



**CITY OF YPSILANTI
SPECIAL MEETING
Thursday, August 19, 2021 @ 7:00 PM
Zoom Meeting
One South Huron, Ypsilanti, MI 48197**

Page

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

IV. PUBLIC COMMENT (3 MINUTES)

V. APPEAL HEARINGS

- 2** A. Procedures for hearings
[Memo](#)
- 3** B. The Wurst License, LLC - 705 W. Cross St.
[Appeal](#)
- 4 - 32** C. AMA Operations, LLC - 212 N. Lincoln St.
[Appeal](#)
- 33 - 47** D. TAMA Ventures - 915 W. Michigan Ave.
[Appeal](#)

VI. ADJOURNMENT



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

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John M. Barr
Karl A. Barr

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

MEMORANDUM

To: Hon. Mayor and City Council
From: John M. Barr, Ypsilanti City Attorney
Date: August 4, 2021
Re: Appeal process

Several appeals will be coming to City Council. A hearing date has been set for Thursday, August 19, 2021. Here is a suggested hearing format:

Suggested procedural order for an appeal to City Council:

- (i) Calling of the case by the mayor.
- (ii) Reports of staff.
- (iii) Petitioner's presentation.
- (iv) Council questions to petitioner.
- (v) Rebuttal of staff
- (vi) Final remarks of petitioner.
- (vii) Closing of hearing, discussion, motion and decision.

If the appeal is granted, a motion would be:

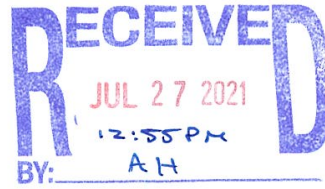
"I move to allow the appeal and direct staff to issue the permit and refund the fee."

If the appeal is to be denied, the following motion could be used:

"I move to deny the appeal for the following reasons:" (state the reasons)

July 27, 2021

Ypsilanti City Council
1 S Huron
Ypsilanti MI 48197



72830

Council Members,

I am writing today to appeal the June 29, 2021 decision denying my Social Equity Retail Marihuana License. Specifically, I believe that the process for selection failed to conform with the scoring process represented to the applicants by the City. In fact, I scored more points on the rubric than any other applicant, including those who were awarded permits, yet I was wrongfully denied a permit. There is no legal justification for denying me a permit, or for modifying the scoring process behind closed doors. To date, I have already spent thousands of dollars complying with the City's application procedure, and I will be further and irreparably damaged if the decision to deny me a permit is not reversed. Specifically, I am appealing the following points in the decision making matrix;

1. The lack of a transparent application process.
2. The contradictory verbiage between what is written on the application and how the applications were subsequently scored.
3. Changing of the published point rubric system, designed to prevent prejudices.
4. The alteration by the City Manager of the state definition for 'Social Equity' applicants to include metrics for:
 1. Beautification;
 2. Location;
 3. Rehabilitation of vacant buildings;
 4. Participation in community activities; and
 5. Marijuana education.
5. Losing the licensing decision despite scoring the highest in the published rubric among 13 other applicants (187/190 points).
6. Losing the scoring decision despite scoring in the top 3, if not first, award in the volunteerism plan (only 3 points from a perfect score).
7. The release of the volunteerism scores.
8. The release of the hidden rubric, used to alter scores, which was worth 50 additional points.
9. For the \$1100 appeal fee to be waived, as we were clearly the first awardees, as defined in the application process, the city statute and several emails with city staff.

I request a hearing, and will attend with my legal counsel, Mark Kowalsky and Jonathan Schwartz from Jaffe Raitt Heuer & Weiss, P.C.

Respectfully Submitted,

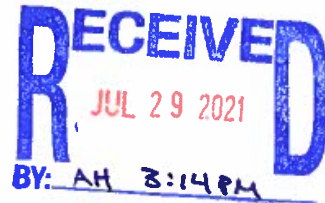
Jesse Kranyak



BENJAMIN D. JOFFE PLLC

Attorneys & Counselors

334 EAST WASHINGTON STREET
ANN ARBOR, MI 48104
(734) 368-8595



NOTICE OF APPEAL

**DENIAL OF CITY OF YPSILANTI MARIHUANA
ESTABLISHMENT PERMIT**

I. Introduction & Background

This is an appeal filed on behalf of AMA Operations, LLC (“AMA” or “Appellant”) pursuant to § 7-4.6 of the City of Ypsilanti (the “City”) Marihuana Ordinance (the “Ordinance”).¹ The Marihuana Ordinance limits the number of available retailer and provisioning center permits to ten, three of which are reserved for applicants that meet the State of Michigan Social Equity eligibility requirements. City Code of Ordinance, § 7-4.1. During the spring of 2021, the City accepted applications for the three available Social Equity permits. AMA timely submitted an application for a retailer and provisioning center permit on March 15, 2021.² In early July of 2021, AMA received a rejection letter from the city dated June 29, 2021—notifying AMA that the City had denied their application, a copy of which is attached here at **Exhibit A**.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), if a municipality imposes a limit on the number of marihuana establishment permits, the municipality must decide among competing applications through a “competitive process intended to select applicants who are best suited to operate in compliance with [the MRTMA].” MCL § 333.27959(4). § 7.4-3 of the City Ordinance accordingly contemplates a competitive process as

¹ § 7-4.6 states, in part, that any written appeal of a denial of marihuana establishments permit must be submitted on a “city generated form.” Email communications on behalf of the City Clerk, Andrew Hellenga, states that no such form exists, and that appeals should be submitted in writing. A copy of that communication is attached at **Exhibit B**.

² Six applicants were considered for the three available Social Equity permits: Guy 3, Wellflower, AMA Operations, Luna Bloom, TAMA, and Ypsi Wurst.

the basis for awarding local permits³ and a competitive scoring rubric was presented to the City Council during their January 14, 2020 regular meeting for consideration and approval.⁴ On July 26, 2021, three days before this appeal was due, the City released the results of the competitive scoring on its website, a copy of which is attached here at **Exhibit D**.

