

Gonzalez, Joanna

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, March 22, 2021 2:22 PM
To: Norvell, Bernie; Morsell-Haye, Jessica
Cc: Gonzalez, Joanna
Subject: Re: Some comments about the revised draft cannabis ordinances

I have an additional comment concerning the Use Permit / Minor Use Permit distinction. It is assumed that CEQA will be performed on a project-by-project basis for commercial cannabis projects. That is baked into the assumptions presented in the staff reports for this draft ordinance. Please note the following from the City's ILUDC:

"18.71.060 - Use Permit and Minor Use Permit

...

2. Minor Use Permits. Minor Use Permits shall be approved or disapproved by the Director.
 - a. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.
 - b. A Minor Use Permit application shall only be issued if there is evidence that the project is eligible for a California Environmental Quality Act (CEQA) exemption in compliance with State law and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring). **Projects that are otherwise eligible for a Minor Use Permit, but are not eligible for a CEQA exemption, shall be processed as a Use Permit.**"

This means that all MUPs that involve CEQA analysis rather than a categorical exemption will necessarily be processed as Use Permits and require a public hearing before the Planning Commission. However, based on staff work for the most recent cannabis permit application, staff may try to apply a categorical exemption, which would keep those at the MUP level and avoid a public hearing altogether. Let's avoid the situation where shortcutting the CEQA review is incentivized and just require normal use permits for commercial cannabis projects in the CBD.

On Mon, Mar 22, 2021 at 10:51 AM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
Bernie and Jessica,

You should probably move this items along to the Planning Commission soon so the City can meet the deadlines for this project to be exempt from CEQA review or be prepared to fund a full EIR for the ordinance. More rounds of CDC discussion, which isn't necessary for an ordinance like this, could delay this a lot and the Planning Commission will likely need several meetings for their review process, which is required before it can go to the City Council for the first and second readings.

The revisions are still too permissive concerning the CBD and should be tightened up because they actually increase ambiguity in some instances rather than reducing it. Nursery cultivation is too big at 500 square feet, and should be limited to 100 square feet rather than 500 square feet, in line with your discussion last time (at least within the CBD). Any commercial cannabis permit in the CBD should either require a full Use Permit or

at least preclude a staff-level approval without a public hearing. The current use table doesn't do that and there are significant fees that any concerned neighbor or business owner would potentially need to pay in order to have a public review process. That shouldn't be the case for proposals in the CBD involving anything more than cannabis retail without more intense accessory uses. Anything with a cultivation, manufacturing, or processing accessory use in the CBD should require a Use Permit reviewed and approved by the Planning Commission rather than a staff-level review that is available for a Minor Use Permit. We need a transparent public process for all more complex cannabis business proposals in the CBD.

On a different note, I think the limitations in General Commercial are too strict and should be relaxed to permit more commercial cannabis activity in that zone. Retail is changing and we probably don't need all of the general commercial zoning we have in the City. It should either be considered for offices and light industrial uses or the use table for General Commercial should allow larger cannabis businesses with a broader mix of potentially permitted uses. Specifically, the size limits on some uses are too small in General Commercial and should be expanded. We should also prohibit conversion of residential structure within commercial zoning districts into cultivation operations and require such uses to happen in existing commercial or industrial buildings, new buildings, or accessory structures. We need that restriction to protect potential housing from conversion into grow houses. That said, cannabis cultivation should probably be permitted in the General Commercial zoning district, not just in Industrial Zoning. (I wouldn't permit it in any other commercial zoning districts except as an accessory use to cannabis retail in the Highway Visitor Commercial zoning district.

The structure of the use tables is problematic and should be revised to improve clarity. For example, all use types should have a row in all use tables even if that use is not permitted in the particular zoning districts (i.e., something shouldn't only be listed in the Industrial district use table and should also have a line in the residential and commercial zoning use tables even if it is not permitted in any of those other zoning districts. The lines for uses that are only permitted as accessory uses to cannabis retail should be removed or moved to indented subentries under the primary use or cannabis retail. Including them even with a footnote indicating that restriction in the use tables for zoning districts that don't permit those uses as primary uses was a major contributor to the confusion about the use tables discussed at your last meeting.

