

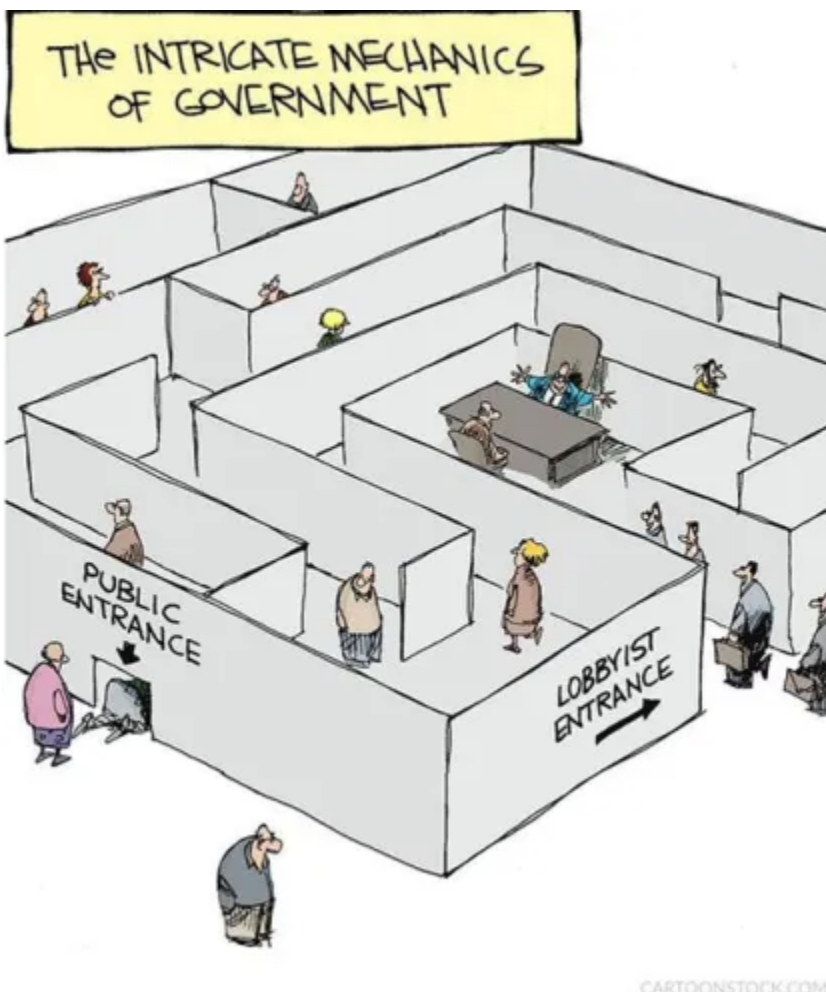
## Lemos, June

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>  
**Sent:** Friday, April 30, 2021 3:39 PM  
**To:** Lemos, June  
**Subject:** Public Comment -- 5/3/21 CC Mtg., Item No. 1A

City Council,

Interesting cartoon from the AVA on Friday. Please make sure these draft ordinances reflect the prior direction of the City Council, Planning Commission, and Community Development Committee, as well as public input from people who aren't in the cannabis industry with a specific agenda of advancing their economic interests above those of the prospective neighbors to their future projects...



Best,

--Jacob

**From:** [Michael Katz](#)  
**To:** [Norvell, Bernie](#); [Morsell-Haye, Jessica](#); [Albin-Smith, Tess](#); [Peters, Lindy](#)  
**Cc:** [Lemos, June](#); [gonzalez@fortbragg.com](mailto:gonzalez@fortbragg.com)  
**Subject:** Recommendations for Cannabis Agenda Items  
**Date:** Monday, May 3, 2021 9:04:24 AM  
**Attachments:** [5.3.2021 MCA COFB Ordinance Amendments.pdf](#)

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Good morning,

Attached you will find our comments and recommendations for the upcoming cannabis ordinance meeting, submitted with the intention of providing support and insight for your deliberations.

We are available to discuss further at your convenience.

Best,  
Michael

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Fort Bragg City Council  
416 N Franklin St.  
Fort Bragg, CA 95437

May 3, 2021

Honorable Council,

The Mendocino Cannabis Alliance (MCA) is this county's premier trade association, representing over 125 members in all sectors of the legalized cannabis industry. MCA appreciates the efforts of the City of Fort Bragg's council members and staff to engage in fruitful discussions surrounding the city's purpose to "promote the health, safety, morals and general welfare of the residents and businesses within the city."

Please consider the following stakeholder input, recommendations and questions regarding the agenda items referenced.

**1A**

- We support the recommended action to provide direction on the treatment of individuals with a criminal record and to clarify the language to be more inclusive of those negatively impacted by the War on Drugs. (see our previous memo on this topic [HERE](#))
- We strongly support moving the management of applications from the Police Department to the Community Development Department. Commercial cannabis activity is not a criminal matter. It is a legal, regulated, civil business activity.
- We recommend removing the inclusion of "manager, employee, or agent" from the definition of "applicant" and align the definition with state agencies.
- We recommend removing the word "possession" from the definition of commercial cannabis activity. Possession of cannabis is not in itself, a commercial activity and should not be interpreted or treated as such.
- We recommend removing the requirement to submit a state license with the local application. The state agencies will not approve a cannabis permit until approval of the local jurisdiction has been received.
- We recommend removing the requirement to provide employee names with the initial application. The application process can take months and the process of hiring employees does not likely occur until businesses receive permission to operate.
- We request further clarity regarding the City's role in the renewal process. Will a notice of renewal for expiring permits be distributed and how will the applicant submit a

renewal? Will the city provide an online portal for applicants or will it rely on paper applications?