AMA received 183 of the 190 points possible on the scoring rubric.⁵ As the second highest score awarded to any of the six Social Equity applicants based on the competitive scoring rubric, AMA should have been selected to receive one of the three available permits for Social Equity applicants.⁶ However, it was revealed on July 26th (when the competitive scoring results were initially published on the City's website) that up to 50 additional points had been awarded to certain applicants for "Community Benefits."⁷ Apparently, applicants' "Community Benefits" scores were evaluated across five categories: beautification, location, blight, participation in community activities, and marijuana education. The City made no mention of these additional "Community Benefits" points, or the factors considered in assessing them, prior to the release of the aggregated scoring results on July 26th— and has not provided any further explanation to the public at present. Furthermore, the additional "Community Benefits" points and scoring factors were never approved

³ Stating in pertinent part, "[p]ermits will be issued on a point system to be determined by council with the aid of staff."

⁴ A blank copy of the competitive scoring rubric is attached at **Exhibit C**, and

⁵ A copy of the completed 190-point competitive scoring rubric summarizing Appellant's score of 183 is attached at **Exhibit E**.

⁶ The scoring rubric, which was included as part of the City's Marijuana Facility Permit Application states expressly that "[t]he total possible number of points for an individual application is 190. Once scored, the applications will be ranked highest to lowest with the highest being the first license to be issued."

⁷ The term "Community Benefits" is not defined in the Ordinance. Although, § 7-4.5(8) permits the City to require existing applicants to enter into "Community Benefits Agreements." That term is also not defined by the Ordinance.

by City Council, or otherwise discussed at any public hearing.⁸ AMA was only awarded 20 of the 50 points possible for “Community Benefits,” which ultimately caused AMA’s final ranking to fall from #2 to #4 of the six Social Equity applicants — missing the award of a Marihuana Establishment Permit by only 1 point.⁹

II. Specific Grounds for Appeal

Nothing contained in this appeal shall serve as a waiver of any appealable issue or any administrative remedy. Appellant expressly reserves the right to raise additional grounds for appeal. In addition, nothing contained in this appeal shall waive or limit Appellant’s ability to seek judicial relief arising out of or relating to any acts and omissions by the City with respect to the adoption, application, and enforcement of the City’s Marihuana Ordinance.

A. “Community Benefits” Points

The City Council adopted the 190-point competitive scoring rubric, and included the rubric as part of the City’s Marihuana Facility Permit Application. The application itself is premised entirely on the competitive scoring rubric — requiring applicants to address specifically each line-item contained therein. Accordingly, it is unreasonable and unfair for the City to rely on the “Community Benefits” scoring criteria, none of which was made available to AMA prior to submission of its application, and none of which has been explained in any detail to date.

It is our understanding that City Manager, Frances McMullan, developed the “Community Benefits” factors, and relied on them in scoring the Social Equity applicants without the input or

⁸ § 7-4.3 of the Ordinance states explicitly that the point system will be “determined by council with the aid of staff.” This language clearly requires City Council to approve the scoring criteria to be used in the competitive process, and it does not authorize City officials or staff to determine such criteria.

⁹ As a result of the “Community Benefits” points the Applicants that ranked 5th and 6th (Wellflower and Luna Bloom) based on the 190-point merit-based scoring rubric were ranked 2nd and 3rd, and received Marihuana Establishment Permits in spite of receiving the two lowest competitive scores based on the publicly available 190-point competitive scoring rubric.

approval of City Council.¹⁰ This development and application of the “Community Benefits” factors is a clear violation of the Ordinance, which requires the competitive scoring system to be determined by City Council. City Code of Ordinance, § 7-4.3. Nothing contained in the Ordinance gives the City Manager the authority to develop and apply any scoring criteria outside of the 190-point competitive scoring rubric. In addition to being in contravention of the Ordinance, the use of the “Community Benefits” factors are actionable and, at a minimum, form the basis for cognizable claims of substantive due process, procedural due process, equal protection, and potentially an Open Meetings Act claim.¹¹

Based on the foregoing, the 50-points associated with the “Community Benefits” factors should be removed from the Social Equity application process entirely, and the award of the three Marihuana Establishments Permits should be based exclusively on the scores assigned using the 190-point competitive scoring rubric that was duly approved by City Council. Thus, because Appellant received 183-points — the second highest score awarded without accounting for “Community Benefits” factors — AMA is entitled to a Marihuana Establishments Permit.¹²

B. Other Grounds for Appeal

In the alternative, should the City insist on scoring applicants using the “Community Benefits” criteria, Appellant should still be entitled to a Marihuana Establishments Permit based on the following:

- AMA lost 1 point because the business’s parking lot is not behind the building. See **Exhibit E**. The parking lot at the proposed address is not technically located behind the business,

¹⁰ An email from Frances McMullan to a fellow Social Equity applicant explaining how the “Community Benefits” factors were created and applied is attached at **Exhibit F**. Also attached at **Exhibit G** is an email from City Clerk, Andrew Hellenga to undersigned counsel confirming that the “Community Benefits” factors were not approved by City Council.

¹¹ To the extent AMA is forced to pursue litigation, it will seek injunctive relief, declaratory relief, and all money damages and attorney fees available under the law.

¹² See **Exhibit D**.

however, the parking lot area is fenced in, and is located almost entirely on the south-side of the building. A rendering of the parking lot is attached at **Exhibit E**. Accordingly, any concerns associated with a lack of parking, or issues relating to the location of the parking lot are not applicable. Therefore, AMA is entitled to, at a minimum, a ½ point for this line-item.

