

**From:** [Jacob Patterson](#)  
**To:** [Lemos, June](#); [Munoz, Cristal](#)  
**Cc:** [Miller, Tabatha](#); [Smith, John](#); [O'Neal, Chantell](#); [Gurewitz, Heather](#)  
**Subject:** Public Comment -- MUP 1-21 August 9, 2021 appeal before the City Council  
**Date:** Friday, July 30, 2021 4:15:40 PM

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City Council and Staff,

Although the agenda packet will not be published for this appeal concerning MUP 1-21 until August 4, 2021 or thereafter, I reviewed the appeal form and letter submitted by Brandy Moulton as CEO of Sunshine-Holistic on July 6, 2021 and would like to submit these comments for the City's consideration as the agenda materials are prepared.

## **INTRODUCTION:**

The July 6, 2021 appeal letter noted that Brandy Moulton intends to submit additional supplemental information to support Sunshine-Holistic's appeal bases closer to the hearing, implying that additional information or documentation could bolster or provide support for the grounds of appeal she provided on July 6, 2021. Rather than waiting for and responding to that additional information, I want to respond to the specific grounds she raised in the letter now because regardless of what additional support Sunshine-Holistic offers, none of the bases for appeal are sufficient to support the City Council upholding her appeal of the Planning Commission's unanimous denial of the requested permits. In short, no amount of additional support could ever be provided that would provide an adequate basis for the City Council to uphold her appeal and overturn the decision of the Planning Commission so there is no reason to wait to analyze the specific grounds of appeal raised in the existing letter.

The July 6, 2021 appeal letter raises 5 separate grounds of appeal, although none of these bases provide adequate grounds to appeal the Planning Commission's decision and her appeal should (actually must) be denied. The appeal appears to be premised on the false assumption that the original staff recommendations and suggested supporting analysis in the staff report presented to the Planning Commission are controlling or dispositive. This is not the case, staff recommendations, including the staff analysis provided in the staff report, are only recommendations to the review authority and do not have any controlling weight that constrains the decision-making authority of the Planning Commission, who unanimously disagreed with the staff analysis and recommendations. The Planning Commission's decision is the binding decision of the City at this point and their interpretation of the applicable code requirements and Inland General Plan constitute the official position of the City.

Staff's prior recommended interpretations were explicitly rejected by the Planning Commission and the fact that the applicant disagrees with the Planning Commission's legal and factual determinations and prefers the original staff recommendations, does not provide a basis to uphold their appeal because their appeal attacks that prior decision as not being supported by evidence in the record when it is adequately supported by evidence in the record. This is true even if there are alternative conclusions or determinations that could also plausibly be supported by evidence in the record because the question presented on an appeal to the City Council is not whether or not the City Council would have come to a different conclusion or interpreted the code in a different way than the Planning Commission, the question presented to the City Council is if the Planning Commission's decisions are adequately supported based on the evidence in the record and concerning the grounds raised in this appeal.

In short, falsely claiming that there is no support in the record for the Planning Commission's decision does not make that claim true or accurate nor does it provide a valid basis for this appeal, particularly when the Planning Commission discussed the need for support in the record and they were advised by the City Attorney that their two findings of denial were adequately supported and that either basis would have been valid grounds on its own for the Planning Commission to deny the requested permits. Moreover, the City Attorney elaborated that the lack of all required notices could not even be overturned on an appeal to the City Council if the notices had not actually been posted when they were required to be posted on or around the project site (i.e., there is no way to correct past procedural defects concerning public notices that were required to be posted in the past).

### **APPEAL BASIS 1:**

The first finding of denial related to the inadequate public notices for the entitlement review because the ILUDC requires all relevant notices for the various stages of the entitlement review to be physically posted on or around the project site in a conspicuous location. The Planning Commission considered this issue as raised by the appellants and determined that there was inadequate evidence in the record that all such notices had been physically posted on the site as required and that the permits should be denied because of the lack of required notices. Although the Planning Commission went on to discuss the Declaration of Posting found in the application form, which applies to the Notice of Pending Permit but not to the other notices that the Code requires to be posted at the project site, the presence or absence of that Declaration of Posting was not the determining factor in the Planning Commission deciding to deny the permit because the notices had not been posted as required even though it was relevant to the overall discussion of this particular issue.

The applicant/appellant alleges that this first finding supporting the denial of the permits should be reversed because she claims that the Notice of Pending Permit was actually posted on February 12, 2021 and the Declaration of Posting was signed as of February 17, 2021. What the appellant doesn't recognize is that doesn't address or undermine the Planning Commission's finding in any way because it only relates to the Notice of Pending Permit and has nothing to do with the series of public notices that the ILUDC requires to have been posted at various stages in this entitlement review.

These other notices that required to be posted on the project site include:

1. The Notice of Public Hearing for the public hearing before the Planning Commission that was originally scheduled on April 28, 2021 concerning this permit before staff decided to shift the review from the Planning Commission to an administrative review after the City failed to provide timely public notice of that public hearing and an objection was raised concerning that inadequate notice by one of the concerned neighbors.
2. The Notice of Pending Action for the potential administrative approval of the permits (unless an interested person requested a staff-level administrative public hearing on the permits).
3. The Notice of Public Hearing for the staff-level administrative public hearing that was requested by some of the neighbors to the project and during which those neighbors objected to the City granting the permits for all reasons brought up in public comments to date, which includes the prior objection concerning the City's failure to comply with the public notice requirements set out in the ILUDC.

4. The Notice of Public Hearing for the appeal of the staff-level approval of MUP 1-21 scheduled before the Planning Commission.

None of these notices were posted on or around the project site prior to the dates of the pending action or subsequent public hearings up to and including the public hearing before the Planning Commission on June 23, 2021 and there is no evidence in the record to support that they were actually posted. In fact, the appeal incorrectly quotes me as having stated something that I never said, which can be verified by simply watching the meeting video where I can be heard clearly identifying the issue as the "notices" not being physically posted rather than what the appeal alleges I stated, which was only that the "Notice of Pending Permit" had not been posted on the site.

Furthermore, my oral testimony is also not an unsupported assertion, it is me providing evidence of my personal observations that no notices were posted on or around the project site based on a series of visits I personally made to the project site when I frequently visited the adjacent Post Office to pick up mail from my PO Box. I offered my oral testimony as evidence of the lack of required notices for the Planning Commission's consideration. As such, even if the original Notice of Pending Permit had actually been posted on the inside of the front window of the proposed building to be used for this project, as is alleged in Item #1 in the appeal, that doesn't provide a valid basis to overturn the Planning Commission's determination that the required notices had not been physically posted on the or around the project site as required by the ILUDC because the Declaration of Posting of the Notice of Pending Permit does not cure the lack of physical posting of the subsequent notices that were also required by the ILUDC.

Item #1 of the appeal also incorrectly asserts that defective notice is not a valid basis for the Planning Commission's earlier decision to grant the neighbors' appeal without providing any citation to support that assertion. There is no citation likely because that is simply inaccurate and in conflict with the accurate legal advice provided by the City Attorney that the Planning Commission could grant the appeals and deny the permits for that reason alone even without considering the other grounds presented by the appellants in that hearing. As mentioned above, he even emphasized that the actual lack of compliant notice (rather than merely a lack of evidence in the record demonstrating that the required notices actually occurred) is not even something that could be corrected if the applicant tried to appeal the Planning Commission's decision to the City Council, which they have now done. The City Council cannot retroactively fix the defective notice and this current appeal cannot be successful because none of the required public notices subsequent to the Notice of Pending Permit were posted as required (i.e., not only is there not evidence in the record that this series of notices was actually posted, there is evidence in the record that those notices were not posted).

#### **APPEAL BASIS 2:**

Item #2 in the appeal relates to the second finding made by the Planning Commission when they denied the requested permits, which was their determination, based on the evidence in the record, including the written public comments and the oral testimony of the neighbors, that the proposed dispensary was not compatible with the existing and future land uses in the vicinity of the project. The appeal incorrectly asserts that that finding was not supported by evidence in the record but, again, that is simply not true. The Planning Commission specifically pointed to the supporting evidence as being the written and oral comments that raised specific concerns about the project not being compatible with their existing residential land uses across the alley

in the vicinity of the project site. That is, in fact, the supporting rationale for the Planning Commission's determination that they could not make the finding that was required in order for them to approve the project. The adequacy of this support and the finding of denial was specifically reviewed by the City Attorney during the Planning Commission meeting and he advised them that it was adequate and defensible.

Although not discussed at length, the Planning Commission rejected staff's interpretation of what that particular finding requires, which is good because staff's interpretation was fatally flawed and legally indefensible because it effectively would have rendered that finding to be irrelevant and redundant to the separate question of whether or not the proposed use is permitted or potentially permitted in this particular zoning district. The appeal reasserts that flawed and incorrect interpretation as being valid in an attempt to overturn the Planning Commission's determination that the dispensary was not compatible with the nearby residential uses despite the fact that the CBD is a mixed use district that includes both commercial and residential uses.

The appellant suggests that the fact that dispensaries are potentially permitted in the CBD if a Minor Use Permit is granted means that all dispensaries should be determined to be compatible with the neighboring land uses but that suggestion is incorrect because it fails to understand the entire context of why a Minor Use Permit and all of the specific findings and required to be made before a particular dispensary can be permitted in a specific location, which was explicitly discussed by the Planning Commission during their deliberations. Minor Use Permits are required when the specifics of a proposal need to be evaluated in order to determine if that particular proposal may be permitted in the particular location. The question is not whether or not a hypothetical dispensary could possibly be permitted in the CBD zone in general, the question presented is whether or not all of the required MUP findings can be made, which includes evaluating the specifics of the proposed dispensary to determine if it is compatible with the actual land uses that exist near the proposed project site.

The Planning Commission considered all the evidence and agreed with the neighbors who objected to the proposed dispensary being located next to their property and residences and who provided specific reasons why the proposed dispensary was, in fact, incompatible with the existing and future land uses in the vicinity so that required finding could not be made. Such specific reasons were the unique nature of cannabis retail compared to other types of retail (which are actually permitted by right rather than only potentially permitted if, and only if, each required finding can be made to support granting the necessary MUP for this project) and how that created increased concern about safety due to the illegal nature of commercial cannabis under federal law that results in large amounts of cash and cannabis material itself being on site at the dispensary, which is an attractive target for armed robberies of a cannabis retail establishment compared to a non-cannabis retail site that doesn't have large amounts of liquid cash or cannabis potential thieves may target. These concerns were further supported by relevant news articles and statistics submitted via public comments. As such, and contrary to the assertions in the appeal, the Planning Commission's determinations and decision were not arbitrary and capricious and they were supported and justified by evidence in the record.

