

Approval of new sewer connection is limited to one-season use as a winter homeless shelter. Since the proposed showers are a temporary connection, no sewer connection fees shall be due. The applicant shall obtain a sewer discharge permit from the City of Ukiah prior to occupancy, including payment of a one-time wastewater discharge permit fee of \$420. Sewer usage will be measured from the property's water service, unless a separate submeter is provided by the applicant.

In Don's email below, he asks about the City installing a "gray water drain point." Not sure what this means, is he proposing onsite gray water disposal? If so, he'll have to talk to David Willoughby about that, and the applicant would need to be responsible doing any improvements.

Ben

Benjamin Kageyama, P.E.
Senior Civil Engineer
City of Ukiah, Public Works Department
(707) 463-6284

From: Michelle Johnson
Sent: Wednesday, November 02, 2016 11:44 AM
To: Ben Kageyama <bkageyama@cityofukiah.com>
Subject: FW: Questions regarding the Temporary Winter Shelter - Reply-Revised Drawings
Importance: High

From: Don Popowski [<mailto:don@sassincca.com>]
Sent: Wednesday, November 02, 2016 11:31 AM
To: Michelle Johnson <mjohnson@cityofukiah.com>
Cc: Kevin Thompson <kthompson@cityofukiah.com>; Shannon Riley <sriley@cityofukiah.com>; Maya Stuart <stuartm@co.mendocino.ca.us>
Subject: RE: Questions regarding the Temporary Winter Shelter - Reply-Revised Drawings
Importance: High

Hi Michelle,

Attached are revised PDF Drawings. Minor changes have been made, mostly created with a smaller pen size and removed dimensions pertaining to Portable Shower & Office area in the whole picture PDF

PDF 1045PLT2#1.PDF is whole picture of the Winter Shelter Area. It shows the location of the Gated Chain Link "Parking Area", the two Blue Outside Portable Toilets, Location of outside Smoking Area, Location of