- AMA lost 5-points because the site is not within 200 feet of a transit stop. See **Exhibit E**. The nearest transit stop is not within 200 feet of the business, however, there is a AATA bus stop located at the north-east corn of Lincoln Street and Michigan Avenue approximately 1,000 feet away. This public transit site is easily accessible from the business and does not require the crossing of any major roads. Accordingly, concerns related to accessibility of the business on public transit is negligible. Therefore, AMA is entitled to, at a minimum, 2.5-points for this line-item.
- AMA lost 30-points based on the “Community Benefits” factors. See **Exhibit D**. Appellant has been provided the following information with respect to how it was scored on the “Community Benefits” factors:

Beautification	Location	Blight	Education	Community	Total
10	4	0	0	6	20

The 190-point competitive scoring rubric required applicants to submit a “volunteerism plan” that would describe how the business will benefit the local community. Of a possible 15-points, AMA received a score of 14. Accordingly, a score of 20 out of 50 for what amounts to the same, or similar, scoring criteria for the “Community Benefits” factors is illogical. Therefore, AMA is likely entitled to a meaningful increase of the 20-points received.

Of course, it is practically impossible to prepare a meaningful administrative appeal with respect to the “Community Benefits” criteria because applicants don’t have any understanding of how the criteria was assessed. Just by way of one example to illustrate this point, Appellant does not even know the amount of points available for each of the above referenced “Community Benefits” categories. Is each category worth 10 points? Are more points awarded for education than location? Without having a basic understanding of point allocation for these factors, it’s impossible to have a fair opportunity to prepare and file an administrative appeal.¹³

Even if the City insists on utilizing the “Community Benefits” factors, AMA is still entitled to an award of a Marihuana Facility Permit. Factoring in the 50-points associated with the “Community Benefits” factors, AMA ranked fourth of all applicants, falling only 1 point behind

¹³ This of course weighs further in favor of throwing out the “Community Benefits” factors all together.

Luna Bloom.¹⁴ Appellant is entitled to, at a minimum, an additional 3-points based on a partial increase for the points awarded in connection with the location of the business's parking lot, and the distance from a public transit stop. Furthermore, it appears that the 20-points awarded in connection with the "Community Benefits" factors is low. Thus, Appellant's total score, at a minimum, should be 206-points, ranking AMA third amongst the six Social Equity applicants.

III. Objection to \$1,100 Appeal Fee

The MRTMA caps the amount that a municipality can charge as a nonrefundable application fee at \$5,000. MCL § 333.27956(4). By statute, this fee is to be used to "defray application, administrative, and enforcement costs" associated with the Ordinance. *Id.* Pursuant to the Ordinance and the Marijuana Facility Permit application form, AMA paid the maximum allowable application fee of \$5,000 when it submitted its application on March 15, 2021. Accordingly, because that nonrefundable fee is intended to defray the cost of administering the Ordinance, which includes accepting this appeal, the \$1,100 non-refundable fee that is being charged is in violation of the MRTMA. AMA requests that the filing fee be returned, and expressly reserves the right to challenge the City's ability to charge this amount.¹⁵

IV. Conclusion

The "Community Benefits" factors were never authorized by City Council, and the Ordinance does not otherwise authorize City staff to decide what criteria will be considered in the evaluation of competitive applications for Marijuana Facility Permits. Moreover, AMA was never informed as to the significance of the "Community Benefits" factors, which has directly impaired

¹⁴ AMA scored a total of 203-points and Luna Bloom scored a total of 204-points.

¹⁵ It strikes undersigned counsel as, if nothing else, bad "optics" for the City to be charging AMA, a Social Equity applicant, in excess of \$6,000 to apply for a Marijuana Establishments Permit, and file an administrative appeal in connection with same.

AMA's chance at obtaining a Marihuana Facility Permit. For these reasons, the City should evaluate the six Social Equity applicants based on the 190-point competitive scoring rubric included with the Marihuana Facility Permit Application. In the event the City insists on utilizing the "Community Benefits" factors, AMA should still be awarded a Marihuana Facility Permit based on the various appealable issues discussed above in the "Other Appealable Grounds" section.

Respectfully Submitted,

BENJAMIN D. JOFFE, PLLC

Date: July 29, 2021


Matthew R. Daniels (P75601)
334 E. Washington Street
Ann Arbor, MI 48104
mrd@benjamindjoffe.com
Attorneys for Applicant/Appellant

Date: July 29, 2021


Ari Goldstein (P85057)
334 E. Washington Street
Ann Arbor, MI 48104
ag@benjamindjoffe.com
Attorneys for Applicant/Appellant

AMA OPERATIONS, LLC

Date: July 29, 2021


Ali Wahab, Member/Manager
212 N. Lincoln Street
Ypsilanti, MI 48197
Applicant/Appellant

EXHIBIT A



City of Ypsilanti

Office of the City Manager

June 29, 2021

AMA Operations
1420 Washtenaw Rd
Ypsilanti, MI 48197

RE: Social Equity Marijuana Facility

This letter is to inform you that your application was not selected for award of one of the three Social Equity Marijuana Retail Permits.

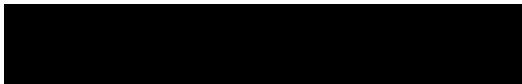
Sec. 7-4.3. - Approval of application.

The City Manager or designee shall issue a permit for a marijuana establishment if inspections for safety, zoning compliance, state approval, and all other information available to the City verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application and is prepared to operate the business with in compliance with this Code and any other applicable law, rule or regulation. The City Manager or designee will deny any application that does not meet the requirements of this chapter or any other applicable law, rule or regulation or that contains any false or incomplete information.

Further, the issuance of permits is not on a first come first serve basis nor lottery. Permits will be issued on a point system to be determined by council with the aid of staff.

If you wish to apply for another facility type during next year's application window, please sign up for the City's Newsflash at www.cityofypsilanti.com, to be notified once the window opens.

Regards,



Frances McMullan
City Manager

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-1810
Fax (734) 483-7260

www.CityofYpsilanti.com

EXHIBIT B

Smith, Aaron
Marijuana Appeal
July 23, 2021 at 1:57 PM

AS

Hello Matt,

Here is what the Ypsilanti City Clerk Andrew Hellenga had to say about marijuana appeals:

Good afternoon,

Your request for information regarding appealing a denial was forwarded to me. The appeal may be simply submitted in writing, a form is not needed at this time. Please included the appellant signature, the decision for which the appeal is made, and state the specific grounds on which the appeal is based. The fee of \$1,100, as set by City Council, must be included with the notice of the appeal.

