

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#)
Cc: [Miller, Tabatha](#); [McCormick, Sarah](#)
Subject: Cannabis Retail Moratorium Agenda Item
Date: Friday, September 24, 2021 11:45:56 AM

City Council and staff,

Please consider the following when you review the proposed cannabis retail moratorium on Monday's agenda. While I certainly understand how the City came to the conclusion that we defaulted to the state's 600 foot buffer rules because we deleted any reference to the buffers from the ordinance so it is silent concerning the default buffers, I do not agree that is definitely the case. Since the adopted ordinance is technically silent on this issue, it would look like the state's default rules apply because the City did not explicitly adopt a smaller buffer area around the child-oriented uses. However, when an ordinance is silent on an issue, you can sometimes look to the legislative history to help interpret it. In this case, a strong argument could be made that we should "read in" a reduced buffer zone of zero feet as an implied component of the City's ordinance because it doesn't make sense in light of the whole ordinance nor reflect the clear intent of the Planning Commission's recommendations and City Council decision when the cannabis retail ordinance was adopted.

Moreover, the fact that The Bakery cannabis dispensary was permitted by the City on Main Street, which is within 600 feet of the old gym where weekly skate night happens--no reasonable definition or interpretation of "youth center" would exclude the old gym rec center--and literally right next door to the Noyo Center's downtown facility, also arguably a youth center, clearly shows that the City's intent by deleting the state default language of a 600-foot buffer zone around youth centers (etc.) was to adopt a smaller buffer area of zero feet from a youth center. Would it have been better ordinance drafting to explicitly include a buffer zone that is less than 600 feet? Absolutely and that is probably what should happen with any updates to the existing code language (perhaps more than zero but less than 600 feet) but that doesn't mean that the interpretation that is being presented in the staff report for Monday's agenda item is the only possible legal interpretation of our current situation. I actually submitted a public comment during the review process for MUP 1-21 (the recently denied cannabis retail application) that listed various rules of statutory interpretation that discuss these issues in detail concerning the MUP findings but those statutory interpretation rules/doctrines also apply to this situation and the legislative history is very clear that the City's intent was not to default to the state's default buffers of 600 feet and instead deal with compatibility issues on a case-by-case basis through the MUP review process. In short, although I have no issue with imposing this moratorium, it isn't clearly necessary and we can still process changes to our commercial cannabis regulations while processing applications. Applicants should be told that their results are not guaranteed and they are proceeding at their own risk, but that is always the case for discretionary permits, including use permits and minor use permits. The only certainty that can be provided to applicants at the start of an application is when a use is permitted by right or explicitly prohibited--technically, even then, you could still have minor exceptions and uncertain outcomes as happened with the formula businesses and the new regulations that could change the result for the Dollar General application for S. Franklin at Maple.

Regards,

--Jacob


September 23, 2021

RE: Urgency Ordinance No. 972-2021

Dear Mayor Norvell and Members of the Council,

I'm writing you today regarding the Urgency Ordinance to place a Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Area. I urge you to exclude the Commercial General Zoning District from the moratorium. Perfect Union has submitted an application for a retail dispensary in the Commercial General District that meets all requirements of our current city code. There are no schools, day cares, or youth centers within 600 feet of their building. The youth center zoning buffer and definition are clearly defined by the State of California. The Council should not impede a business that will bring tax revenue and community funding into the City of Fort Bragg that is abiding by the State's laws. Please exclude the Commercial General District from the moratorium and allow Perfect Union's application to not only be processed but licensed. Thank you.

Sincerely,

DocuSigned by:

Feddali David

September 23, 2021

RE: Urgency Ordinance No. 972-2021

Dear Mayor Norvell and Members of the Council,

I'm writing I regards to Urgency Ordinance to place a Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Area. I am asking you to exclude the Commercial General Zoning District from the moratorium. Perfect Union has submitted an application for a retail dispensary in the Commercial General District that meets all requirements of our current city code. There are no schools, day cares, or youth centers within 600 feet of their building. The youth center zoning buffer and definition are clearly defined by the State of California. The Council should not impede a business that will bring tax revenue and community funding into the City of Fort Bragg that is abiding by the State's laws. Please exclude the Commercial General District from the moratorium and allow Perfect Union's application to not only be processed but licensed. Thank you.

Warmest regards,

DocuSigned by:
Lorrie Jean Glover 
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Lorrie Glover

From: [Chelsea Haskins](#)
To: [Lemos, June](#)
Subject: City Council Hearing 9/27/2021
Date: Friday, September 24, 2021 10:04:32 AM

Good morning Ms. Lemos,

I have two questions regarding the City Council Hearing on Monday.

1. I have a map that I would like to share screen if possible, would that be something I could do while making public comment?

2. Myself and two of my colleagues will be making public comment on item number 8A. We are hoping we can be selected to speak in sequential order if at all possible, otherwise we'll go in the order that is called as preferred. The sequential order would be:
 1. Angelica Sanchez
 2. Chelsea Haskins
 3. Arturo Sanchez

