



AGENCY: City Council  
MEETING DATE: December 13, 2021  
DEPARTMENT: Community Development  
PRESENTED BY: H. Gurewitz  
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## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Provide Direction to Staff on Comprehensive Commercial Cannabis Policy**

**ISSUE:**

On May 3, 2021, May 10, 2021, and May 20, 2021, the City Council provided direction to staff on zoning for Commercial Cannabis Cultivation and Cannabis Microbusinesses in the City of Fort Bragg.

On September 27, 2021, the City Council approved an urgency ordinance placing a 45-day moratorium on the approval of applications and permits for cannabis dispensaries in the inland zoning area. The purpose of the moratorium was to allow the City Council to revisit the current policies and regulations for cannabis dispensaries in the commercial zones of the City.

In the City Manager's September 27<sup>th</sup> Staff Report, the moratorium was proposed to allow Council to consider the following updates to the City's Cannabis Code:

- Resolve potential conflicts with residential uses
- Define what constitutes a "youth center" and if a buffer of more or less than 600 feet is appropriate for Fort Bragg
- Clarify the previous direction given on zoning for cannabis microbusinesses;
- Resolve concerns about overconcentration of cannabis dispensaries in the Central Business District (CBD) (a limit on the number allowed or a required buffer between dispensaries)
- Consider whether cannabis dispensaries should be limited in where they are allowed in the CBD or any other district where allowed

On October 25, 2021, the City Council provided the following direction to staff:

- Limit the number of cannabis dispensaries in the CBD to three (3)
- Cannabis Dispensaries to be allowed by right through an administrative permit process
- Applications to be considered on a points basis instead of first come first serve
- City will use the state's definition of youth center
- Cannabis dispensaries will not be allowed within 100 ft. of a school/youth center
- The buffer zone will be measured from parcel line to parcel line

The City Council has provided direction on City's commercial cannabis policies and staff has drafted updates (Attachment 1) to Municipal Code 9.30, the Inland Land Use and Development Code (Attachments 2 and 3) to incorporate this feedback. Staff is requesting that the City Council review the draft updates and confirm that their intentions are correctly captured or provide additional changes.

**ANALYSIS:**

The only change that has not been incorporated to the proposed updates is the Council's request that a checklist be incorporated into the approval process for a dispensary. This is because the checklist has been a cause for concern of legal counsel in regard to "due process." However, one alternative that the City Council may wish to incorporate into the City's cannabis-related codes is an equity program which could potentially be written to achieve the intended goal of the checklist.

Staff requests confirmation that the draft language expresses the Council's intention for cannabis policy, and if not, requests additional direction.

In addition to the draft provided by staff, the Golden Gate University (GGU) Cannabis Law Clinic provided some suggestions to include in the City's code including language for an equity program that may also meet the intentions of the City Council (see Attachment 4). Should Council wish to include any of the provisions suggested by GGU, the code will require additional modifications.

**RECOMMENDED ACTION:**

Provide direction to staff as to whether to proceed with drafting an ordinance to implement the codes as attached or provide additional changes.

**ALTERNATIVE ACTION(S):**

Provide alternative direction.

**FISCAL IMPACT:**

Staff will draft changes requested which will be further reviewed by the City's legal team and then move to prepare an Initial Study on the proposed ordinance. The fiscal impact at this time is expected to be less than \$10,000 in total in legal and CEQA consultant fees.

**GREENHOUSE GAS EMISSIONS IMPACT:**

The proposed ordinance will not have impacts on Greenhouse Gas Emissions.

**CONSISTENCY:**

A consistency analysis with the Inland General Plan will be completed upon final direction for an ordinance.

**IMPLEMENTATION/TIMEFRAMES:**

If Council provides direction to move forward with the draft updates, as is, staff will draft the ordinance and complete the initial study for review under the California Environmental Quality Act (including 30-day public review period), present the proposed ordinance to the

City of Fort Bragg Planning Commission for recommendation to the City Council, and then bring the ordinance back to City Council for introduction and adoption. It is estimated that the process could be completed and the new ordinance would take effect sometime in May of 2022.

**ATTACHMENTS:**

1. Draft Updates to Municipal Code Chapter 9.30
2. Draft Updates to Title 18 Inland Land Use and Development Code Chapter 2 Land Use Tables
3. Draft Updates to Title 18 Inland Land Use and Development Code Chapter 4 Specific Land Use Standards
4. Suggested Language from Golden Gate University Cannabis Law Clinic

**NOTIFICATION:**

1. Brandy Moulton
2. Hrant Ekmekjian
3. Chelsea Haskins
4. Danny Schultz
5. Brittany Biesterfeld
6. Cannabis Notify Me subscriber list