### **APPEAL BASIS 3:**

Item #3 in the appeal alleges that the Planning Commission arbitrarily held that the operating plan was not sufficient to ensure that the business would not endanger the public welfare, which concerns another required finding for an MUP that was the subject of the earlier appeal

before the Planning Commission. Although these issues were discussed by the Planning Commission and two of the three commissioners participating in the decision indicated they did not think that required finding was justified, this was not actually one of the reasons the Planning Commission denied the permits so this alleged basis for this new appeal is invalid and irrelevant. The Planning Commission voted to deny MUP 1-21 based on two findings of denial but neither finding had anything to do with this topic.

#### **APPEAL BASIS 4:**

Item #4 is similarly misguided and cannot provide a valid basis for the current appeal because none of the listed considerations were incorporated into the reasons why the Planning Commission decided to deny MUP 1-21. First of all, several of the items listed are not actually outside the scope of the Planning Commission's jurisdiction as is alleged in the appeal but even if they were irrelevant to the entitlement review and outside the scope of what can be considered by the review authority, none of the topics was cited by the Planning Commission as a reason for their denial nor do they relate to the two specific findings the Planning Commission actually made when they denied MUP 1-21. No amount of additional supporting evidence the applicant/appellant can provide will turn this into a valid basis for an appeal or provide a basis for the City Council to overturn the decision of the Planning Commission.

#### **APPEAL BASIS 5:**

Item #5 is not actually a separate basis for the appeal and is merely a repetition of an aspect of their other more specific bases. It is also a false assertion that "all of the evidence in the record supports the necessary required findings for MUP 1-21" when there is ample evidence in the record to support the the two findings of denial the Planning Commission made when they evaluated the sufficiency of the evidence before them and determined that (1) the required notices had not been posted on the project site as is required by the ILUDC, and (2) that the proposed dispensary is not compatible with the existing and future land uses in the vicinity.

Although there is certainly some evidence in the record that could have been used to support one or more of the required findings that were not at issue during the appeal hearing before the Planning Commission, there is also ample evidence in the record, as evaluated by the Planning Commission, that they could not actually make all of the required findings. The Planning Commission recognized that approving MUP 1-21 would have required them to make all of the required findings and once they determined that they could not make at least one of the required findings, they could not approve MUP 1-21. They discussed several of the required findings but ultimately determined they would base their decision on finding that they could not make the required finding that the dispensary was compatible with neighboring land uses and that the notices for the entitlement review had been defective.

#### **CONCLUSION:**

The applicant/appellant has not presented any evidence to support reversing either of the Planning Commission's two well-reasoned and supported findings of denial and they cannot do so even through supplemental submissions because the question on an appeal is not whether or not a different conclusion could have been made based on evidence in the record; the question is whether or not the conclusion that was reached was adequately supported. In this case both findings of denial were adequately supported by evidence in the record, as evaluated and verified by the City Attorney at the Planning Commission hearing, and the

support is found in the written and oral comments provided throughout the review process up to that point, including through my own testimony at the hearing concerning me personally observing the failure to post the series of required notices or around the project site in a conspicuous location.

Regards,

--Jacob

## Lemos, June

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**From:** Linda Jo Stern <lindajostern@gmail.com>  
**Sent:** Friday, July 23, 2021 4:16 PM  
**To:** Lemos, June  
**Subject:** minor use permit appeal for Sunshine Holistic

Good afternoon, June. I respectfully submit my comments that the decision (denial) of the Planning Commission should stay as is. We do not need any additional retail cannabis dispensaries in our town. Thank you.

*Linda Jo*

Linda Jo Stern, MPH  
617-435-8412 (mobile)

**From:** [Philip Sharples Litho](#)  
**To:** [Lemos, June](#)  
**Subject:** MUP 1-21  
**Date:** Wednesday, July 28, 2021 9:24:06 AM

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I have no objection to this business being granted a permit to operate.

Philip Sharples  
707-485-2047  
litho@mcn.org



## Lemos, June

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**From:** Bill Mann <authorbillmann@gmail.com>  
**Sent:** Monday, August 9, 2021 11:53 AM  
**To:** Lemos, June  
**Subject:** CANNABIS APPLICATION AND APPEAL, 144 N. FRANKLIN ST.  
**Attachments:** CANNABIS APPEAL LETTER.docx

Ms. Lemos:

Please include the ATTACHED LETTER to the ongoing public record, and city council members packets, prior to tonight's 6 P.M. city council meeting. This regards the SUNSHINE CANNABIS APPLICATION AND APPEAL

(not certain about the proper MUP #, please record appropriately). Let us know if any further action required.

Thank you, sincerely,

Bill Mann

Susanne Rogers



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August 2, 2021

[jlemons@fortbragg.com](mailto:jlemons@fortbragg.com)

Ms. Lemos:

Please post the following (ATTACHED) Letter into the public record, regarding Mup-1-21 (cannabis appeal), prior to scheduled City Council Meeting, August 9, 2021, 6 P.M.:

Mayor, Manager, Council:

As Central Business District residents, property owners, tax payers, vacant building renovators, future gallery and community hall operators – we urge you AGAIN – to reject the Appeal of Sunshine Holistic Cannabis, Retail, and Delivery Dispensary, wanting to locate at 144 N. Franklin St., (former Floor Store property and parcel).

Through several months and repeated rejections of the various contortions of the Applicant, we now ask you to REJECT the appeal with no further recourse, for any and all of the following previously established reasons:

- 1) Unanimous Rejection of application, Fort Bragg Planning Commission, supported by evidence.
- 2) Two Petitions opposing the location, containing approximately 200 protest signatures by CBD managers and owners along with neighborhood and surrounding residents.
- 3) Numerous Recorded Letters of Opposition to the former Floor Store Location, by CBD consumers and residents.
- 4) Lingering Questions, confusion, disinformation concerning omitted materials, completeness, notifications and about the legality of the application itself.
- 5) Safety Issues regarding children, adult pedestrians, and vehicles traveling from the high density neighborhood shouldering the Alleyway between Alder and Oak, immediately bordering the disputed dispensary location.
- 6) Security Issues, surrounding the probability of non depositable amounts of cash (federal law) and onsite storage of controlled cannabis substances. Legitimate concerns about the likelihood of armed robbery, invasions, etc., with two high occupancy pedestrian banks and federal post office in the immediate vicinity.
- 7) Auto/Truck Congestion, increased parking problems, unacceptable noise disturbances along Oak, Franklin, Alder, McPherson, Alder-Oak Alleyway, Community First Bank and Purity Food parking lots, resulting in incompatibility of the Project with the neighborhood existing and future land uses.
- 8) Failure to produce unbiased Impact Studies, including outright failure to canvas the residential neighborhoods and business district to be impacted.

We urge you to uphold the Planning Commission's thoughtful conclusion that the applicant/appellant does not meet the suitable neighborhood and land use requirements for permit. The Peoples expectation is that the Planning Commission is not your rubber stamp. They are your advance unit. They are here to tell you their findings – up close and personal. They are advising you at this very moment, that cannabis dispensary planning is about more than any one business's hopes for windfall sales tax revenue; or about any one civic leader's pet project. Please. . .listen to them. Otherwise, why have them

at all? When we worked the petition drive to oppose the floor store cannabis dispensary location (on file) - most signers despaired that our Council and City Administration tend to decide matters internally, for their own reasons. Or alternately as David Gurney jabbed in the Anderson Valley Advertiser, “. . .Fort Bragg’s civic leaders are showing all the signs of early onset dementia, by putting things in the wrong place. . .”

Now, again, with this location issue, the City finds itself at a critical planning juncture. There are many other suitable and less disruptive locations for this applicant’s dispensary; locations which do not threaten to rip a hole in an integral neighborhood. By taking this measured step – by planning instead of reacting – you, our leaders have a shining opportunity to work constructively with the neighborhood well being, and not against it - towards an improvement district to be envied by other sagging coastal towns. In the largest sense of doing the right thing at the right time - we implore you to abandon the current “us versus them” approach to government, in favor of the greater good for this neighborhood; for the Central Business District; and for the greater future of Fort Bragg.

Please take this historic moment to display sound mindedness and sensible leadership, by upholding the Planning Commission’s Unanimous Rejection of this application/appeal.

Sincerely and respectfully,

Bill Mann  
Susanne S. Rogers

**From:** [Jacob Patterson](#)  
**To:** [Lemos, June](#); [Munoz, Cristal](#)  
**Cc:** [O'Neal, Chantell](#); [Gurewitz, Heather](#)  
**Subject:** Public Comment -- 9/1/21 Special City Council Meeting for Appeal of MUP 1-21  
**Date:** Saturday, August 28, 2021 8:36:15 PM

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City Council,

I am compelled to write a public comment objecting to the staff report and recommendations being presented to you. This time, the agenda materials include particularly egregious misrepresentations, including presenting a resolution from the Planning Commission that does not reflect the actual resolution they adopted because it omits six critical words concerning the adequacy of the notice that just so happen to provide a reason that cannot be overturned on appeal. In this case, the issue is that the Planning Commission determined that all the required notices had not been posted on the site and they made a finding of denial for this project as follows: "There was not sufficient evidence that the required noticing for the Minor Use Permit, the Minor Use Permit Administrative Hearing, and the Minor Use Permit appeal were properly posted at the property." However, the resolution in your packet that staff included does not contain the actual finding made by the Planning Commission. It only mentions two of the three notices they actually cited in the findings. (This error was continued to the draft City Council resolution upholding the Planning Commission decision, which should be revised to include the same language as the actual Planning Commission resolution rather than what is included in the agenda packet.)