Once the appeal has been received the City Council shall consider the appeal within 30 days of receipt.

Best Regards,

Andrew Hellenga
City Clerk
1 South Huron, Ypsilanti, MI 48197
Phone: (734) 483-1100
Email: ahellenga@cityofypsilanti.com

Sincerely,
Aaron Smith
(He/Him/His)
City of Ypsilanti - Clerk and Finance Generalist
1 S. Huron Street
Ypsilanti, MI 48197
734-483-1100
www.cityofypsilanti.com



CITY OF
YPSILANTI

Home of Eastern Michigan University

EXHIBIT C

Each Marihuana Permit Application will be processed through a merit based review scoring system. A City staffed selection committee will rely on a weighted scoring rubric to evaluate each application. The total possible number of points for an individual application is 190. Once scored, the applications will be ranked highest to lowest with the Highest being the first license to be issued. The applicant will be required to create a plan that clearly states the criteria listed below and shall be notarized to the truthfulness of the application. No sample plans will be distributed. Once the scoring has taken place, staff will place all applications with personal information (addresses redacted on the city's website for transparency.

	Points Available	Points Given (City Use Only)
1. Qualifications of the Applicant		
a. Applicant demonstrates a history of operating a business - More than 2 years experience	1	
b. Applicant demonstrates a history of operating a business - More than 5 years experience	3	
c. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 25-50% of the owners or partners must be City of Ypsilanti Residents	10	
d. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 51% of the owners or partners must be City of Ypsilanti Residents	20	
2. Ability to operate		
a. Business plan	1	
b. Applicant presents a detailed description of estimated capital of at least \$300,000	2	
c. Applicant presents a detailed description of estimated capital of at least \$500,000	3	
d. Applicant presents a detailed description of estimated capital of at least \$900,000	4	
e. Applicants business plan includes daily operations schedule	1	
f. Applicants presents a proposed staffing plan, complete with descriptions of duties proposed wages and employee qualifications/hiring criteria	1	
g. Applicant presents a documented employee policy book and code of ethics to ensure honesty and integrity of employees	1	
3. Security Plan		
a. Applicant presents a plan to deter and prevent unauthorized entrance to the facility	1	
b. Applicant present a plan to deter and prevent theft and diversion	1	
c. Applicant presents a plan for 24/7 video surveillance, both inside and outside the facility with an agreement to share data with the police	1	

4. Timeline to open		
a. Facility will be open and operational 6 months after issuance of full license	1	
b. Facility will be open and operational 3 months after issuance of full license	3	
c. Facility will be open and operational 1 months after issuance of full license	5	
5. Job Creation and Staffing Plan		
a. Applicant proposes in business plan to pay a living wage with benefits	5	
b. Applicant proposes to create at least 6 full time jobs	1	
c. Applicant proposes to create at least 12 full time jobs	3	
d. Applicant proposes to create at least 25 full time jobs	6	
6. Hiring		
a. Applicant has employee development plan for training of employees such as education benefits or on the job training	1	
b. Applicant commits to hiring at least 50% of staff from the City of Ypsilanti	5	
c. Applicant commits to hiring at least 75% of staff from City of Ypsilanti	7	
d. Applicant commits to hiring a City of Ypsilanti/Washtenaw County contractor to complete the necessary work on the building.	5	
7. Applicants plan detailed economic benefit to the city by the way of improvements to real property		
a. A 25% increase in landscaping beyond the minimum landscaping requirement in the zoning ordinance	2	
b. The parking lot is located behind the building.	1	
c. A building exterior that consists, or will consist, of at least 80% brick, stone, stucco, transparent glass, or a combination thereof.	5	
d. A façade fronting a street that consists, or will consist, of at least 35% windows.	3	
e. A façade facing the public entrance to the building that that consists, or will consist, of at least 75% windows.	5	
8. Energy Standards		
a. Entire building meets or will meet the most current adopted version of the Michigan Energy Code for Commercial buildings.	2	
b. Entire building is ENERGY STAR certified and inspected by an ENERGY STAR qualifying person(s).	1	

(If this is applicable, then all items marked with an asterisk* below are also applicable.)		
c. *ENERGY STAR certified water heater or tankless water heater	1	
d. *ENERGY STAR certified appliances (oven, refrigerator, freezer)	1	
e. *ENERGY STAR certified heating and cooling systems (furnace, air conditioning)	1	
f. *ENERGY STAR lighting/fan fixtures	1	
g. *ENERGY STAR certified exterior doors	1	
h. WaterSense labeled lavatory fixtures	1	
i. Carbon filter/scrubber for odor control	1	
9. Master Plan elements to be included in the project		
a. Ability to hold and treat at least 20% more stormwater than the required minimum through rain gardens, underground basins, or other methods approved by the City Department of Public Works (DPW).	3	
b. A roof garden covering at least 50% of the total square feet of the roof area of the principle building, or 2,000 sq. ft. of roof area, whichever is less. The roof garden shall be designed and installed by a qualified entity. A plan(s) for the design, installation, and 2-year maintenance must be submitted with building permit application/plans to fulfill this element.	5	
c. A bicycle rack(s) located by the front or main entrance to accommodate at least 4 bicycles.	1	
d. The site is located within 200 ft. from a transit stop. (Submit transit map.)	5	
e. More than 50% of the electricity for the business comes from solar power.	3	
f. More than 75% of the electricity for the business comes from solar power.	5	
10. Social Equity		
a. Applicant has obtained a license from the social equity program from the State of Michigan	10	
11. Application Requirements		
a. Applicant has filled out the paperwork in full	10	
b. Applicant has received preapproval from the state of Michigan	15	
c. Applicant has submitted a volunteerism plan (community benefits). Volunteerism plans will be scored blindly and need to be placed in a separate sealed envelope with the name of the applicant on the outside. Once received, each volunteerism plan	15	

redacted of identifying information and scored by city staff. The plan found best for the community will score 15 points with others being awarded less than 15 points. Plans shall include the benefit to the neighborhood and community.		
Total Points	190	

EXHIBIT D

Marijuana Facility Permit

Marijuana Facility Permit Applications

The [Marijuana Facility Permit application form](#) is available [HERE](#)

The 2021 application window closed on March 18, 2021.

