

**CITY OF MODESTO  
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE  
RESOLUTION NO. 01-2025**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CHANGE IN OWNERSHIP REQUEST RESULTING IN ANN ENDSLEY ACQUIRING EIGHTY PERCENT (80%) OF LEGACY NURSERY LLC**

WHEREAS, on September 10,2019, by Resolution 2019-403, Council issued a commercial cannabis permit for Legacy Nursery LLC to operate a cannabis cultivation nursery located at 901 E. Whitmore Avenue; and

WHEREAS, while the physical premises of the nursery did not change, the address was subsequently updated to 1919 Morgan Road; and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City’s Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-298, Council approved a change in ownership policy for commercial cannabis permits within the City to provide guidance on the approval process for these changes; and

WHEREAS, the policies and procedures include the following requirements:

- If a new individual acquires an aggregate ownership interest of fifty-one (51%) percent of a cannabis business when they previously had not will require City Council approval for Dispensaries or approval by the Cannabis Program and Permit Review Committee for non-dispensaries.
- If an originally approved owners retain one hundred (100%) percent interest in the cannabis business amongst them then this transaction

would not meet the definition of a change in ownership per California Department of Cannabis Control (DCC) regulations section 15023.

- An original owner(s) must retain a minimum of twenty (20%) percent ownership interest in the businesses to continue operating under their current commercial cannabis permit following City approval of the change, otherwise the business must cease operation and reapply for a commercial cannabis permit under the new business structure; and

WHEREAS, Legacy Nursery was initially jointly owned by Jennina Chiavetta, and Marc Etchebarne at the time of permit issuance in 2019; and

WHEREAS, Marc Etchebarne relinquished his equity in the business which resulted in Jennina Chiavetta becoming the sole owner. This change did not meet the definition of a change in ownership that would require City approval since an original owner retained one hundred (100%) percent of the business; and

WHEREAS, on November 30, 2023, Jennina Chiavetta requested approval for a change in ownership for Legacy Nursery LLC which would result in Ann Endsley acquiring eighty percent (80%) of the business with Jennina Chiavetta, an original owner, retaining the remaining twenty percent (20%); and

WHEREAS, the City requested and received documentation from the business that included the successful completion of background checks as required by Modesto City Code section 10-3.704(3)(2), executed purchase agreements, and the successful completion of the 2024 financial audit; and

WHEREAS, the new ownership structure complies with the requirements of the City of Modesto's adopted change in ownership policy.

NOW, THEREFORE, BE IT RESOLVED by the City of Modesto Cannabis Program and Permit Review Committee, that it hereby approves a commercial cannabis change in ownership request resulting in Ann Endsley acquiring eighty percent (80%) of Legacy Nursery LLC.

The foregoing resolution was introduced at a regular meeting of the Cannabis Program and Permit Review Committee held on the 28th day of April, 2025, by Committee Member Wright, who moved its adoption, which motion being duly seconded by Committee Member Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Committee Members:	Ricci, Wright, and Chair Zwahlen
NOES:	Committee Members:	None
ABSENT:	Committee Members:	None

ATTEST:   
SUE ZWAHLEN, Chair