



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, July 14, 2021

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLEASE TAKE NOTICE

This Planning Commission meeting is presented virtually via Zoom. The Governor's executive Orders N-25-20, N-29-20, and N-08-21 suspend certain requirements of the Brown Act. Planning Commissioners and staff will participate by video conference.

The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made by joining the Zoom video conference and using the Raise Hand feature when the Chair or Acting Chair calls for public comment. Any written public comments received after agenda publication will be forwarded to the Commissioners as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to Sarah Peters, speters@fortbragg.com.

ZOOM WEBINAR INVITATION

You are invited to a Zoom webinar.

When: Jul 14, 2021 06:00 PM Pacific Time (US and Canada)

Topic: Planning Commission

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85059567654>

Or Telephone:

*US: +1 253 215 8782 or +1 720 707 2699 (*6 mute/unmute, *9 raise hand)*

Webinar ID: 850 5956 7654

TO SPEAK DURING PUBLIC COMMENT PORTIONS OF THE AGENDA VIA ZOOM, PLEASE JOIN THE MEETING AND USE THE RAISE HAND FEATURE WHEN THE CHAIR OR ACTING CHAIR CALLS FOR PUBLIC COMMENT ON THE ITEM YOU WISH TO ADDRESS.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

MANNER OF ADDRESSING THE PLANNING COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3)

minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

4A [21-348](#) Receive and File Minutes of the June 23, 2021 Planning Commission Meeting

Attachments: [Minutes of the June 23, 2021](#)

4B [21-338](#) Adopt Resolution Denying MUP 1-21 for Cannabis Dispensary at 144 N Franklin Street

Attachments: [Denial Resolution MUP 1-21](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

7. CONDUCT OF BUSINESS

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on July 9, 2021.

Sarah Peters
Administrative Assistant, Community Development Department

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 21-348

Agenda Date: 7/14/2021

Version: 1

Status: Consent Agenda

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4A

Receive and File Minutes of the June 23, 2021 Planning Commission Meeting



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Meeting Minutes Planning Commission

Wednesday, June 23, 2021

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Chair Jeremy Logan, Vice Chair Jay Andreis, Commissioner Stan Miklose, Commissioner Michelle Roberts, and Commissioner Nancy Rogers

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

2. STAFF COMMENTS

Assistant Director O'Neal summarized upcoming events: a Rural Recreation and Tourism grant scoping session on June 30, the Annual Fireworks event on July 3, and a Volunteer Clean-up event on July 4. She also gave updates on the former Grey Whale Inn code compliance status and the Formula Business ordinance.

3. MATTERS FROM COMMISSIONERS

Commissioner Roberts mentioned the Hospital's 50th Anniversary Celebration on June 27. Vice Chair Andreis requested and was provided the Street Safety Survey website address.

4. CONSENT CALENDAR

A motion was made by Commissioner Miklose, seconded by Commissioner Rogers, that the items on the Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Chair Logan, Vice Chair Andreis, Commissioner Miklose, Commissioner Roberts and Commissioner Rogers

4A. [21-311](#) June 2, 2021 Meeting Minutes

4B. [21-316](#) June 9, 2021 Minutes

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None

6. PUBLIC HEARINGS

- 6A. [21-294](#) Receive Report, Conduct Public Hearing and Consider Adoption of a Resolution Approving Application for Use Permit 2-21 to Change the Primary Use of 237 E. Alder to Single Family Residential.

Chair Logan opened the Public Hearing at 6:12 P.M.

Associate Planner Gurewitz presented the prepared report on the application to change the primary use of 237 E. Alder to Single Family Residential. There were no immediate questions for staff. Chair Logan called for public comment. There were none. Commissioners then asked clarifying questions related to the existing fence; setback requirements related to potential further property development; purpose of this process for the project; and differences in tax rates between commercial and residential properties.

Chair Logan closed the Public Hearing at 6:29 P.M.

DISCUSSION:

Under deliberation, Commissioners discussed a concern about Applicant's building being approved as Residential, while also qualifying for Central Business District requirements which have less stringent coverage and setback requirements.