Interested applicants should cross-reference their intended facility address with the [zoning location chart](#) and the [zoning map](#). Interested applicants may also wish to submit a [location confirmation request](#) to obtain written location confirmation by City staff.

Recreational Marijuana

The City of Ypsilanti opted-in to the MRTMA on October 15, 2019. This legislation opens up additional uses in the city. The ordinance caps the number of retailers at seven permits, with an additional three permits for social equity retailers. The ordinance also caps excess growers at one permit.

Social Equity Retail Permit 2021 Award/Scoring

Name Rank	VP		Community Benefits	Total
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Guy 3	179	50	229	1
Wellflower	158	50	208	2

- 1090 N. Huron River Dr. - INDICA, LLC

Medical Marijuana Dispensary & Grow Facilities

The zoning ordinance requires that dispensaries and grow facilities be separated by 500 feet. Additionally, dispensaries and grow facilities must be 1,000 feet from schools.

Medical Marijuana Home Occupation

One state registered caregiver per parcel may be permitted to grow medical marijuana as a home occupation in a single family home. Please see the Medical Marijuana Home Occupation fact sheet for more information.

Visit the [Permit Center](#) for a complete list of medical marijuana applications and permits.

For further information, please contact us at 734-483-9646.

Answers to Questions Submitted to feedback@cityofypsilanti.com

- [2021 Questions and Answers](#)
- [Marijuana Questions and Answers \(PDF\)](#)

Recreational Marijuana Legislation

- [Marijuana Location Confirmation Form Template FEB 2020 \(PDF\)](#)
- [Marijuana Facility Location Chart - December 31, 2020](#)

EXHIBIT E

Each Marihuana Permit Application will be processed through a merit based review scoring system. A City staffed selection committee will rely on a weighted scoring rubric to evaluate each application. The total possible number of points for an individual application is 190. Once scored, the applications will be ranked highest to lowest with the Highest being the first license to be issued. The applicant will be required to create a plan that clearly states the criteria listed below and shall be notarized to the truthfulness of the application. No sample plans will be distributed. Once the scoring has taken place, staff will place all applications with personal information (addresses redacted on the city's website for transparency.

AMA OPERATIONS	Points Available	Points Given (City Use Only)
1. Qualifications of the Applicant		
a. Applicant demonstrates a history of operating a business - More than 2 years experience	1	1
b. Applicant demonstrates a history of operating a business - More than 5 years experience	3	3
c. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 25-50% of the owners or partners must be City of Ypsilanti Residents	10	10
d. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 51% of the owners or partners must be City of Ypsilanti Residents	20	20
2. Ability to operate		
a. Business plan	1	1
b. Applicant presents a detailed description of estimated capital of at least \$300,000	2	2
c. Applicant presents a detailed description of estimated capital of at least \$500,000	3	3
d. Applicant presents a detailed description of estimated capital of at least \$900,000	4	4
e. Applicants business plan includes daily operations schedule	1	1
f. Applicants presents a proposed staffing plan, complete with descriptions of duties proposed wages and employee qualifications/hiring criteria	1	1
g. Applicant presents a documented employee policy book and code of ethics to ensure honesty and integrity of employees	1	1
3. Security Plan		
a. Applicant presents a plan to deter and prevent unauthorized entrance to the facility	1	1
b. Applicant present a plan to deter and prevent theft and diversion	1	1

c. Applicant presents a plan for 24/7 video surveillance, both inside and outside the facility with an agreement to share data with the police	1	1
4. Timeline to open		
a. Facility will be open and operational 6 months after issuance of full license	1	1
b. Facility will be open and operational 3 months after issuance of full license	3	3
c. Facility will be open and operational 1 months after issuance of full license	5	5
5. Job Creation and Staffing Plan		
a. Applicant proposes in business plan to pay a living wage with benefits	5	5
b. Applicant proposes to create at least 6 full time jobs	1	1
c. Applicant proposes to create at least 12 full time jobs	3	3
d. Applicant proposes to create at least 25 full time jobs	6	6
6. Hiring		
a. Applicant has employee development plan for training of employees such as education benefits or on the job training	1	1
b. Applicant commits to hiring at least 50% of staff from the City of Ypsilanti	5	5
c. Applicant commits to hiring at least 75% of staff from City of Ypsilanti	7	7
d. Applicant commits to hiring a City of Ypsilanti/Washtenaw County contractor to complete the necessary work on the building.	5	5
7. Applicants plan detailed economic benefit to the city by the way of improvements to real property		
a. A 25% increase in landscaping beyond the minimum landscaping requirement in the zoning ordinance	2	2
b. The parking lot is located behind the building.	1	0
c. A building exterior that consists, or will consist, of at least 80% brick, stone, stucco, transparent glass, or a combination thereof.	5	5
d. A façade fronting a street that consists, or will consist, of at least 35% windows.	3	3
e. A façade facing the public entrance to the building that that consists, or will consist, of at least 75% windows.	5	5
8. Energy Standards		
a. Entire building meets or will meet the most current adopted version of the Michigan Energy Code for Commercial buildings.	2	2