This appears to be intentional because the City was responsible for this notice along with the applicant and City staff likely recognize that failing to post these notices was a fatal flaw for this entitlement review that cannot be corrected, leaving the applicant without legitimate grounds to successfully appeal the Planning Commission's denial. However, a successful approval despite significant concerns from neighbors clearly appears the one and only goal of staff. In my opinion, this permit entitlement review has been manipulated and biased in favor of trying to justify approving this permit from the beginning, more so than any other recent entitlement review by the City and that apparently includes staff misrepresenting what occurred at the Planning Commission to the City Council and the public. This should not be tolerated and is a clear sign of a very dysfunctional Community Development Department. I am shocked that this kind of duplicitous behaviour is being allowed to occur and ask the City Council to seriously consider what should be done about it since this is being done on your watch but also to the City Council.

On a substantive note, the draft resolution overturning the Planning Commission decision provided by staff is fatally flawed because it fails to provide any supporting analysis or relevant reasoning for the main required finding that was at issue in the prior appeal before the Planning Commission, which was the basis for the other finding of the Planning Commission denying this permit. The suggested finding is written as follows: "The proposed use is compatible with the existing and future land uses because it is a pedestrian oriented retail business located in the downtown retail area of the Central Business District." However, this suggested finding is totally disconnected from what the finding is actually about. Nothing in this analysis relates to whether or not "The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity" which is what you are required to find in order to approve this permit. This finding would need to discuss these aspects of this specific proposal, including specifics of this particular location within the CBD rather than the generic information that is suggested for your consideration.

Even if you wanted to approve this permit, you would need to provide supporting analysis and explicitly justify this required finding. Moreover, please consider this comment as a reiteration of all prior objections to this permit raised in prior written and oral public comments during the entitlement review for this project (e.g., inadequate CEQA and improper noticing procedures), which are hereby incorporated by reference.

Finally, I am confused as to why staff thinks it is appropriate to basically act as the applicant's advocate and argue against the advice of the City Attorney provided at the Planning Commission's hearing and the well-reasoned and fully-supported determinations of the appropriate review authority, the Planning Commission. Her arguments appear to be that she is right and the Planning Commission and City Attorney got it wrong. This is a serious breach of staff's appropriate role in this appeal, which is to advocate for the City's position not undermine it, which demonstrates why it is not appropriate for the same staff person to provide the analysis at the different stages of the review because rather than providing an objective and unbiased analysis, she is just digging in her heels and failing to recognize that her prior work was not persuasive or even defensible--she didn't even bother to be informed about the required noticing or the required content for the application, which she determined was complete when various required items were omitted and still haven't been provided. This review should not have even proceeded because the application remains incomplete yet here we are. This is extremely concerning and becoming something of a pattern. Further, members of the public and neighbors to this project have been subjected to contempt and derision from the same City staff, who remarked that she would prefer not to have any public comment or input at the Planning Commission hearing despite the fact that the neighbors who would be most impacted by this project were in attendance to present their concerns to the Planning Commission. This attitude should not be tolerated or condoned.

Regards,

--Jacob

**From:** [Bill Mann](#)  
**To:** [Lemos, June](#)  
**Subject:** PUBLIC COMMENT/9/1/21 COUNCIL MEETING, RE: APPEAL MUP 1-21  
**Date:** Monday, August 30, 2021 10:31:15 AM  
**Attachments:** [Cannabis Final Meeting.docx](#)

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Ms. Lemos,  
Please enter the ATTACHED into packets, public record  
Thank you,  
Susanne Rogers  
Bill Mann



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RE: MUP 1-21 AGENDA PACKET (Sept. 1, Council Meeting)

Mayor, Council, Manager, Staff:

There are many reasons to resent the City's handling of the Sunshine Holistic applications and appeals, formally rejected by the Planning Commission. Two hundred reasons. That's the approximate number of Merchants, Managers, Property Owners, Citizens in general, and perhaps most importantly the Neighborhood Residents who quickly signed the Petitions opposing the Floor Store dispensary location at 144 N. Franklin Street. These signatures are part of the City of Fort Bragg Public Records.

We the petitioners must also cry foul at the process itself. Following each of the multiple Planning Commission rejections of the Sunshine applicant, City Staff have seemingly been instructed to take extreme measures to dismantle the commission's diligent findings. Why is this happening? Who is responsible for this short-changing of the democratic process? Many of us opposing the Floor Store dispensary location now suspect that certain members of the Mayor and Council are ruling by purely personal agenda, and *not* out of concern for the many people and businesses impacted by the ill-advised Sunshine application.

Most recently the Planning Commission boiled down its *unanimous rejection* of the latest Sunshine Appeal, for two solid reasons, each by itself a mandate for outright rejection of the applicant/appellant:

1. Improper execution of required Noticing, regarding the Application for Permit, and the public hearings associated with the permit process.
2. "Compelling evidence that the proposed project would be incompatible with the mixed use neighborhood. . .including the heavily populated residential properties. . ." (Direct quotation).

As if employed by the applicant, City Staff again assaulted the Planning Commission's conclusions with a hatchet of flawed and deliberately misleading rebuttals. We have *never* lived in a community where the administrative staff so independently sets about to completely change (rather than accept) the findings of the City's own planning commission. Who is behind this undermining of the Commission? And why?

More alarming is this Staff (CDD) appearance of tampering (by omission) with parts of the Planning Commission's Resolution, regarding the Improper Noticing, which the commission specifically voted to include in its resolution. This type of adulteration prevents the Council from properly discussing what is factual. It also further damages whatever public trust preceded the Sunshine dispensary application. If Mayor, Council, Manager, Staff credibility is to prevail – these poisonings of due process *must* stop.

Please hear our complaint and the complaints of the businesses and deeply impacted residential neighbors who have steadfastly opposed this proposed dispensary/delivery location. We (the neighborhood) cannot simply pick up and move. On the other hand, there *are* numerous alternative locations available for the applicants; locations which will not pose security, safety, and congestion risks that undeniably threaten to damage our already fragile neighborhood.

Warily,  
Susanne Rogers  
Bill Mann

**From:** [Bill Mann](#)  
**To:** [Lemos, June](#); [Norvell, Bernie](#); [Morsell-Haye, Jessica](#); [Rafanan, Marcia](#); [Albin-Smith, Tess](#); [Peters, Lindy](#); [Miller, Tabatha](#)  
**Subject:** PUBLIC COMMENT 9-1-21 Appeal of MUP 1-21  
**Date:** Monday, August 30, 2021 8:25:48 PM  
**Attachments:** [Sunshine Holistic Petition 2.pdf](#)  
[Sunshine Holistic Petition 1.pdf](#)

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City Council Members:

Please consider the attached petitions vehemently opposing the Sunshine Holistic dispensary and delivery location.

Susanne Rogers  
Bill Mann

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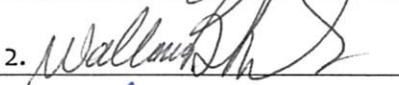
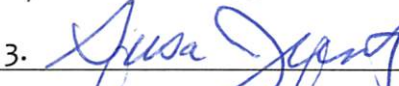
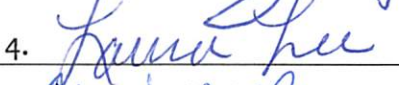


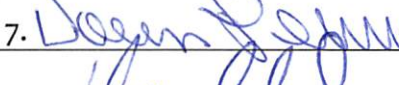
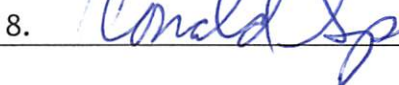
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## KEEP CANNABIS RETAIL, CULTIVATION AND/OR MANUFACTURING AWAY FROM RESIDENTIAL NEIGHBORHOODS

We, the undersigned, do **NOT** want to have a dispensary with cultivation and/or manufacturing at 144 N. Franklin Street in Fort Bragg, CA. We believe this location is not suitable given the proximity of two financial institutions, a government building (USPS), two hospitality centers for our homeless population, numerous single family homes that share an alleyway, and nearby apartment complexes, considered a high density residential area, that house families with small children.


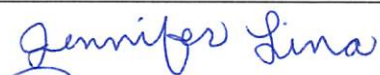









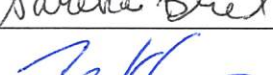
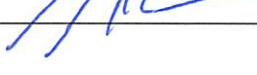
I, the undersigned, declare that I am 18 years of age or older.

Signature	Printed Name	Address
1. 	DAVID C. SORDANO	350 DENNISON LN
2. 	WALLACE BAKER SR	180 LIVINGSTON ST.
3. 	SUSAN JONTZ	344 N. FRANKLIN STR
4. 	HAUNNA LEE	21595 FERSTER LN.
5. 	Michelle Braga	19260 Basin View Dr.
6. 	LINDA JORDAN	31291 THOMAS LANE
7. 	Dawn Ferreira	320 N. MURPHYSON ST
8. 	Donald Spear	455 1/2 HARRISON ST
9.		
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**KEEP CANNABIS RETAIL, CULTIVATION AND/OR  
MANUFACTURING AWAY FROM RESIDENTIAL NEIGHBORHOODS**

We, the undersigned, do **NOT** want to have a dispensary with cultivation and/or manufacturing at 144 N. Franklin Street in Fort Bragg, CA. We believe this location is not suitable given the proximity of two financial institutions, a government building (USPS), two hospitality centers for our homeless population, numerous single family homes that share an alleyway, and nearby apartment complexes, considered a high density residential area, that house families with small children.




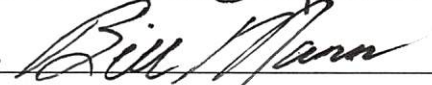
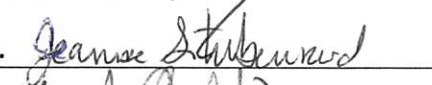
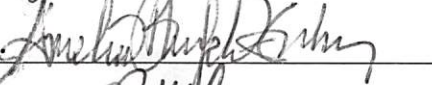

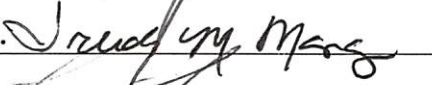

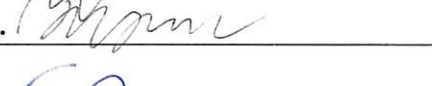
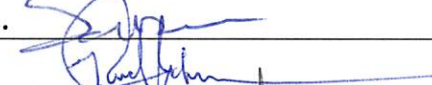
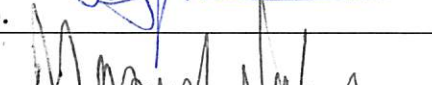

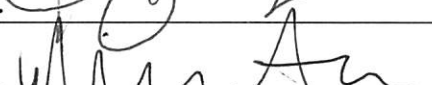
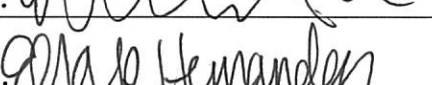
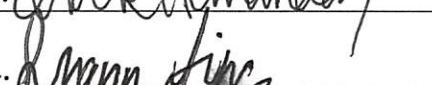

I, the undersigned, declare that I am 18 years of age or older.