We should consider removing the prohibition on outdoor cultivation in residential zoning districts to discourage the damage to our housing stock due to indoor grow rooms or explicitly permit it in residential accessory structures like greenhouses (at least 100% natural light greenhouses). That requires an amendment to Chapter 9.32, which also has issues with incorrect references and section numbering errors that should be corrected as well.

Regards,

--Jacob

Gonzalez, Joanna

From: Jay Koski <jaynscout95@gmail.com>
Sent: Monday, March 22, 2021 5:43 PM
To: Gonzalez, Joanna
Subject: Community development meeting

This letter is to be read during public comment at the community development meeting on Tuesday March 23rd. Once again staff has not listened to or paid attention to the meetings she is supposed to follow up on with recommendations. After reading the new agenda packet and proposals for the new cannabis zoning regulations she is not even close to the recommendations suggested by Jessica and Bernie. Her square footage for certain allowances is way off compared to what was recommended. Allowing nursery, manufacturing and processing with just a minor use permit is totally unacceptable. If that were to be the case all city staff would have to do is throw a stamp on it and let it go through with no public hearing whatsoever. The people of this town deserve more. Our city staff seems like they're just taking their own direction without considering the public's opinion on these issues or city council who they are actually supposed to be following their suggestions. I've said it before and I'll say it again the CBD of Fort Bragg is not a place to grow or process cannabis that should be restricted to industrial commercial only, that is what it is created for to protect the people and other business owners. So please pull the rains back on these suggested proposals before you ruin are beautiful downtown business district with these unneeded make a quick easy buck businesses.

Jay Koski

Gonzalez, Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 10:06 AM

Good Morning Councilmembers, City clerk and Staff,

I'm writing to you this morning in response to an individual being denied employment at "The Bakery" for a felony cannabis charge.

I inquired with Captain O'neal and Chief Naulty as to if this was TRULY happening and Captain O'neal promptly responded with "9.30.100 FBMC requires that we reject the application if *"The applicant, his or her agent, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or similar activities related to controlled substances"*."

I would argue that with the passage of Prop 64, it was California's intent to end the war on drugs, yet here we are in Fort Bragg, preventing people that were negatively impacted by the war on drugs to pursue gainful employment at the discretion of the local police department. The County of Mendocino does not interfere with employment, the state of California does not interfere with employment, so why is it that the City of Fort Bragg has chosen to in an area that was deemed to be ONE OF THE MOST disadvantaged areas as it pertains to cannabis persecution.

I don't know if any of you ever had your house raided, been pulled out of the shower and thrown in the dirt, dogs shot or house trashed as a direct result of the Mendocino County Task force violating the protections under prop 215 but I do. This continuation of cannabis persecution under prop 64 needs to stop and I would encourage the discussion to remove this provision entirely. Let the judges and probation officers decide where convicted felons can and cannot work. This is not the job of the police department and it's a great disservice to the community as a whole.

My contact information is below if any of you would like to discuss further. Thank you for your time and consideration on this matter.

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Thank you,
Brandy Moulton
Chief Executive Officer,
Sovereign
(707)223-1129

Gonzalez, Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 12:07 PM
To: Gonzalez, Joanna
Subject: Re:
Attachments: LocalEquityProgramManual10.pdf

Oh man. Thanks for the heads up about the meeting.

Sure you can add it.

Perhaps also add as a supporting document, the information regarding the equity program in Mendocino County. Two rounds of equity funding was awarded to Mendocino County totaling almost 3 million dollars.
<https://elevateimpactmendo.com/>

On Tue, Mar 23, 2021, 12:05 PM Gonzalez, Joanna <JGonzalez@fortbragg.com> wrote:

Brandy,

I have forwarded your email to the appropriate parties do you want me to add this as a public comment on the agenda for CDC today?

-Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 10:06 AM
Subject:

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My contact information is below if any of you would like to discuss further. Thank you for your time and consideration on this matter.