b. Entire building is ENERGY STAR certified and inspected by an ENERGY STAR qualifying person(s). (If this is applicable, then all items marked with an asterisk* below are also applicable.)	1	1
c. *ENERGY STAR certified water heater or tankless water heater	1	1
d. *ENERGY STAR certified appliances (oven, refrigerator, freezer)	1	1
e. *ENERGY STAR certified heating and cooling systems (furnace, air conditioning)	1	1
f. *ENERGY STAR lighting/fan fixtures	1	1
g. *ENERGY STAR certified exterior doors	1	1
h. WaterSense labeled lavatory fixtures	1	1
i. Carbon filter/scrubber for odor control	1	1
9. Master Plan elements to be included in the project		
a. Ability to hold and treat at least 20% more stormwater than the required minimum through rain gardens, underground basins, or other methods approved by the City Department of Public Works (DPW).	3	3
b. A roof garden covering at least 50% of the total square feet of the roof area of the principle building, or 2,000 sq. ft. of roof area, whichever is less. The roof garden shall be designed and installed by a qualified entity. A plan(s) for the design, installation, and 2-year maintenance must be submitted with building permit application/plans to fulfill this element.	5	5
c. A bicycle rack(s) located by the front or main entrance to accommodate at least 4 bicycles.	1	1
d. The site is located within 200 ft. from a transit stop. (Submit transit map.)	5	0
e. More than 50% of the electricity for the business comes from solar power.	3	3
f. More than 75% of the electricity for the business comes from solar power.	5	5
10. Social Equity		
a. Applicant has obtained a license from the social equity program from the State of Michigan	10	10
11. Application Requirements		
a. Applicant has filled out the paperwork in full	10	10
b. Applicant has received preapproval from the state of Michigan	15	15
c. Applicant has submitted a volunteerism plan (community benefits). Volunteerism plans will be scored blindly and need to be placed in a separate	15	14

sealed envelope with the name of the applicant on the outside. Once received, each volunteerism plan redacted of identifying information and scored by city staff. The plan found best for the community will score 15 points with others being awarded less than 15 points. Plans shall include the benefit to the neighborhood and community.		
Total Points	190	183

EXHIBIT F

Fwd: Urgent matter

From: **Ali Wahab** | aliwahab0689@gmail.com

Monday, Jul 26, 5:31 PM

To: **ag@benjamindjoffe.com** | ag@benjamindjoffe.com

From: **jesse wurstbarypsi.com** | jesse@wurstbarypsi.com To: **Ali Wahab** | aliwahab0689@gmail.com Monday, Jul 26, 5:29 PM

Mr Kranyak,

Thank you for your application for a social equity permit.

Social equity involves allowing those who otherwise would not have an opportunity to participate. This is why the State established this category and subsequently named communities adversely affected for participation. With this in mind, as City Manager, the rubric was one factor, but not the sole determinant, for granting a social equity permit. Most importantly, some of the things that determined my decision and thus weighed heavily in my selection were the following benefits to the community:

- beautification (removal of blight)
- location
- rehabilitation of vacant building
- participation in community activities
- marijuana education

Staying Connected,
Frances McMullan

Our ordinance indicates the following:

Sec. 7-4.3. - Approval of application.

The City Manager or designee shall issue a permit for a marihuana establishment if inspections for safety, zoning compliance, state approval, and all other information available to the City verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application and is prepared to operate the business with in

compliance with this Code and any other applicable law, rule or regulation. The City Manager or designee will deny any application that does not meet the requirements of this chapter or any other applicable law, rule or regulation or that contains any false or incomplete information.

Further, the issuance of permits is not on a first come first serve basis nor lottery.

Permits will be issued on a point system to be determined by council with the aid of staff.

As stated in the ordinance, the point system was determined by council with the aid of staff as a tool to determine earnest applicants for consideration. The ordinance does not state that the published point system would contain all factors to be scored, and that it would be the sole determinate in the decision process. The final decision took into account those areas stated in my previous email.

Staying Connected,
Frances McMullan

From: **Ali Wahab** | aliwahab0689@gmail.com

Monday, Jul 26, 1:11 PM

My name is Ali wahab, I am contacting you on the issue of a marijuana dispensary license denial. Please contact our attorney Ari Goldstein (734-834-4939) to get more information, he is expecting your call. Time is of the essence so please get a hold of him today.

EXHIBIT G

Hellenga, Andrew
RE: FOIA Form
July 28, 2021 at 1:38 PM
Ari Goldstein
Matthew Daniels



Hello Ari,

I received your phone call, to answer your question City the supplemental scoring did not go before Council for approval. The original rubric, I believe, was discussed during the January 14, 2020 Council Meeting.

Sorry, for not getting back with you yesterday.

Best,

Andrew Hellenga
City Clerk
1 South Huron, Ypsilanti, MI 48197
Phone: (734) 483-1100
Email: ahellenga@cityofypsilanti.com

To check the status of your voter registration or absentee ballot please click [here](#)

From: Ari Goldstein <ag@benjamindjoffe.com>
Sent: Tuesday, July 27, 2021 11:30 AM
To: Hellenga, Andrew <ahellenga@cityofypsilanti.com>
Cc: Matthew Daniels <mrd@benjamindjoffe.com>
Subject: RE: FOIA Form

Thanks Andrew!

Do you happen to know the date of the City Council meeting when they voted to authorize the scoring system for the City Manager's supplemental scoring?

Best,
Ari

Ari Goldstein
Associate Attorney
Benjamin D. Joffe PLLC
(734) 834-4939

BENJAMIN D. JOFFE PLLC
Attorneys & Counselors
334 EAST WASHINGTON
ANN ARBOR MI 48104

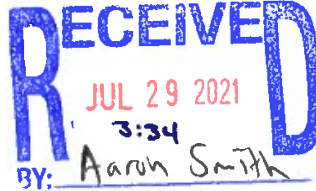
SCOTT ROBERTS

LAW

SCOTT F. ROBERTS LAW, P.L.C.
500 TEMPLE ST., SUITE 2M
DETROIT, MI 48201

TELEPHONE (248)234-4060
FACSIMILE (248)331-2458
NICK@SCOTTRROBERTSLAW.COM

Tama Ventures, LLC
130 Legacy Park Cir
Dearborn Heights, MI 48127



VIA HAND DELIVERY

Re: NOTICE OF APPEAL FOR TAMA VENTURES – 915 W MICHIGAN AVE, YPSILANTI, MI 48197

To Whom It May Concern,

This Letter is to formally notify the City Clerk and City Council that an appeal (the “Appeal”) of the denial of the application submitted by Tama Ventures, LLC and Tariék Awada (singularly and collectively the “Applicant”) for a marihuana retailer permit is hereby requested. The foundation of this appeal is based on the loss of points that should have been awarded to the Applicant. The Applicant received a base score of 175 points on their Adult-Use Retailer Application. Furthermore, the Applicant was inexplicably awarded 12/50 points by the City Manager pursuant to an undisclosed (and likely illegal) point category. The Applicant’s score was not indicative of the scoring criteria as explained in the Scoring Rubric posted with this application and on the city website.