Signature	Printed Name	Address
1. 	Megan Caron	225 E Redwood
2. Ben Tuke	BEN TUKE	225 E Redwood Ave
3. 	Jennifer Lina	154 E Redwood Ave.
4. 	Emily Head	250 N. main St.
5. 	Jeffrey Beard	20200 Lyta Way Ft. Bragg
6. 	Angela Lina	650 N. Harold St. F.B.
7. 	Mary Chanklerin	319 N. Franklin St
8. 	JAKE PETRYKOWSKI	429 N HAROLD F.B.
9. 	Walera F. Kina	118 E Redwood Ave - Fort
10. 	RICHARD MUXAROC	23000 REDWATER LN.
11. 	Carolyn Rissanen	45441 Pacifica Dr. Caspar
12. 	DIANE L. SORENSON	424 S. Whipple St. Ft. Bragg, CA
13. 	SARENA BOZED	116 - E. LAUREL ST.
14. 	TONY KOLLER	353 E. Laurel St
15.		
16.		
17.		

## KEEP CANNABIS RETAIL, CULTIVATION AND/OR MANUFACTURING AWAY FROM RESIDENTIAL NEIGHBORHOODS

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I, the undersigned, declare that I am 18 years of age or older.

Signature	Printed Name	Address
	Joshua House	181 Ebbing way.
	TEO Balassi	124 Franklin St.
	Ronald Barwick	120 Franklin St
	Bill MANN	120 N. FRANKLIN ST.
	Jeanne Stibenrauch	Business owner Mendo-Litho 100 N. Franklin St
	Amelia Blaufeld Gibney	Consultant Mendo Litho 100 N. Franklin St
	Phillip Johnson	CO OWNER 242 N FRANKLIN ST PRATTY
	Trudy M Morgan	BUSINESS OWNERS 235 N Franklin St.
	Laura Clark	Bus. Owner: 6:00 morning 333700 Boxe low F. B. CA 95721 profile
	Tyler Yeomans	119 North Franklin whitt B Tylens Computer Support
	Sarah DeAngelo	333 N Franklin St FB, Art Explorers
	Randy Johnson	CO OWNER Pratty 242 N. FRANKLIN ST.
	Marybeth Valenzuela	223 N. Franklin St FB
	Keilah Miller	729 West St. Fort Bragg CA
	Nirvana Andrade	411 South St <sup>CHASE Bank</sup> Fort Bragg CA 95437
	Elsa R. Hernandez	<sup>CHASE Bank</sup> 30900 Turner Rd. Fort Bragg CA 95437
	Suzann Lina	429 N Harold St FB Lee's Chinese

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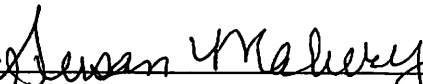
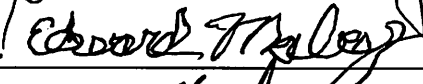


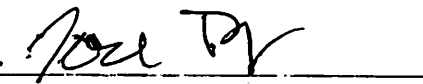
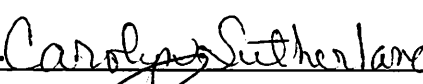

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**Signature**

**Printed Name**

**Address**

35.		SUSAN Mabera	31636 Hwy 20 Fort Bragg CA 95437
36.		Edward Mabera	31636 Hwy 20 Fort Bragg CA 95437
37.		Allison Martin	141 E. Laurel St. Fort Bragg, CA 95437
38.		Irene Jhang	349 Cypress St 95437 MCF Repair
39.		Jose Perez	636 S. Franklin St
40.		Carolyn Sutherland	20100 Lyta Way FB <del>conclini</del>
41.		Marilyn Canclini	20661 Monsen Way <del>conclini</del>
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Signature	Printed Name	Address
52. <i>Susanne Rogers</i>	SUSANNE ROGERS	owner: gallery operator 120 N. Franklin St. Fort Bragg, CA
53. <i>J Koski</i>	JAY KOSKI	143 N. McPherson St Fort Bragg CA
54. <i>Susan Larsen</i>	Susan Larsen	140 OAK TERR, FB
55. <i>Jean K Cain</i>	Jean K Cain	143 1/2 N McPherson <sup>Fort Bragg</sup> CA 94931
56. <i>Vincent Koski</i>	Vincent Koski	143 N. McPherson <sup>Fort Bragg</sup>
57. <i>Edward V. Cain Jr</i>	Edward V. Cain Jr	143 1/2 N. McPherson St, FB
58. <i>Patricia M. Bell</i>	<i>Pat Bell</i>	147 N Mc Pherson
59. <i>Sarah Macy</i>	Sarah Macy	134 N McPherson St
60. <i>Elizabeth Chim</i>	Elizabeth Chim	150 N. McPherson St.
61. <del>Sarah Andrews</del>	SARAH ANDREWS	311 WASHINGTON ST APT 31
62. <i>Rebecca Minz</i>	Rebecca Minz	150 N. McPherson St.
63. <i>James Matson</i>	James Matson	248 Alder st. Fort Bragg.
64. <i>Robert VanWormer</i>	Robert VanWormer	150 N. McPherson St
65. <i>Carrie Haul</i>	Carrie Haul	155 N. McPherson St.
66. <i>Bore Garza</i>	Bore Garza	142 N. McPherson St
67. <i>Mercee Ruiz</i>	Mercee Ruiz	315 SOUTH ST
68. <i>Tresa Mays</i>	Tresa Mays	400 South. #15

**Petition Against Marijuana Dispensary/Grow Facility**  
 Southeast Corner of Franklin and Alder Street Fort Bragg, CA

This is where we live, shop, do our banking, go to the Post Office or just go for a walk downtown which is adjacent to this property. Please sign this petition if you live anywhere in the 95437 zip code and CONDUCT YOUR daily business in the city of Fort Bragg and don't believe this type of business should be permitted in our downtown business district and should be restricted to commercial industrial if within our city limits.

Printed Name	Signature	Address
James Matson	<i>James Matson</i>	248 Alder St. Fort Bragg, CA.
<i>Manuel Ornelas</i>	<i>Manuel Ornelas</i>	100 S. McPherson
MANUEL ORNELAS	<i>Manuel Ornelas</i>	200 N McPherson ST Fort Bragg CA 95437
Camec Hull	<i>Camec Hull</i>	155 N. McPherson St.
Cameron Hull	<i>Cameron Hull</i>	155 N McPherson st.
TERESA ORNELAS	<i>Teresa Ornelas</i>	300 N. McPherson ST.
ARON KNAPPEN	<i>Aron Knappen</i>	203 N HARRISON ST
Abbie Knapp	<i>Abbie Knapp</i>	203 N Harrison St.
RUBEN GONZALEZ	<i>Ruben Gonzalez</i>	210 N. McPHERSON
Amye Segura	<i>Amye Segura</i>	210 N. McPherson St.
Miguel Peen	<i>Miguel Peen</i>	210 N McPherson St
Luis Serra	<i>Luis Serra</i>	210 N McPherson ST.
ROSE GUININEZ	<i>Rose Guinez</i>	220 N McPherson St
Stu Bursen	<i>Stu Bursen</i>	300 Oak St.
Ken Nieminen	<i>Ken Nieminen</i>	543 Rwd Ave F.B.
JAY KOSKI	<i>Jay Koski</i>	143 N. McPherson F.B.
<del>Stu Bursen</del>		
Vincent Koski	<i>Vincent Koski</i>	143 N McPherson .FB

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Printed Name	Signature	Address
Greg Escher	<i>Greg Escher</i>	120 Jewett Dr./St.
Valerie Escher	<i>Valerie Escher</i>	120 Jewett St
Kathleen R. Grant	<i>Kathleen R. Grant</i>	32600 Old Willits Rd
Debbie Pearl Aguirre	<i>Debbie Pearl Aguirre</i>	32809 Hwy 20 #75 FB
JUDITH JUNG RITTER	<i>Judith Jung Ritter</i>	22161 Burrows Ranch Rd FB
Linda L. Dewey	<i>Linda L. Dewey</i>	22800 Hwy 20 #34-FB
PATRICIA L. PEARL	<i>Patricia L. Pearl</i>	20770 Peterson Ln #16.
Donna Howard	<i>Donna Howard</i>	604 S. Franklin St, F.B
Jan Vestal	<i>Janet R. Vestal</i>	Box 1524 FB CA 95437
Lisa Collette	<i>Lisa Collette</i>	201 Caples St #205 95437
Nick Patrick	<i>Nick Patrick</i>	1903 Babcock Ln Ft. Bragg
Bob Gastoni	<i>Bob Gastoni</i>	Duncan Apt.
JEFFROY S. GRANT	<i>Jeffrey S. Grant</i>	32600 OLD WILLITS RD. FORT BRAGG
Heroy Blane Pearl	<i>Carol Ann Pearl</i>	20770 Peterson Ln FB 95437
Charlotte Horne	<i>Charlotte Horne</i>	43570 Comptche Rd. Mendocino 95460
WILBERT HORNE	<i>Wilbert A. Horne</i>	43570 COMPTCHE RD MENDOCINO CA, 95460
Holly Hawkins	<i>Holly Hawkins</i>	32280 Hwy 20 Sp 6 Fort Bragg
Annette Reynold	<i>Annette Reynolds</i>	815 C Sequoia Cir F. B. Ca 95437
JEAN K Cain	<i>Jean K Cain</i>	143 1/2 N McPherson St Fort Bragg CA 95437
Edward V. Grant	<i>Edward V. Grant</i>	143 1/2 McPherson St, FB, CA