- We recommend strict policies and procedures to prevent all forms of discrimination and that additional language be included to mandate strict adherence to providing the grounds for any application denial.
- We recommend deleting the phrase “Moral Turpitude” from all ordinances for citizen protection from unlawful discrimination. This Term is subject to broad interpretation and, therefore, could be used to unjustly implicate individuals for criminal offenses. Consider aligning this provision with the Bureau of Cannabis Control, that only restricts law enforcement or cannabis agency individuals from obtaining licensure. (§ 5005)
- We recommend deleting section 9.30.100 D to remove the inaccurate implication that management may be precluded from employment due to criminal conviction. Criminal convictions are not intended to preclude either employment or management.
- We recommend extending the time to register an employee with the police department to obtain a background check from 5 business days, to 14 calendar days due to the limited, and sometimes non-existent, services available to businesses located on the coast. Applicants and employees need time to arrange for a travelling livescan specialist to visit or to travel to the closest jurisdiction offering such services. (page 19)
- We recommend requiring a copy of the employee’s Driver’s License or other state or federal issued identification in lieu of passport quality photos.

## **1B**

- We recommend limiting the indoor cultivation size to align with one of the state license types. Currently the largest indoor license allowed is 22,000 square feet.
- We recommend the City of Fort Bragg’s Staff option to use a flexible provision that allows for projects to be evaluated on a case by case basis.
- We recommend that the City of Fort Bragg consider allowing indoor, mixed light and outdoor cultivation on appropriate parcels.
- We recommend that the maximum allowable canopy size be determined by parcel type, size and environmental factors. MCA encourages alignment with the state license types whenever possible.
- We recommend that indoor and mixed light cultivators be required to enroll in Sonoma Clean Power as a mitigation for energy use.
- We recommend clarifying the definition of outdoor, indoor and include a “mixed light” definition.

- We recommend restricting the canopy size to align with the state licensure. The chart included in this presentation references building sizes that could house up to 65,000 square feet of canopy, however it is important to note that the state is only allowing a maximum of 22,000 square feet of indoor at this time
- We recommend avoiding specificity when imposing equipment requirements or mitigations and instead work with applicants to determine which requirements or mitigations are best suited and viable on the proposed project.
  - We support the use of Mixed light as an alternative to indoor cultivation on suitable parcels.
  - We recommend delaying the decision to regulate lighting. The state energy commission has declined to regulate lighting by energy usage or efficiency after extensive stakeholder engagement.
  - Avoid dictating use of solar panels which may be cost prohibitive and not be possible for many buildings. Even if solar panels are suitable on a building in question, requiring their use would be burdensome for a relatively small return in Fort Bragg's coastal climate.

## 1C

- We request clarification on multi level cultivation. Multiple stories or tiered canopy racks?
- We recommend removing the recommendation to use a plant count metric. Using a plant count would be ambiguous and subjective. It provides no relative reference as the size of plants can range from a seedling to 20 ft tall.
  - Using FESS could be appropriate, however is disconnected from state licensing guidance, ie canopy. 2,500 square feet canopy does not equal 2,500 square feet FESS as aisles, storage, workspace, equipment, etc. all utilize space.
  - To use FESS you would need to provide an equal amount of space to canopy to adequately provision for aisles, storage, workspace and equipment.
- We recommend aligning with state canopy definition and assignments. To establish a different metric than the established state canopy assignments is unnecessary and confusing.
- We recommend the following amendments to the proposed chart provided by staff
  - Recommend under 500 square feet or 25 mature plants CBP only
  - Recommend Nursery with CBP up to certain size.
  - Align with the state on canopy sizes.
  - Minor Use Permit (administrative) for all apps 500 - 10,000 square feet
  - Use permit (Planning Commission reviewed) for all above 10,000 square feet
- We recommend establishing nursery tiers to assign zoning requirements, eq, 500 square feet, 1,000 square feet, 5,000 square feet 10,000 square feet, etc. There is no size assignment for a nursery at the state level.

Size of Cultivation	CBP Only	CBP + Minor Use Permit (administrative)	CBP + Use Permit (Planning Commission)	Not Allowable
Under 500 sf or 25 plants	All zones			
501 - 2,500 sf	IL, IH	CG, CH, CBD	CH	
2,500 - 10,000 sf	IL, IH		CG, CH	CBD
10,000+ sf	IL, IH		CG, CH,	CBD
Nursery, up to 1,000 sf	IL, IH, CBD, CH, CG			
Nursery, 1,001 - 5,000 sf	IL, IH,	CBD, CH, CG		
Nursery, 5,000-10,000 sf	IL, IH	CG	CH,	CBD
Nursery, 10,000+ sf	IH, IL		CH, CG	CBD

**1D**

- We recommend the development of both the microbusiness permit AND further clarification of the accessory use definition so that small business owners may utilize the most appropriate path to licensure and success. (page 52)
- We recommend the following definitions
  - a. *“Microbusiness” means at least three of the following commercial cannabis activities: (1) cultivation of cannabis on an area 10,000 square feet or less, (2) distribution, (3) Manufacturing Level 1 (Non-Volatile), and (4) acting as a licensed retailer/dispensary (to include delivery only) “*
- We recommend defining each accessory use individually by square footage, not collectively.
- We recommend allowing the microbusiness license (as defined in this memo) in all areas where the proposed uses are allowed.

Thank you for your consideration of MCA’s recommendations for a city ordinance that is safe and supportive of this nascent industry and its potential to help drive economic development in Fort Bragg.

We are available to discuss any of these items further at your convenience.

Sincerely,  
Mendocino Cannabis Alliance