The Applicant further contests the validity of the City of Ypsilanti’s award of marihuana retailer permits based on myriad of legal issues that present itself as a result of the City Manager’s attempt to hand pick the licensees. Applicant does not intend to waive arguments that it fails to raise during this Appeal. If you fail to grant this Appeal, the Applicant reserves the right to raise additional issues/arguments with the Court.

The Applicant further protests the legality of charging Applicant an additional \$1,100.00 to file its Appeal. MCL 333.27956(4) states that, “[a] municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.” The original application fee of \$5,000.00 includes fees for administration and oversight of this Appeal, and the City of Ypsilanti is precluded from charging Applicant an additional fee.

The Applicant further contests the validity of various scoring criteria throughout the application. MCL 333.27959(4) states as follows:

If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants *who are best suited to operate in compliance with this act within the municipality.*

By way of example, including landscaping and stormwater retention as point categories clearly does not demonstrate an applicant's ability to operate in compliance with the MRTMA, but rather affords the city an opportunity to require the Applicant to commit to tangible capital investment in the city. The competitive process set forth in the application violates the controlling statute.

Points Deducted Applicant Is Not Contesting:

- *Rubric Scoring Section 7(b)–The parking lot is located behind the building –(1pt)*

*Although Applicant does not contest that its proposed establishment's parking lot was not located behind the building, applicant does contest the viability of such scoring criteria. The competitive process required by the controlling statute must be intended to select the applicants who are best suited to operate in compliance with the MRTMA.

Points Deducted Applicant Is Contesting:

- *Rubric Scoring Section 1(b)–Applicant demonstrates a history of operating a business – More than 5 years experience – (3pts)*
 - Out of the 3 points allotted to this category, the Applicant was awarded 0 points. However, the Applicant demonstrated fulfillment of this section. Below, I will indicate the specific fulfillment of this section.
 - ➔ The language of the application states "history of operating a business." Points were awarded to Applicant in section 1(a), purportedly based on the representation that the sole member, Tariek Awada (the "Member"), owned a restaurant for 2 years. However, points were not awarded based on the Member's experience operating a Subway franchise (and gas station) as part of his family's business for a total of 7 years, wherein the Member received compensation in the form of profit distributions. *Exhibit 1 – K1* issued to applicant. Although Applicant details his experience at Subway as a "manager," the Applicant had ownership in the business and acted as its chief operating officer.
 - ➔ The Applicant's resume further illustrates his business experience as an owner and operator of Queso Mexican Grille. *Exhibit 2 – Applicant's Resume.*
 - ➔ The Merriam-Webster definition of "operate" reads as follows: to put or keep in operation.

- ➔ Applicant provided that during his operation of Subway, he managed a team of 13 employees and completed transmittals for the company. The Applicant's experience as an owner and operator of a Subway franchise clearly satisfies the rubric requirements such that the Applicant clearly demonstrated more than 5 years of owning or operating a business.
- *Rubric Scoring Section 7(a) – A 25% increase in landscaping beyond the minimum landscaping requirement in the zoning ordinance – (2pts)*

Out of the 2 points allotted to this category the Applicant received 0 points.

- ➔ On page 182 of the application, the Applicant maintains that “over 25% of the 10% minimum standard set forth under the Ypsilanti zoning ordinance” will be landscaped. Further, the Applicant included renderings of its proposed retail facility, depicting sufficient landscape to be awarded these points. *Exhibit 3 – Applicant's Digital Rendering*, which depicts the building covered in vines, along with planters in the front of the building.
- ➔ Sec 122.203 defines landscaping as treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, edible plants, and flowers. A vegetated roof is included in Sec 122-638 under types of site landscaping.
- ➔ Although the plans and flowers shown in the rendition of the facility are in planters and pots, Sec. 122-203 of the code states “a landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulder, raised garden beds, or mulch. Structural features such as fountains, pools, statues, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material.” Applicant has clearly abided by the given code and his landscaping falls within the code's requirements regarding landscaping.
- *Rubric Scoring Section 9(a) – Area Impact: Ability to hold and treat at least 20% more stormwater than the required minimum through rain gardens, underground basins, or other methods approved by the City Department of Public Works – (3pts)*
- Out of the 3 points allotted to this category the Applicant received 0 points.

- ➔ On page 182 of the application, Applicant states that his plans and renderings for the facility “include a rooftop garden, which will collect rainwater exceeding the required minimum by 20%.”
- ➔ Section 122-639 states: Vegetated roof systems are permitted in all districts in accordance with the building code.
- ➔ *Rubric Scoring Section 11(c) – Applicant submitted volunteerism plan (community benefits) – (15 pts)*
- Out of the 15 points allotted to this category, the Applicant only received 9 points. However, the Volunteerism Plan submitted by the Applicant specifically demonstrates how the plan will benefit the community and neighborhood and was deserving of more than 60% of the available points. The Applicant also challenges the lack of standardized review and point award in this point category.
 - ➔ Applicant’s Volunteerism Plan set forth various categories of volunteerism it would implement in the City of Ypsilanti: (1) Voluntary Giving, (2) Volunteer Activities, (3) Voluntary Improvements.
 - ➔ On February 28, 2021, Applicant hosted a virtual Town Hall Discussion to provide other Ypsilanti Business Owners and Residents of Ypsilantian opportunity to ask questions about Applicant’s project or intended business operations and to voice any concerns, questions, or comments in an effort to learn about various concerns of the community in an effort to formulate a strategic approach to volunteer efforts.