--

Thank you,

Brandy Moulton

Chief Executive Officer,

Sovereign

(707)223-1129

Email correspondence with the City of Fort Bragg (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

Mendocino County Cannabis Local Equity Program Manual V3. 10/7/2020

Purpose of Cannabis Equity Grants Program for Local Jurisdictions – Administered by The Governor’s Office of Business and Economic Development (GO-Biz)

The purpose of the Cannabis Equity Grants Program for Local Jurisdictions is to advance economic justice for populations and communities impacted by cannabis prohibition and the War on Drugs (WoD) by providing support to local jurisdictions as they promote equity in California and eliminate barriers to enter the newly regulated cannabis industry for equity program applicants and licensees. By issuing these grants to local jurisdictions, The Governor’s Office of Business and Economic Development (GO-Biz) aims to advance the well-being of populations and communities that have been negatively or disproportionately harmed by cannabis prohibition and the WoD.

The term “equity” recognizes that because different individuals or groups have different histories and circumstances, they have different needs and unequal starting points. Using an equity approach, individuals and groups receive different resources, opportunities, support, or treatment based on their specific needs. By providing what each individual or group needs, they can have equitable or fair outcomes.

Local jurisdictions can help further the purpose and intent of Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) by fostering equitable access to licensure and employment in the regulated cannabis industry, ensuring that persons most harmed by cannabis criminalization and poverty are offered assistance to enter the multibillion-dollar cannabis industry as entrepreneurs or as employees with high-quality, well-paying jobs, and ensuring the cannabis industry is representative of the state’s population.

Mendocino County’s Cannabis Equity Program

The Mendocino County Cannabis Equity Assessment (2020) established that Mendocino has been hit hard by the criminalization of cannabis, and a targeted, data-driven and well-funded equity program can help certain populations and neighborhoods, particularly small growers and those impacted from past policies that may be left behind, into a legal, sustainable economic future.

The purpose of this manual is to describe the qualifications for, and services to be provided by, the Mendocino County Cannabis Local Equity Program (LEP).

A. Qualifications

1. **Program Eligibility:** A local equity applicant must be eligible for a cannabis related application, permit, and/or license to operate a cannabis business in unincorporated Mendocino County, whose activities are specific to cultivation, nurseries, processing, manufacturing, laboratory analysis, distribution or retail of cannabis; have a household income as defined as "very low income" or "extremely low income" for Mendocino County in the [2020 State Income Limits](#) produced by the California Department of Housing and Community Development and meet one of the following qualifications within Mendocino County’s LEP to become eligible for consideration for funding in all service categories offered:
 - a. Have lived within a 5-mile radius of the location of raids conducted by the Campaign Against Marijuana Planting (CAMP) program;

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- b. Have a parent, sibling or child who was arrested for or convicted of the sale, possession, use, manufacture or cultivation of cannabis (including as a juvenile);
- c. Any individual who has obtained or applied for a cannabis permit in Mendocino County, or who has worked in or currently works in the cannabis industry, and was arrested and/or convicted of a non-violent cannabis-related offense, or was subject to asset forfeiture arising from a cannabis-related event;
- d. Are a person who experienced sexual assault, exploitation, domestic violence, and/or human trafficking while participating in the cannabis industry;
- e. Have become homeless or suffered a loss of housing as a result of cannabis enforcement.

B. Services

Services to be provided by the Mendocino County Cannabis Equity Program may include, depending on need and the availability of funds from grants or other sources:

Grants

1. Grant Fee waiver of County fees for cannabis-related permits, including fees for Application Assistance Meetings of up to four hours, with the Cannabis Program of the Department of Planning & Building Services;
2. Grants for purposes of assuring compliance with regulatory requirements of local or state permits or licenses that mitigate adverse environmental effects of cannabis cultivation. This includes categories such as regulatory compliance, capital improvement, fixtures or equipment to address the following activities including, but not limited to:
 - a. Water storage for irrigation during forbearance periods of surface water diversion required by state or local regulations;
 - b. Remediation and relocation of cannabis facilities located within streamside setbacks required by state or local regulation;
 - c. Installation of solar electrical systems to replace diesel or gasoline generator power for off-grid cannabis facilities where connecting to the grid is economically infeasible.
 - d. Road remediation, watershed mitigation, culverts or infrastructure needed to meet state or local regulations.
3. Grants for the purpose of employment skill training for eligible equity participants employed or seeking employment in licensed cannabis operations in Mendocino County

Direct Technical Assistance

“**Direct Technical Assistance**” refers to support to help cannabis equity applicants and licensees acquire the knowledge and/or skills necessary in order to gain entry to, and to successfully operate in, the regulated cannabis marketplace. Direct technical assistance includes:

One-on-one consulting and training, including direct interactions in group settings, to provide equity applicants and licensees the technical knowledge and expertise necessary to facilitate business ownership and employment in the cannabis industry.