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Printed Name	Signature	Address
<del>Bob</del> & Cindy Luzzi	Cindy Luzzi	101 Ebbing Way F.B
Teresa Heitmeyer	Teresa Heitmeyer	120 EBBING way
DOUGLAS HEITMEYER	Douglas Heitmeyer	120 EBBING WAY F.B.
Kelly Fawcett	Kelly Fawcett	20200 Hansen Road. FB
Heather Brown	[Signature]	112 N CARRY ST
Josh Brown	[Signature]	112 N. Carry St.
Jenny Kubo	[Signature]	170 S. Sanderson Way
Adam Kubo	[Signature]	170 S. Sanderson Way
Angela Silva	[Signature]	1010 E. Alder St
BARRY SILVA	[Signature]	1010 E. ALDER ST
MARIA E. George	Maria E George	130 EBBING way Fort BRAGG
MARK SWIGERT	Mark Swigert	180 EBBING WAY FORT BRAGG
Debbie Swigert	Debbie Swigert	180 Ebbing Way Fort Bragg 5
GENE A. MERTLE	Gene A Mertle	170 EBBING WAY FORT BRAGG
Laurie Ackerman	Laurie Ackerman	153 S. Harrison St
LEONARD DILL	Leonard Dill	161 EBBING WAY
STEVE KENNEDY	Steve Kennedy	25071 CHARLENE DR
JOAN DILL	Joan Dill	161 EBBING WAY, F.B.
David Goble	David Goble	30161 Sherwood Rd FB
Helen Marie Rogers	Helen Marie Rogers	191 Ebbing way

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Printed Name	Signature	Address
Sally Lambeth	<i>Sally Lambeth</i>	135 S. Sanderson Way
Dale F. Botsford	<i>Dale F. Botsford</i>	100 Noyd Hts. Dr. Fort Bragg
<del>XXXXXXXXXXXXXXXXXXXX</del>	<del>XXXXXXXXXXXXXXXXXXXX</del>	<del>XXXXXXXXXXXXXXXXXXXX</del>
Lumpoon Botsford	<i>Lumpoon Botsford</i>	100 NOYD HTS DR
AARON WATSON	<i>Aaron Watson</i>	16445 FRANKLIN RD F.B.
Jill Johnson	<i>Jill Johnson</i>	31780 Johnson Ln.
KRIS STRICKLAND	<i>Kris Strickland</i>	110 MINNESOTA AVE
<del>XXXXXXXXXXXXXXXXXXXX</del>	<del>XXXXXXXXXXXXXXXXXXXX</del>	<del>XXXXXXXXXXXXXXXXXXXX</del>
Philip Lamos	<i>Philip Lamos</i>	32600 Simpson Ln
Philip Lamos	<i>Philip Lamos</i>	42525 Bolander Dr. Mendoc
Clay Birchfield	<i>Clay Birchfield</i>	521 Cypress St FB.
STANLEY E. ANDERSON	<i>Stanley E. Anderson</i>	10751 DWYER LANE, FB
Rene Miller	<i>Rene Miller</i>	32625 Simpson Lane FB
Robert Horvat	<i>Robert Horvat</i>	320 S. McPherson FB
Ronald N. Mitchell	<i>Ronald N. Mitchell</i>	31375 Airport Rd. F.B. CA.
PATRICK WARD	<i>Patrick Ward</i>	P.O. BOX 1564 F.B. CA
James Goodall	<i>James Goodall</i>	541 S Franklin ST
Werner Bietz	<i>Werner Bietz</i>	20760 Peterson Ln
Janet Coe	<i>Janet Coe</i>	PO BOX 361 F.B.
Oran Botsford	<i>Oran Botsford</i>	100 Noyd Hts F.B.

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Printed Name	Signature	Address
LESLIE PIERCE		30441 Simpson Ln. FORT BRAGG CA. 95437
Ellen E. Boring		30441 Simpson Ln Fort Bragg, CA 95437
Beverly L. Fazio		30424 SIMPSON LN FORT BRAGG CA 95437
Betty L. Mattiuzzi		30400 SIMPSON LN. Fort Bragg, CA. 95437
Dina Mattiuzzi		30400 SIMPSON LN. Fort Bragg CA. 95437
Linda Thorstrom		295 75 Shorewood FORT BRAGG, CA 95437
DAN CASTEL		425 WALL ST. FORT BRAGG CALIF 95437
JUSTIN PYLE		565 S. SANDERSON WAY FORT BRAGG CA 95437
TANESSA DELVITA		31051 Pudding Creek Road Fort Bragg, CA. 95437
CAROL SLAVIN		270 WALL ST FORT BRAGG, CA 95437
Merlyn Larson		32800 Hwy. 20. Sp. 45
Sean Ayorre		1525 S. Sanderson way FB CA 95437
Renee Bore		525 S. Sanderson way
Tara Larson		72800 Hwy. 70 #45 FB
Brenda Rossi		300 OAK ST FB
Amanda Allen		300 OAK ST Fort Bragg
Shanana Rossi		300 OAK ST FORT BRAGG
Maryann		1250 WILLOW ST FORT BRAGG
Jennifer M. Cottrell		1250 WILLOW ST. FORT BRAGG





**From:** [Peters, Sarah](#)  
**To:** [Lemos, June](#)  
**Subject:** FW: Franklin street dispensary  
**Date:** Tuesday, August 31, 2021 9:57:43 AM

---

Hi June,

Forwarding a Public Comment from Jay Koski for 9/1/21 Special City Council Meeting on Sunshine Dispensary.

Thanks,

*Sarah Peters*

Sarah Peters  
Administrative Assistant  
City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437  
Phone: 707-961-2827 ext. 111  
Email: [speters@fortbragg.com](mailto:speters@fortbragg.com)  
City's website: <http://city.fortbragg.com/>



**From:** Jay Koski <jaynscout95@gmail.com>  
**Sent:** Tuesday, August 31, 2021 9:37 AM  
**To:** Gurewitz, Heather <Hgurewitz@fortbragg.com>; Norvell, Bernie <Bnorvell2@fortbragg.com>; Peters, Lindy <LPeters2@fortbragg.com>; Morsell-Haye, Jessica <Jmorsellhay@fortbragg.com>; Albin-Smith, Tess <Talbinsmith@fortbragg.com>; Rafanan, Marcia <Mrafanan@fortbragg.com>; Miller, Tabatha <TMiller@fortbragg.com>; Peters, Sarah <SPeters@fortbragg.com>  
**Subject:** Franklin street dispensary

This letter is to be attached to the north Franklin street dispensary appeal packet for the meeting on 9/01)21. This letter is in support of the people and the planning commission in the denial of the permit being appealed, this project has already been denied three different times. Even though the projects were slightly different it doesn't matter which project it was this is not the proper place for a marijuana type of business to be established. There have been petitions with a couple of hundred signatures, there have also been many letters opposing this project. The taxpay residence of this neighborhood and others have spoke loud and clearly about how they feel about the project in this location. The only choice for you to make is denial of the permit just like the three previous times it has been denied. Also this location should not be aloud because our community development committee has still not finished establishing the new cannabis regulations for the CBD. They have been dragging their feet on this for months. This is a family neighborhood which is not a desirable location for this type of project. So please support the tax paying citizens of this neighborhood by not approving this

project. We've all lived in this neighborhood for years and I believe we should have some rights to what is put right in our back yards. This is not a bunch of people acting like nimby, (not in my back yard) this is truly a project that does not fit this neighborhood by any means.

Jay. Koski

**From:** [Heather Montgomery](#)  
**To:** [City Clerk](#)  
**Subject:** Cannabis Application at 144 N. Franklin  
**Date:** Tuesday, August 31, 2021 2:46:28 PM

---

I am writing to you today as a Fort Bragg local concerned about the ability of this county's government to come to decisions fairly and honestly on the already approved retail cannabis license at 144 N. Franklin.

For 24 years Sovereign has driven the local legal cannabis industry, supported patients and employees across the county, brought in tourism, and paved the way for every other dispensary and cultivation license in town. Sovereign has made every effort and remains compliant with all cannabis regulations, despite their ever changing and exhausting nature.

Last year the county allowed a recreational cannabis dispensary into the very same Central Business District that is being denied to Sovereign. This dispensary's location is on the main downtown road and also shares nearly the same name as the well known Fort Bragg Bakery; the allowance of such a location is in direct conflict with the reasons Sovereign has been given as to why they have been denied. The preferential treatment given to large, bank backed Southern California companies shows an obvious discrepancy in the fairness of this city's governing officials.

Some of the reasons that have been referenced in the denial are ludicrous and ignorant. There is no reason to believe that children will 'wander' into a dispensary located at 144 N. Franklin: a valid ID is required even to enter the building and there is a security guard on duty during all business hours. As with every cannabis facility, this location will be under 24 hours surveillance, operates only during business hours, and of course there is no consumption on sight, as stated in all California Cannabis regulations. All customer entrances of the building face not homes, but Franklin street; meaning that unless you drive by the front of the shop you will see signs of cannabis at all.

Unfortunately I have witnessed the bias of this city toward only a select few individuals with a personal dislike for cannabis. I too have a distaste: but for alcohol. I live a half block from the Tip Top lounge, but I feel in no way threatened or upset by the fact that there is a bar near my house, nestled in between two separate toy stores and an art based community center for special needs adults. I understand that it is in the Central Business District. I understand that they have paid for their licenses and follow all necessary regulations. I also understand that I have no right to kick out or deny a business simply because 'I don't like it'. I simply choose *not to enter an establishment that I do not patronize*.

I have worked for Brandy Moulton at Sovereign for three years. During those three years I have witnessed her tenacity, empathy, and courage in running a business in an industry that has been demonized for so long. I can say with the utmost confidence that Brandy truly loves this town and utilizes her business for as much local good as possible; she has paid off outstanding lunch debt for school children, organizes public space clean ups, supports all of her employees on a professional and personal level, and is passionate about the legalization of cannabis as an alternative to deadly prescription painkillers. So many of my own loved ones have found a better way to live with debilitating illnesses with the help of cannabis. When it all boils down, it is simply cruel that the needs of our local patients are being ignored simply



out of ignorance and personal vendetta.