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NICK@SCOTTROBERTSLAW.COM

Based on the information provided above the Applicant should have received all points allocated to the above noted Rubric Scoring Sections 1(b), 7(a), 9(a), and 11(c).

The application explicitly stated that a maximum of 190 points were available to the Applicant. Surreptitiously, the scoring rubric released by the City of Ypsilanti contained a maximum of 240 points. Applicant was deserving of 189 points / 190 points for its base score. Applicant disputes the legality of the City Manager's award of additional points not accounted for in the requisite ordinance, application, or scoring rubric.

Respectfully,

A large black rectangular redaction box covering the signature of Tama Ventures, LLC.

Tama Ventures, LLC
By: Tariek Awada, Member

A large black rectangular redaction box covering the signature of Nicholas G. Calkins.

Nicholas G. Calkins



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NICK@SCOTTRROBERTSLAW.COM

EXHIBIT 1

Schedule K-1
(Form 1120S)

Department of the Treasury
Internal Revenue Service

2014

For calendar year 2014, or tax

year beginning _____
ending _____

Final K-1

Amended K-1

671114
OMB No. 1545-0123

Shareholder's Share of Income, Deductions, Credits, etc. See back of form and separate instructions.

▶ See back of form and separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number

38-3198463

B Corporation's name, address, city, state, and ZIP code

WAYNE & VANBORN SERVICE, INC.

C & R INC

35520 VAN BORN RD

WAYNE

MI 48184-2479

C IRS Center where corporation filed return

e-file

Part II Information About the Shareholder

D Shareholder's identifying number

6387

E Shareholder's name, address, city, state, and ZIP code

TARIEK AWADA

F Shareholder's percentage of stock ownership for tax year

40.000000 %

For IRS Use Only

Part II Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1	Ordinary business income (loss)	13	Credits
2	Net rental real estate income (loss)		
3	Other net rental income (loss)		
4	Interest income		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured section 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative minimum tax (AMT) items
11	Section 179 deduction	16	Items affecting shareholder basis
12	Other deductions	D	
		17	Other information

* See attached statement for additional information.

For Paperwork Reduction Act Notice, see Instructions for Form 1120S. [IRS.gov/form1120s](https://www.irs.gov/form1120s)

Schedule K-1 (Form 1120S) 2014

DAA



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NICK@SCOTTROBERTSLAW.COM

EXHIBIT 2

Tareik Awada

610 Washtenaw Rd. Ypsilanti, MI 48197 • (313) 384-1458 • tareikawada@yahoo.com

March 2017-Current Quicken Loans Detroit, MI

Director of Mortgage Banking- Presidents Club

- Refinance Specialist
- MLO state license in 23 states.
- Successfully self-source 25% of new business annually.
- Expert in mortgage financial modeling.
- Responsible for direct communication with Mortgage applicants.
- Trusted advisor; evident by mortgage referrals from Mortgage Brokers, CPAs, and Attorneys.

Feb. 2015-May 2017 Queso Mexican Grille Wayne, MI

President/Founder

- Founded and developed start up restaurant
- Successfully completed site plan assessment.
- Sourced local corporate catering events.
- Extensive understanding of GAAP, Financial Statements, and Tax Returns.
- Responsible for hiring local employees.
- Responsible for managing a team of 22 staff members.

Feb. 2008-March 2015 Subway Wayne, MI

Manager

- Achieved highest rating of customer service quality score.
 - Responsible for hiring/dismissing team members
 - Manage team of 13 staff members.
 - Trusted with Bank daily deposits.
 - Completed week financial transmittals
-

Community Involvement

- Toys for Tots

December 2017

Program run by the United States Marine Corp. helping distribute toys to children whose parents cannot afford to buy them gifts for Christmas.

- Detroit Rescue Mission

November 2017

Helping struggling families during times of need throughout the holidays by adopting a family for Christmas.

- St. Christine Soup Kitchen

November 2018- December 2018

Helps feed families in need through St. Christine's Soup Kitchen and Pantry

Education

Oct. 2008- 2011 Henry Ford Community College Dearborn, MI

Associates in Business Administration

- Concentration: Management
-



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EXHIBIT 3

ECONOMIC BENEFIT BY IMPROVING REAL PROPERTY

The following attachments include Tama Ventures LLC's rendering plan which will display that the landscaping is beyond the minimum landscaping requirement.

The Ypsilanti Code of Ordinances, Zoning Ordinance Sec. 122-638, Site landscaping states:

Inclusive of any landscaping required by this section, at least ten percent (10%) of the site area, excluding existing public rights-of-way, must be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens, vegetated roofs, and foundation landscaping beds.

Landscaping under the ordinance means:

[T]he treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, edible plants, and flowers. A landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulder, raised garden beds, or mulch. Structural features such as fountains, pools, statues, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted towards meeting the requirements for landscaping.

According the renderings photos in the proceeding pages of this section, there will be over 10% of the facility will be landscaped. The photos provided in the renderings display the current building, followed by starkly contrasted photo of the building after Tama Venture LLC's proposed construction and landscaping. The building's exterior will consist of 100% brick and transparent glass. The side of the building facing the public entrance will consist of 75% windows. It should be noted that the renderings include a rooftop garden, which will collect rainwater exceeding the required minimum by 20%. Furthermore, the façade facing the public will consist of at least 35% windows. The following page will also detail the specific improvements to the exterior of the building. Therefore, there will be over 25% of the 10% minimum standard set forth under the Ypsilanti zoning ordinance.



Potter
ARCHITECTURAL SERVICES

800 Tamara Lane Phone (734) 488-8884
Ypsilanti, MI 48197 Mobile (734) 616-2623
Email: potter@tamaraarch.com
info.21centuryrealty.com

TAMAVENTURES, LLC
915 W Michigan Ave., Ypsilanti, MI 48197



