

RESOLUTION NO. PC _-2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING MINOR USE PERMIT 1-21 FOR THE ESTABLISHMENT OF A CANNABIS DISPENSARY AT 144 NORTH FRANKLIN STREET

WHEREAS, there was filed with this Commission a verified application on the forms prescribed by the Commission requesting approval of a Minor Use Permit under the provisions of Chapter 18 Article 7 of the Inland Land Use Development Code to permit the following Use:

Establish a cannabis dispensary

On that certain property described as follows:

Assessor's Parcel No. 008-164-39 as shown on the Fort Bragg Parcel Map and addressed as 144 N. Franklin Street.

WHEREAS, the Planning Commission upon giving the required notice did, on the 28th of April, 2021, conduct duly noticed public hearings as prescribed by law to consider said application; and

WHEREAS, the Project is exempt pursuant to the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15301 Existing Structures because there will be no exterior modifications and no intensification of use of the existing structure; and

WHEREAS, the public hearing included evidence establishing the following:

1. The project consists of a request to establish a cannabis dispensary.
2. Appropriate findings for approval of a Minor Use Permit are as stated in the City of Fort Bragg Inland Land Use Development Code Section 18.71.060 (f).

NOW, THEREFORE, the Fort Bragg Planning Commission of the City of Fort Bragg resolves as follows:

- 1) On the basis of the evidence presented, both oral and documentary, the Planning Commission finds that the following required findings regarding the Minor Use Permit are made for each of the following reasons:
 - a. The proposed use is consistent with the General Plan and any applicable specific plan;

The proposed use of cannabis retail dispensary is consistent with the applicable goals and policies of the City of Fort Bragg's Inland General Plan:

Land Use Element Goal LU-3: Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.

Policy LU 3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).

Policy LU-3.6 Re-Use of Existing Buildings: Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

- b. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

This project for a cannabis retail store is allowable under the Inland Land Use Development Code Section 18.22.020 Table 2-6 with a minor use permit.

- c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed use is compatible with the existing and future land uses because it is a retail business located in the downtown retail area of the Central Business District.

- d. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

There will be no changes to the design shape, or size of the building and the applicants plan addresses the operating characteristics and operating plan to ensure that the business will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district.

- e. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).

A cannabis retail dispensary does not detract from the basic purpose of the CBD because it is a pedestrian-oriented retail store.

- f. The proposed use complies with the Specific Land Use Standards for Cannabis Retail Business in Section 18.42.057

The applicant's plan conforms to the Specific Land Use Standards listed in section 18.42.057.

- g. The proposed use complies with Municipal Code Section 9.30 Cannabis Businesses.

The proposed Cannabis Retail Dispensary has been reviewed by the Fort Bragg Police Department and the Community Development Department and it has been determined

that the proposed project complies with Municipal Code Section 9.30 Cannabis Businesses.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve the Minor Use Permit for a Retail Cannabis Dispensary at 144 N. Franklin Street subject to the following conditions included below.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of

Professional Archaeologists shall be consulted to determine necessary actions.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

NOW, THEREFORE, BE IT FURTHER RESOLVED that pursuant of all the evidence presented, both oral and documentary, and further based on the findings and conditions, Minor Use Permit 1-21 is approved subject to the provisions of the City of Fort Bragg Municipal Code Title 18 Inland Land Use Development Code.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 28th day of April 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

Jeremy Logan, Chair

ATTEST:

Joanna Gonzalez, Administrative Assistant