As we all know, Fort Bragg is in trouble. So many storefronts in the Central Business District have been empty for months or years, turning the picturesque Franklin Street into a ghost town. Where is the sense rejecting jobs, commerce, and additional tourism to the immediate area? The amount of revenue collected from a single cannabis business in a single year greatly exceeds that of any other business. Where is the sense in denying the town of Fort Bragg the extra financial help that Sovereign would bring? Where is the sense in denying the people of Fort Bragg a safer, more accessible location for their medications? Unfortunately the luxury of having a vehicle is one that many locals here don't have.

As a local, my walk to work at the new location would lead me to shop for groceries at Purity, take my lunch at Los Gallitos, and send every curious tourist to each and every local shop within walking distance. Isn't 'keeping things local' what small towns like Fort Bragg focus on? If so, why are you okay with sending all of our cannabis tourism profits back to Southern California? Why not allow a Fort Bragg company the opportunity to keep that tourism revenue in town?

I can only hope that as elected officials you will understand that this company is a law abiding entity that has the legal right to continue with relocation. Please, do not let misinformation cloud what is a very obvious conclusion: 144 N. Franklin is zoned and appropriate for a legal cannabis dispensary, for which an application has already been approved.

Thank you,  
Make Good Choices,  
Heather Montgomery

Sovereign  
Retail Manager & Distribution Manager  
Distributor license: C11-0000020  
Retailer license: C10-0000271  
Instagram: sovereign\_707



**City Council Members:**

**8/31/2021**

I am writing this letter in regard to leasing the property at 144 N Franklin St to Sunshine Holistics.

Before considering renting this property to the dispensary, I visited the city hall several times, confirming that everything was legal, above board and acceptable to the guidelines. I checked with insurance, banking and everything I could think of. I was told there were ordinances in place and it is now legal for them to be within the city limits.

McPherson Street is residential from North to the South end. Franklin Street is commercial mixed with some houses toward the south end. I don't understand why some people on McPherson Street would be in control of a business renting a space on Franklin Street that is zoned commercial, as long as the business is within the codes and guidelines. I spoke with a neighbor near the dispensary on South Main Street (Emerald Triangle). There is a house next door and a house directly behind along with many houses on South Franklin St behind that dispensary. I didn't hear any mention of it not being compatible with the neighborhood. The dispensary on Main Street (The Bakery) has residential apartments very close by as they are upstairs in many of the neighboring buildings. That is the way our town was built.

There are people that rent properties on McPherson Street and I have never been notified of a new tenant moving in to any of the rental homes on McPherson behind 144 N Franklin St and I have never been asked if I approved of the tenant or if they affect my business in any way. The fact is, the people that own the houses have a right to rent out their home or second unit.

As far as the value of property being lowered due to a dispensary, I have not seen facts supporting that argument. I have had many people interested in the yellow house that is being remodeled next door to 144 N Franklin St. I make them aware that the dispensary is going through the permit process next door, many of them already know and I have not had negative responses. They still want to give me their information for when it is completed.

I was told that when the dispensaries were allowed to come inside the city limits they would be treated like any other retail business. Is that true? If so, will other people feel welcomed to start a business in our town?

I would like to see this decision for the permit based on codes, guidelines and facts, rather than personal views, opinions or personal interest.

Thank you,

A handwritten signature in black ink that reads "Lyndia Pyeatt". The signature is written in a cursive, flowing style.

Lyndia Pyeatt

05/07/2021

Dear John Smith/Community Development Department,

I am a local business owner and resident of Fort Bragg, I own the property located at 144 N Franklin St..

When I was approached by Sunshine Holistic to lease the building at 144 N Franklin St, my first reaction was that I would need to go to the city and see if this project would be within the city guidelines. I went to the city and asked several questions.

Is this allowed?

Should I have any concerns?

What is the procedure?

I was told that it was not only allowed but that the city was onboard with the dispensaries coming into the city limits and it appeared that there was a standard procedure to follow for the permit. There were no red flags with this project and the permit process should go smoothly.

I then called my insurance company and went over the details with them to make sure the building would be properly insured.

I called my local bank and set up a meeting to go over the plan and confirmed the banking process.

After doing my homework, feeling confident that there were no issues, I contacted Sunshine Holistic and told them that I would lease them the space.

This is a viable business joining and giving support to the other local businesses and at the same time filling a vacant building on Franklin St.

I also have a business within 1 block of this location and the upgrades and security that is in the plan for 144 N Franklin Street will be a positive addition to the surrounding area.

Thank you,

Lyndia Pyeatt

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Dear Joanna Gonzalez and the Fort Bragg Planning Commission:

I am a Fort Bragg resident writing in support of Sunshine Holistic's (DBA Sovereign) proposed plan for a cannabis business at 144 N. Franklin St. in Fort Bragg.

I am a business owner of The Floor Store which is located only one block from the proposed new location for Sovereign (Sunshine Holistic)

The security that will be installed and the well lit building will be a positive addition to the neighborhood. It will scale down on the loitering and hanging out that often occurs on that block. With many of the commercial down town buildings empty it would be a shame to add another one to the list , especially when there is a viable business willing to invest in renovating and upgrading the space.

The city has guidelines that have been approved for dispensaries to relocate into the city limits. Sovereign contributes to and supports local businesses, keeping the revenue local.

I have welcomed them by leasing them the building, just as I would any other retail business.

Thank you,

Lyndia Pyeatt

**From:** [jaelene.reyes](#)  
**To:** [City Clerk](#)  
**Date:** Tuesday, August 31, 2021 2:36:17 PM

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As as resident of Fort Bragg i live a block away from the post office. I never had any issues with a cannabis company. Soverigns should be treated as any other retail store. Lawful thing to do. Therefore I am comfortable and confident in Brandy's operation. Due to difficult times it will provide employment for over thirty people to support their families. Has significant tax revenue for our country which could redirected to the city. Not only Would help Local businesses have more people In their store. Soverigns has a compassion program that provides discounted or free products for the chronically ill who has low income. Even helps out the community by supporting Mendocino coast fund, Mendocino fire fund, Fort Bragg unified school, Autistic program they even paid it off. Theirs good people in the cannabis community.

Sent from my iPhone

**From:** [Wendy Maddux](#)  
**To:** [City Clerk](#)  
**Date:** Tuesday, August 31, 2021 2:14:45 PM

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As a long term resident of Fort Bragg I have never had any issues or concerns about living near or around the businesses of the CBD including the existing cannabis dispensary. I believe sovereign would attract tourist and locals alike , and significantly increase traffic in the CBD substantial revenue for the city . Sovereign has a strong sense of community value and has demonstrated it by supporting many local charities. I am comfortable and confident in Brandy's proposed operations. She has a proven track record for safe cannabis operations and the state has several security requirements. Lawful retail operations are lawful retail operations, the cannabis dispensary should be treated as any other retail store.

**From:** [Braden Montgomery](#)  
**To:** [City Clerk](#)  
**Subject:** Retail dispensary in the CBD  
**Date:** Tuesday, August 31, 2021 3:12:33 PM

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To whom it may concern,

This letter is in regards to Sovereign moving a retail space to 144 N Franklin St. As a person who lives in the CBD, I look forward to seeing that area being rejuvenated. Currently it's mostly transients fighting and drinking near that location. As a retail operation who is required to have security. This will deter the preexisting crime in the area not create it. If 5 bars and another dispensary can exist without trouble. There is no reason this perfectly legal business can't occupy the same spaces. Fort Bragg desperately needs jobs. Sovereign already has a large base of employees and with this new larger location. It will only create more jobs.

Thank you,  
Braden Montgomery

**From:** [bethiebot](#)  
**To:** [City Clerk](#)  
**Subject:** Sovereign move to 144 N Franklin st  
**Date:** Tuesday, August 31, 2021 2:14:39 PM

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I was born and raised in Fort Bragg. I see no problem with Sovereign moving to Franklin Street, I feel like it would bring a lot of business and tourism to our local business owners in the central business district. The owners and employees of Sovereign are good people and they are part of our community. Some say that its not in keeping with the neighborhood when that neighborhood (the central business district) has two other dispensaries and at least three bars. Sovereign has supported our community in so many ways, like paying off the delinquent school lunch fees for the entire school district supporting the struggling families in our community.



**From:** [REDACTED]  
**To:** [City Clerk](#)  
**Subject:** Sovereign Relocation: Public Comment  
**Date:** Monday, August 30, 2021 5:35:52 PM

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Monday, August 30, 2021

To Whom it may concern,

As a resident of Fort Bragg my whole life, I've always known it to be a very accepting and loving community. It has always been a place of growth, new ideas, open arms, responsible citizens, and local businesses. One of the unique charms of Fort Bragg has been centered around local businesses and the community. Sovereign, a business founded in 1997 with its roots stemming from alternative medicine in Mendocino County, should be able to relocate to a more accessible location in town. Sovereign is a well-established and trusted dispensary that caters most towards those who need cannabis in order to function without chronic pain or other health-related issues.

The cannabis industry is a business, just as any other business or industry in town. Some may say that relocating the dispensary will somehow be an eye-sore or a danger to the surrounding areas. Assuredly this is not the case, as Sovereign has always supported a more classy atmosphere in-shop and smoking isn't even legally allowed on-site at the current location. Not to mention that the city has already said that 144 N Franklin is in the appropriate zoning area for such a business. Just as any other business in town, if one isn't interested in the product they won't be forced to go inside and be a part of it. Also, a valid ID is needed to enter the store, so no minors will be inside the building at any given time.

The current location for Sovereign is less suitable, as customers and employees occasionally have to interrupt traffic in order to cross the left lane to get to the parking lot. Having Sovereign in a better location in town would make it more accessible to those that need it. Circling back to community endeavors, Sovereign is known to support local charities while also having the ability to grow and continue bringing in tourists. Cannabis is taxed quite heavily, so it would stimulate the local economy even more than it already does.

If there were any dispensary that deserves a place in town it would be Sovereign.