A motion was made by Commissioner Rogers, seconded by Commissioner Roberts, that this Planning Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Chair Logan, Vice Chair Andreis, Commissioner Miklose, Commissioner Roberts and Commissioner Rogers

Enactment No: RES PC09-2021

- 6B. [21-305](#) Receive Report, Conduct Public Hearing of Appeal and Consider Adoption of Resolution Affirming Approval of Minor Use Permit MUP 1-21 for Sunshine Cannabis Dispensary

Commissioner Andreis recused himself from the matter due to the proximity of his residence to the project. Commissioner Miklose recused himself due to the proximity of his business to the project. Commissioners Andreis and Miklose left the meeting and Chair Logan opened the Public Hearing at 6:37 P.M.

Associate Planner Gurewitz presented the prepared report on the appeal of the Minor Use Permit for Sunshine Cannabis Dispensary and Commissioners asked clarifying questions of Staff. Appellants addressed the Commission with arguments for why the project should not be permitted. Appellants who spoke were:

- *Gene Myrtle
- *Jay Koski
- *Patricia Bell
- *Jacob Patterson (on behalf of the appellants)
- *Jim Matson

Applicant Brandy Moulton addressed the Commission with responses to questions and concerns.

Public Comment:

- *Theresa Heitmeyer
- *Gabriel Quinn Maroney - via Zoom
- *Andrew Jordan - via Zoom
- *Simeon Evans - via Zoom

Appellant Jay Koski gave a rebuttal to applicants' statements. Jacob Patterson also gave a rebuttal on behalf of appellant group. Following that, Commissioners asked clarifying questions of Staff and Applicant.

Chair Logan closed the Public Hearing at 7:58 P.M.

Discussion:

Commissioners' deliberation included legality and uniqueness of cannabis as a retail business; incompatibility with character of mixed use neighborhood; potential for increase in traffic; safety concerns related to traffic and lighting; concerns about proximity to residences; neighbors' unhappiness with project in their neighborhood; concerns about potential for improper use of accessory buildings; and insufficient evidence that the required notice for the Administrative Hearing was properly posted at the property.

This was referred to staff to draft a Planning Resolution Denying the Project and Upholding the Appeal.

Enactment No:

7. CONDUCT OF BUSINESS

None.

ADJOURNMENT

Chair Logan closed the meeting at 9:11 P.M.

Jeremy Logan, Chair

Sarah Peters, Administrative Assistant

IMAGED (_____)



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Text File

File Number: 21-338

Agenda Date: 7/14/2021

Version: 1

Status: Consent Agenda

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number: 4B

Adopt Resolution Denying MUP 1-21 for Cannabis Dispensary at 144 N Franklin Street

RESOLUTION NO. *PC _-2021*

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

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

Establish a cannabis dispensary.

On that certain property described as follows:

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

WHEREAS, the Planning Commission upon holding the hearing on June 23, 2021 determined that there was not sufficient evidence that the required noticing for the initial administrative hearing was properly posted at the property; and

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

WHEREAS, the public hearing included evidence establishing the following:

1. The project consists of a request to establish a cannabis dispensary.
2. Appropriate findings for approval of Minor Use Permit are as follows:
 - a. The proposed use is consistent with the General Plan and any applicable specific plan;
 - b. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
 - c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
 - d. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be

materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

- e. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).
- f. The proposed use complies with the Specific Land Use Standards for Cannabis Retail Business in Section 18.42.057
- g. The proposed use complies with Municipal Code Section 9.30 Cannabis Businesses

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

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

The proposed use of cannabis retail dispensary is consistent with the following applicable elements of the City of Fort Bragg's Inland General Plan.

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

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

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

The proposed use is not compatible with the existing and future land uses because testimony presented by the appellant and the neighbors provide evidence of a mixed-use neighborhood making it incompatible with the residential properties primarily adjacent to the site.

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

The operating plan is not sufficient to ensure that the business will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district and is therefore not allowable.

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

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

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

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

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

The proposed Cannabis Retail Dispensary has been reviewed by the Fort Bragg Police Department and the Community Development Department and it has been determined that the proposed project complies with Municipal Code Section 9.30 Cannabis Businesses.

NOW, THEREFORE, BE IT RESOLVED that pursuant of all the evidence presented on June 23, 2021, both oral and documentary, and further based on the findings, Minor Use Permit 1-21 is denied subject to the provisions of the City of Fort Bragg Municipal Code Title 18 Inland Land Use Development Code.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of July 2021, by the following vote:

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

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant