

## 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 14<sup>th</sup> day of July 2021, by the following vote:**

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

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**Jeremy Logan, Chair**

**ATTEST:**

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**Sarah Peters, Administrative Assistant**