Thank you,  
(Anonymous if possible)

[REDACTED]

**From:** [Adam Johnson](#)  
**To:** [City Clerk](#)  
**Subject:** Soverign retail cannabis dispensary  
**Date:** Tuesday, August 31, 2021 2:23:11 PM

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I am a local resident in Fort Bragg. I live by the Franklin st project and would like to see them get the storefront . COVID-19 has been hard for everyone during this time cannabis has been helping so many people deal with this tough time. Soverign has over 30 employees who work hard during this times of covid keeping food on the table and rent paid for their families. It would be beneficial to the community in ways of employment for people. Soverign would bring tourist and locals to the central business district. They are well known all throughout the state and country with numerous high times awards and emerald cup awards. I have drove down highway 20 and seen them picking trash up and helping the homeless. They have a strong sense for this community. They deserve this location for the coast!

Thank you,  
Adam Johnson

**From:** [Daniel Ramirez](#)  
**To:** [City Clerk](#)  
**Subject:** Sunshine holistic  
**Date:** Tuesday, August 31, 2021 2:22:50 PM

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As a Fort Bragg resident. I trust that brandy Moulton of sunshine holistic cannabis retail is a great addition to the Central Business District. It could help our city grow. I have no issue with cannabis or the sales of cannabis. I'm confident that Brandy Moulton knows what she is doing and can operate a cannabis retail, safe and maintain a secure environment.

**From:** [Daniel Humphries](#)  
**To:** [City Clerk](#)  
**Subject:** The Addition of Sovereign retail outlet in downtown Fort Bragg  
**Date:** Tuesday, August 31, 2021 2:40:18 PM

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To whom it may concern

I am a young adult and a long time local of the Mendocino coast and as a working class contributing member of society it is of mine and many of the same people in my demographics opinion that there is no significant reason as to not include the addition of a centrally located cannabis retail store in the greater central business district area of downtown Fort Bragg, as it is not a neighborhood and zoned appropriately. Fort Bragg and Mendocino County, specifically, are well known for the cultivation of high grade cannabis and the various byproducts thereof and as a result is arguably one of the main contributing factors to attracting tourists to this drying up little town, which we all can agree that the revenue they generate makes up a lot of our incomes and living wages. It stands to reason that there is some local concern about children or people under the state and government allowed age that would be allowed to come and go or enter without consent or knowledge of the owners or working staff which, I can not reiterate enough is entirely not an issue as by state law it is mandatory that every single employee working is required to have active security guard training, not to mention each entrance and exit is constantly monitored by a HDCCTV monitoring system which can be used to identify all parties involved if any product were to ever fall into the wrong hands. The very same thing could be said for a liquor store or a bar or tavern, not a single patron regardless of how old they look is allowed to purchase anything without presenting a valid state ID which proves they are 21 or older. That being said, it is not without reason to address and fully acknowledge the valid issue of intoxicants potentially falling into the hands of minors, which is of course entirely unacceptable. In the greater downtown area of Fort Bragg there is already two other corporation ran dispensaries and they generate an enormous amount of revenue for the county, the addition of another one downtown would not detract or subvert any business from them and would in fact most likely end up just bringing more money in to the town and area. I would implore that you reconsider your decisions to deny this entirely local establishment that provides work and living wages to over 30 local residents and give them the opportunity to grow and flourish and be allowed to continue to do such things as endorse Adopt a Highway clean up programs, contribute to the FBUSD Autism program and pay off the delinquent school lunch fees for the whole of Fort Bragg Unified School District. It is with great respect and acknowledgement of your concerns that I ask once more to reconsider and think of the good things that most certainly will come from allowing this new establishment, and to not focus on the potential bad things that could happen.

Regards, D.D.V.H.

**From:** [Megan Arana](#)  
**To:** [City Clerk](#)  
**Subject:** My Vote Downtown Sovereign  
**Date:** Wednesday, September 1, 2021 7:32:42 AM

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To whom it may concern,

I am writing this letter on behalf of Sunshine Holistic DBA Sovereign. My name is Megan Young. I am a business owner and commercial real estate owner in Fort Bragg, CA. I have been a business owner in Mendocino County for ten years. I recently purchased [319 Franklin St.](#) In the downtown business district and am working on renovating the location to move my business into. Franklin Street needs a lot of work from motivated business owners to revamp our downtown business district. Franklin St. Currently has many commercial vacancies and run down store fronts. We need more business downtown and I can't understand why an established business would be rejected to move their business downtown. Throughout the COVID-19 pandemic Cannabis Retail stores have been deemed "essential business." Dispensary's we're able to resume operations when many other retail stores and other non essential businesses could not open. I see that as a value to our downtown. The more essential businesses the better. I believe Sovereign would attract tourists and locals and significantly increase traffic in the CBD substantial revenue for the City.

I am comfortable and confident in Brandy's proposed operations. She has a proven track record for safe cannabis operations and the State has stringent security requirements.

Brandy is a motivated business owner and Super Woman. She is extremely active in the community on a personal and professional level.

I had hoped to speak publicly on this matter but I had a preexisting obligation out of town. Please approve her application at [144 N. Franklin St.](#) so she can help our community grow!!

Sincerely,

Megan Young  
Oasis, owner  
141 Boatyard Dr.  
319 Franklin St.  
Fort Bragg, CA 95437

[Sent from Yahoo Mail for iPhone](#)

**From:** [Layla B](#)  
**To:** [City Clerk](#)  
**Subject:** Support for Sovereign Dispensary  
**Date:** Tuesday, August 31, 2021 10:55:32 PM

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My name is Layla Brown and I am a lifelong resident of the Mendocino coast and an employee at Sovereign dispensary. I want to vocalize my support for the shop's proposed move into our town's central business district to a new location on Franklin street. I have been closely following the proceedings of this and seeing what the oppositions may be. Having grown up here I believe keeping our community alive and thriving is one of the top concerns that we should have and I believe that this business is one that not only draws in business to the area from tourism, but also provides so much for our local community.

Before applying to work for Sovereign I found myself in need of their products when I was diagnosed with leukemia. The gummies I purchased there provided a huge amount of relief during my chemotherapy treatments and allowed me to be able to maintain my appetite and actually rest. Now as an employee my world has been opened up to just how many people in our community use these products for medical reasons and how much it improves quality of life for so many. The current location of Sovereign is on the side of a dangerous and busy highway where it is difficult to turn in and out. I have seen many accidents occur with cars turning in and out. By allowing the shop to be downtown it would provide access to many more people who rely on cannabis.

One of the oppositions that I have seen frequently to this proposed move is that there will be issues with minors entering the store because it is in the downtown business area. Growing up here I never accidentally wandered into a bar or a dispensary because an ID must be checked at the door. Currently there are other dispensaries in the downtown district, including one directly on main street that many in our local area have actually confused with an actual "Bakery". It is strange to me that a dispensary with such a misleading name would be allowed while Sovereign, which is well established in our community has been blocked. The central business district is also residence to multiple bars some of which are on directly the same street as our local toy store. Often patrons of the bar are out front smoking cigarettes and being openly drunk in plain view of families. In accordance of state regulation cannabis businesses can have zero consumption on site and this is backed by 24 hour surveillance as well as a body guard during all business hours.

Finding a job during the Covid-19 crisis that is a safe and sustainable place to be employed has been difficult and Sovereign has provided me and many others with the income it takes to be able to live here and support our families and local economy.

Brandy Moulton the business owner of Sovereign has proven that she is a reliable and trustworthy business owner in our community and she continues to find ways to give back through the business. On my daily drive from Westport to Fort Bragg I see the "Adopt a Highway" sign where Sovereign supports highway 1 in the area that runs through Cleone. My family has even been personally affected by the kindness of this business when we were notified Sovereign had paid for the outstanding lunch bill of my younger brother and many other students at our local public schools. Since working here I have participated in community trash clean ups through the company and led by Brandy. It is ridiculous to me that our city has been so biased and short sighted that we have allowed other dispensaries with their companies tied to Southern California and out of town owners that have no ties or cares for our small town and its residents, many of which instead of providing much needed employment to locals have brought in managers and employees from out of the area.

I have no doubt that this business will continue to give back if we as a community can push for what is right and allow approval for the new location.

Please consider allowing this business to continue to grow and improve the lives of the people in our community.

To: City of Fort Bragg

From: Karen Deitz

Date: September 1, 2021

Re: Public Comment for MUP 1-21 Appeal

I am a long-time resident of Fort Bragg. Although, I do not live in Fort Bragg's downtown core, I frequently visit the Central Business District to shop at Purity, access the Post Office, and visit the Community First Credit Union at the intersection of Franklin and Alder Streets. During these visits I pass by the former Floor Store location at 144 N. Franklin Street.

In the past month, I observed a public hearing notice in the window concerning a proposed cannabis dispensary and minor use permit, MUP 1-21. Because I do not live in the immediate vicinity of 144 N Franklin Street, I did not receive any mailed notices about MUP 1-21. I have learned that the City Council meeting tonight is the last hearing about this project but there had been several prior meetings concerning MUP 1-21. I never observed any notices for those meetings in the windows of 144 N. Franklin Street during any of my frequent visits and did not participate in any of those prior meetings to share my views about this project.

Shouldn't the notices for these prior meeting have been posted in the window just like the current notice? If not, how are people like me who don't live nearby but frequently visit the site supposed to know that this is even being considered let alone know to participate in the meetings about this project? This doesn't seem right and I am concerned that the public was not made aware of this project that is being considered during the Covid-19 pandemic and that the appeal hearing tonight is too late to have the opportunity to effectively influence the outcome of MUP 1-21 since the more detailed discussion happened at the prior meetings not this more limited appeal. Shouldn't people like me have had the opportunity to speak before the Planning Commission too? Please consider this as you evaluate what to do about the current appeal.

Sincerely,

A handwritten signature in black ink that reads "Karen Deitz". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.

Karen Deitz



**From:** [Pat Bell](#)  
**To:** [Lemos, June](#)  
**Subject:** Appeal of Planning Commission decision  
**Date:** Wednesday, September 1, 2021 10:36:34 AM

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I am asking the City Council to uphold the Planning Committee's decision to reject Sovereign's permit to establish a cannabis dispensary with delivery at 144 North Franklin Street. I live less than 30' from this building. This cash only business is a threat to our safety and our quality of life. This is a neighborhood of families with young children and individuals who have invested time and money in their homes. This is quite simply not the location for a cannabis dispensary. The increased traffic and noise in an already busy neighborhood will negatively affect the character of our neighborhood.

Please support the vast majority of neighbors whose lives will be directly affected by your decision. We do not want this business in our neighborhood. Sovereign has other options in relocating their business while we do not.