Mendocino County

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V3. 10/7/2020

Small business support services, professional mentorship services, training and education regarding state cannabis licensing and regulatory requirements, manufacturing assistance, financial management, and business resilience such as emergency preparedness.

Direct Technical Assistance is provided as follows:

1. Direct Technical Assistance for Cannabis and Small Business Development Assistance including business planning, loan application preparation, site location services, human resource management, capital procurement services, bookkeeping and accounting practices and systems, etc.
2. Direct Technical Assistance regarding legal regulations for Cannabis Cooperative associations pursuant to Business and Professions Code sections 26220 -26231.2, and educational information regarding the process of forming Cannabis cooperatives.

C. Program Administration

1. No more than ten percent (10%) of any funding from the Governor's Office of Business and Economic Development Cannabis Local Equity Program Grant Funds may be utilized for program administration;
2. Principal Administration and Coordination of Services shall be performed by the Mendocino County Department of Planning & Building Services - Cannabis Program Division or a contractor selected through the County's procurement process.
3. Mendocino County Department of Planning and & Building Services shall promulgate any policies, procedures, grant funding caps per category, grant agreements/execution deadlines, application windows, and forms necessary for program administration.
4. Mendocino County Department of Planning & Building Services shall monitor and report on all program services provided through the LEP, as directed by the State grant agreement.
5. Mendocino County Department of Planning and Building Services or contractor(s) selected in the County's procurement process may be designated to receive and process applications to determine eligibility and grant funding of equity program participants.

D. Provision of Services

1. Staff in the Mendocino County Department of Planning & Building Services- Cannabis Program or Administration Services contractor selected in the County's procurement process shall serve as the liaison between equity applicants/licensees who receive grant funding and the selected agency(ies) that provides an eligible service. Agencies include, but are not limited to:
 - a. Technical Assistance Service Contractor selected in the County's procurement process
 - b. Mendocino County Departments
2. Mendocino County Department of Planning & Building Services may enter into a contract agreement in line with the County's procurement process with qualifying internal or external agencies/vendors capable of providing the services described in SB 1294, business and professional codes and Mendocino County Local Equity

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Program Manual. These services may include:

- a. Direct Technical Assistance Services
- b. Assistance in Administration of the Local Equity Program

E. Budget Allocation

Available program funds shall be allocated for Program Services specified in Section B., above, as follows:

Grants	80%
Direct Technical Assistance (not to exceed)	10%
Administration (not to exceed)	10%

Gonzalez, Joanna

From: noreply@granicusideas.com
Sent: Tuesday, March 23, 2021 4:21 PM
To: Gonzalez, Joanna
Subject: New eComment for Community Development Committee on 2021-03-23 3:00 PM



New eComment for Community Development Committee on 2021-03-23 3:00 PM

Brandy Moulton submitted a new eComment.

Meeting: Community Development Committee on 2021-03-23 3:00 PM

Item: 3C. 21-114 Receive Report and Make Recommendations to Planning Commission and City Council on Commercial Cannabis Ordinances

eComment: Limiting Distribution to serve only the on site retail is not lucrative and prohibits profitability considering you are not allowing cultivation or larger nurseries. There would be nothing to distribute and no options to distribute outside of your own facility. Consider limiting distribution to "self distribution" which applies only to products processed/cultivated on site. The County of Mendocino has a Micro business/accessory use/home occupation chart that may be of some use to city staff.

[View and Analyze eComments](#)

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Gonzalez, Joanna

From: Jenny Shattuck <jenxvann@yahoo.com>
Sent: Tuesday, March 23, 2021 4:34 PM
To: Gonzalez, Joanna; Norvell, Bernie; Morsell-Haye, Jessica

I agree allowing these uses in areas like industrial allows business options outside cbd.
Jenny