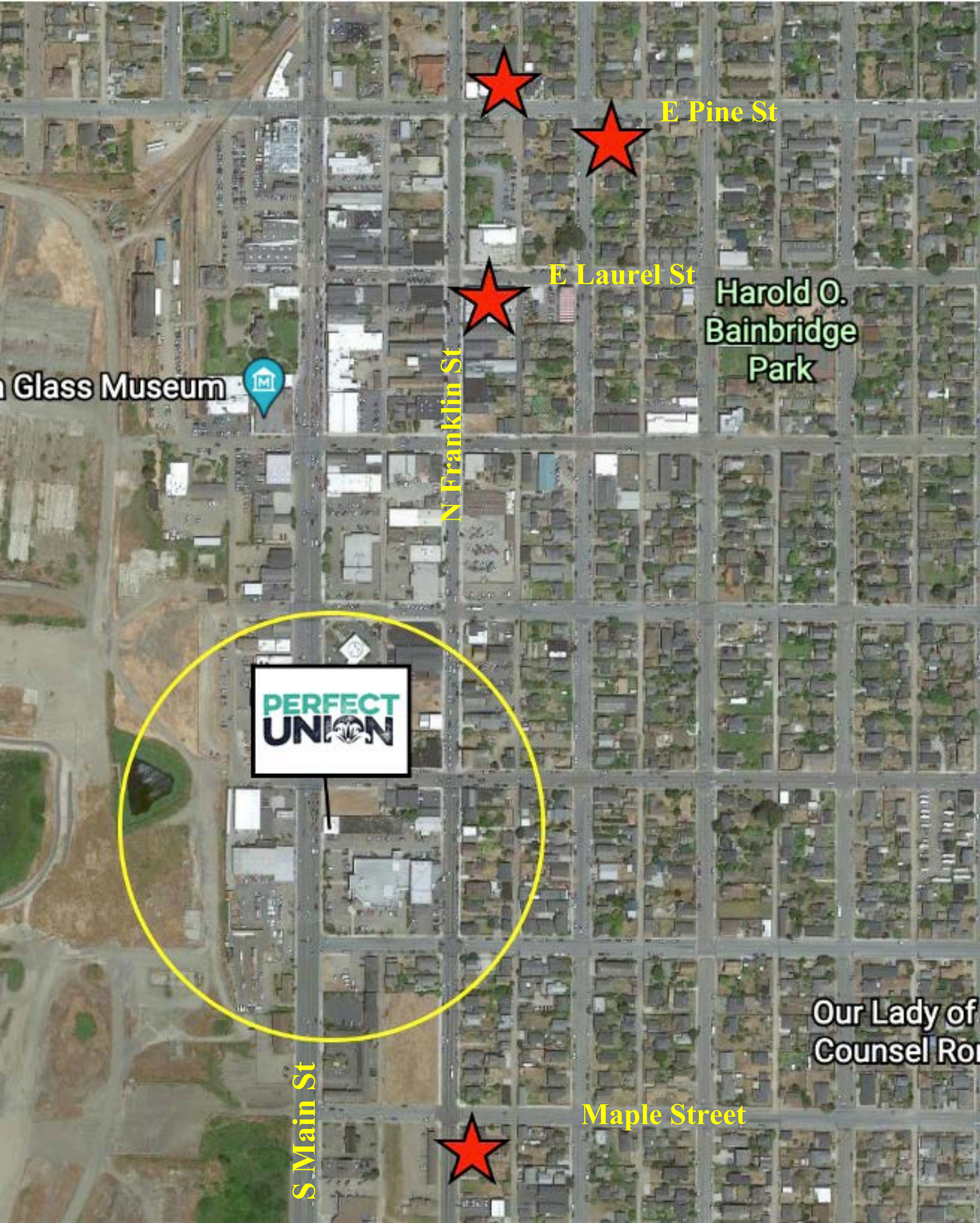
Thank you so much for your time!

Kind regards,

Chelsea Haskins
Director of State and Local Licensing
C. 805-441-5014



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E Pine St

E Laurel St

Harold O.
Bainbridge
Park

Glass Museum



N Franklin St



Our Lady of
Counsel R...

Maple Street

S Main St

September 27, 2021

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

Fort Bragg City Council,

I'd like to start by introducing ourselves, Perfect Union is a highly experienced operator that successfully operates eleven (11) dispensaries throughout the State of California. We currently employ more than 250 people and ensure that each employee is paid a living wage along with employment benefits such as medical insurance, dental insurance, paid vacation, and retirement through our longstanding partnership with the United Food and Commercial Workers Union ("UFCW"). For more than eleven (11) years, we have set the standard for excellence in the cannabis industry. We have the knowledge and experience to operate a world-class retail storefront that honors, respects, and contributes to the communities we serve.

We have for several months been negotiating and developing plans to open and operate a Dispensary in the General Commercial District Zone of the Inland Zoning Area. As an operator who respects quality of life, public safety, and the health of vibrant commercial districts we took great pains to identify and secure an appropriate property in which to place our Dispensary. After several months, we were able to identify a property that we believe meets and exceeds standards set for by the City at 112 S. Main Street, and have submitted an application for review and approval. 112 S. Main Street (formerly Redwood City Liquors) is located in the General Commercial District and fits all of the requirements stated in the City's ordinance. It is ideally situated away from residential homes, more than 1000 feet from youth-oriented services (1,559 feet away from the City Hall Gymnasium) and meets all of the City's sensitive use requirements.

We are excited and eager to proceed with our application and were deeply concerned to learn that the City Council is considering placing a moratorium on Applications and Permits for Cannabis Dispensaries in the Inland Zoning Area. We know how difficult it must be to balance the myriad of interests that exist in the City and we can appreciate why the City may need to consider a Moratorium, but **we hope the Council will consider a simple modification that would allow both our application and the moratorium to move forward.** To that end we request that the Moratorium be amended as follows:

1. Exempt, process, and license applications that have already been submitted in the Inland Zoning Areas from the moratorium;
2. Continue to accept and process applications that are located within the General Commercial Zone of the Inland Zoning Area.

We believe these proposed changes will limit saturation of cannabis retail businesses, address community concerns, and ensure a thriving local economy in the City of Fort Bragg. Please do not hesitate to reach out with any questions or concerns to Angelica Sanchez at Angelica@perfect-union.com.

Respectfully,

Angelica Sanchez
Director, Government Affairs & Compliance
Perfect Union