Thank you.

Patricia Bell

147 North McPherson Street

Sent from my iPad

**From:** [Jacob Patterson](#)  
**To:** [Lemos, June](#); [Munoz, Cristal](#)  
**Cc:** [O'Neal, Chantell](#); [Gurewitz, Heather](#); [Miller, Tabatha](#)  
**Subject:** Public Comment -- 9/1/21 Special City Council Meeting for MUP 1-21  
**Date:** Wednesday, September 1, 2021 1:36:51 PM

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City Council,

I am happy to declare this under penalty of perjury (although I don't believe the concept of perjury technically applies to City Council appeal hearings) that, to the best of my knowledge, the following is true and correct. My knowledge of the site conditions is based on personal observations obtained during visits to and inspections of the project site at 144 N. Franklin Street and the associated addresses for the two other buildings on the property.

The Notice of Pending Permit, which the applicant claims was posted in February but was not actually posted where she states, at least not for the period of time alleged in the signed statements submitted with her appeal. I am comfortable attesting to this because I personally visited this site and inspected all of the windows and doors, including the rear windows facing the parking area and the windows and doors on the other rear building closest to the alley, and no notices were ever posted in any location during the time this permit application was being processed beginning in February 2021 until after the issue of notices was raised at the Planning Commission appeal hearing on June 23, 2021. (That is, from early December 2020 through the present, although this second MUP application was filed in February 2021 so the earlier time period covered the first MUP application as well.) In fact, the only notice that had been posted anywhere on the project site prior to July 23, 2021, was posted for the prior similar MUP application in the western-facing window next to the main entrance that the applicant/appellant claims was posted there for several months. I observed that notice posted there for several months but it was taken down when the appeal for that different application was complete and the permits were effectively denied by the City Council on January 25, 2021 (technically through two failed motions so the Planning Commission decision to deny the permit remained in place). I personally inspected these windows and there was never another Notice of Pending Permit posted for the second MUP application.

Prior to the notice for this appeal by the applicant to the City Council that was posted on the window in both English and Spanish on July 23, 2021, there were never any notices posted in that location or in any other location for this second application for MUP 1-21. I can confidently affirm that is the case because I visit this site on a near daily basis when I pick up mail from my PO Box at the post office across the street and I take the time to inspect this site for notices. (I stopped doing this as diligently only after the notice for the current appeal hearing was posted in the window, affixed to the inside of the glass and only accessible from the interior of the building, which was also the case for the Notice of Pending Permit that was posted for the first application.) City staff acknowledge in tonight's staff report that the Notice of Public Hearing for the appeal of the administrative decision to the Planning Commission was never posted on the site.

On a different matter, I also want to attest that the letter from the applicant's attorney includes several material misstatements of alleged facts, on which they base some of their allegations of improper bias during the prior Planning Commission hearing. Namely, I do not share a household with Commissioner Roberts, who is my mother and landlord. I am her tenant and live in a completely separate household without commingled household finances. Further, Commissioner Roberts lives in a different non-attached house than I do, with a different street

address.

Regards,

A handwritten signature in black ink, appearing to read 'J.R. Patterson'. The signature is stylized with a large, looped initial 'J' and a series of overlapping loops for the 'R' and 'P'.

Jacob R. Patterson

**From:** [Jacob Patterson](#)  
**Subject:** MUP 1-21, Purpose of Minor Use Permits and Focus of the Review  
**Date:** Wednesday, September 1, 2021 2:19:56 PM

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City Council,

I want to highlight some language from the City's ILUDC that was emphasized by the Planning Commission during their review of MUP 1-21. Commissioner Roberts first quoted it but it was Commissioner Rogers who emphasized its importance relating to how persuasive the concerns from the neighbors were in light of the direction this section of the ILUDC was for the Planning Commission. Since this discussion is not reflected in the minutes and it wasn't discussed in tonight's staff report, I thought I should send it in for your consideration as well. I believe this is critical to keep this in mind as you consider the issues tonight.

Regards,

--Jacob

## 18.71.060 - Use Permit and Minor Use Permit



**A. Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

**From:** [Jacob Patterson](#)  
**To:** [Lemos, June](#)  
**Subject:** One more, the last written comment for MUP 1-21  
**Date:** Wednesday, September 1, 2021 4:28:07 PM  
**Attachments:** [final comment re MUP 1-21.pdf](#)

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June,

The attached narrative is what I planned to say during oral comments tonight but I thought I should submit it because it is probably too long for my allotted time.

Thanks,

--Jacob

## **THIS ENTITLEMENT REVIEW PROCESS HAS BEEN TAINTED BY BIAS:**

One thing on which I agree with the applicant's attorney is that this entitlement review has been tainted by clear bias, although not for the reasons she suggests. Instead, it has been clearly biased in the applicant's favor and against any opposition to this project. City staff continue to undermine the Planning Commission and even the City Attorney's prior advice. The process was manipulated, including staff emailing the Planning Commissioners prior to the initial public hearing date telling them they did not need to attend because the meeting because it couldn't proceed due to inadequate notice and then their absence and lack of a quorum was used as an excuse to send the initial review authority back to a staff-level administrative hearing. Moreover, although Chair Logan and Commissioner Roberts did not actually express any bias against the applicant in their communications to the City Council attached to the letter from the applicant's attorney, which are about the prior minor use permit application and not MUP 1-21, I believe Councilmember Lindy Peters should recuse himself from this matter because of his wife's employment as the Administrative Assistant for the Community Development Department, a position which is directly involved in the noticing for this project as well as preparing the Planning Commission resolution. The notices and the accuracy of the resolution are both at issue in this appeal and he can hardly be considered impartial or unbiased if he is asked to evaluate whether or not the notices and resolution were prepared appropriately. This presents an unacceptable perception of bias and his participation is not legally required in order to retain a quorum of the City Council members present and able to hear this matter without apparent or potential conflicts-of-interest.

## **THE STAFF REPORT'S REFERENCE TO USE PERMIT 1-18 AND THE OTHER DISPENSARY IS A RED HERRING THAT SHOULD BE DISREGARDED:**

The discussion about Use Permit 1-18 actually supports why this appeal should not be successful rather than providing a basis to approve the requested permits. That use permit is in a completely different location in the heart of the commercial core of the CBD with limited exposure to nearby residential uses. This location is entirely different and is primarily a historic single-family residential neighborhood with very different building configurations. Moreover, those single-family homes were not constructed in the CBD and those residents did not all move to the CBD, the CBD came to those properties when the City rezoned the property thinking the commercial core might expand eastward due to hope-for but never-realized growth. That was a mistake and the historic uses in this small corner of the CBD remain primarily a residential neighborhood where bars, restaurants, and dispensaries are probably inappropriate and incompatible unlike in other areas within the CBD. The project under consideration with Use Permit 1-18 actually addressed the neighbors' concerns by incorporating significant special conditions to mitigate the impacts to allow the City to be able to approve it because of those special conditions that addressed the neighbor's concerns enough to justify making the required finding re compatibility. The Bakery cannabis dispensary on Main Street is easily distinguishable from this proposal. The upstairs apartments over store fronts are very different types of residential uses in a very different location in the

CBD, also in the heart of the commercial core. Moreover, those neighbors did not object to that proposal despite having the opportunity to do so. If those residents did not express concerns, why would the City find any reason to be concerned about the proximity of that different dispensary to those different residences? Here the neighbors have expressed numerous particular concerns, including the fundamental incompatibility of having to live what remains illegal activity under federal law. Just because something is legal locally and in California does not mean we have a right to impose federally-illegal businesses on residents in quiet, single-family homes and small multi-unit properties across the alley without a buffer and without any special conditions that even attempt to address their concerns.

### **INNACCURACIES IN THE LETTER FROM THE APPLICANT'S ATTORNEY UNDERMINE THEIR POSITIONS AND ARGUMENTS:**

In my opinion, the letter from the attorney of the applicant/appellant is rife with misstatements and internal contradictions. For example, the entitlement review history is incorrect because it asserts this permit should have been considered by the CDC (presumably the Community Development Committee) but that committee does not hear permit reviews. The City established the following review authority for Minor Use Permits: the Community Development Director, followed by the Planning Commission if appealed, followed by the City Council if appealed (although the Community development Director can elevate any MUP directly to the Planning Commission as he originally intended to do). The various hearings that are alleged to have been appropriate in the applicant's letter are incorrect (again, fictional hearings before the CDC are cited) and the notices for these fictitious hearings are alleged to have been posted on the site and otherwise properly noticed. These inaccurate statements undermine the credibility of the applicant's claims. The letter goes on to claim that the notice for the June 23, 2021 appeal hearing was properly noticed and posted on the project site and cites the affidavits as proof of this erroneous claim. These notices are distinct notices and the City staff report for this appeal hearing before the City Council affirmatively establishes that the notice for the June 23, 2021 appeal hearing was not posted on the project site. In fact, the applicant's letter earlier establishes that City staff did not notify the applicant of the requirement to post these notices but then contradicts this statement by asserting that the same notices they were not notified were required were somehow posted anyway. These internal contradictions in the letter from the applicant's attorney further undermine the credibility of the claims.

### **RENEWAL OF PRIOR OBJECTIONS AND SUBSEQUENT BUT SUBSTANTIALLY SIMILAR OBJECTIONS BASED ON NEW FACTS AND CIRCUMSTANCES:**

If this project is approved, the City Council would be abusing its discretion by attempting to rely on the cited categorical exemption for the same reasons listed in prior written public comments at earlier review stages. All prior objections to the potential approval of MUP 1-21 are hereby incorporated by reference as if written herein and all such objections are renewed and updated with all relevant facts that have occurred since the objections were originally raised at earlier stages in this entitlement review.

**From:** [Malcolm Smith](#)  
**To:** [City Clerk](#)  
**Subject:** Support for Sovereign Dispensary Application  
**Date:** Wednesday, September 1, 2021 6:08:47 PM

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Hi there,

I would like to throw my full support behind the application submitted by the Sovereign Dispensary. They are a super respectful company and the owners and employees are some of the nicest people with the neighborhoods best interests at heart.

The city staff fully supports the application!

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**Malcolm Smith**  
Chemical Engineer - Entrepreneur  
**M:** 612-889-4049