



AGENCY: City Council
MEETING DATE: November 8, 2021
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
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AGENDA ITEM SUMMARY

TITLE:

Conduct Public Hearing, Receive Report, and Consider Adoption of Urgency Ordinance 975-2021 Extending the Temporary 45-Day Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Areas

ISSUE:

On September 27, 2021, the City Council unanimously passed Urgency Ordinance 972-2021, placing a 45-day moratorium on the approval of applications and permits for Cannabis Dispensaries in the Inland Zoning Area. The moratorium provided the City Council an opportunity to review and possibly revise the City's current Cannabis Dispensary Ordinance. The two prior applications denied by the Planning Commission for Sunshine Holistic located at 144 N. Franklin Street raised concerns from Councilmembers, Planning Commissioners and members of the public regarding the City's current ordinance.

City Council issued a report on October 25, 2021, on the actions following adoption of the urgency ordinance establishing the 45-day moratorium on approval of Cannabis Dispensaries in the Inland Zoning Area. At the same City Council meeting, the City Council discussed several of the outstanding issues and provided staff direction on revisions to the existing Cannabis Dispensary Ordinance. Direction included establishing a cap or maximum number of dispensaries allowed in the Central Business District (CBD) of three and changing the requirement for a minor use permit to allow the dispensaries by right with an administrative application which included rating various aspects of the business. The City Council also provided direction to staff to incorporate the State of California's definition of a Youth Center and establish a buffer of 100 feet from such designated centers. The City Council agreed that the Old Gymnasium at 213 E. Laurel Street which is most used by the Mendocino Coast Parks and Recreation District for youth programs would meet the definition of "Youth Center."

Additional topics for future discussion include siting cannabis dispensaries in relationship to residential neighborhoods, zoning for Cannabis microbusinesses, and the possibility of overlay districts which would control where dispensaries can be located within a specific commercial zoning district. Although not included in Cannabis Business Regulations, the City Council could also revisit whether or not to propose a tax on cannabis businesses to the City's voters. The discussion on siting cannabis dispensaries in relationship to residential neighborhoods is included in tonight's (November 8, 2021) regular City Council meeting agenda.

In order to complete the review of the Cannabis Dispensary Ordinance and provide time for the introduction, adoption and to perfect an effective date, staff is proposing an extension of the moratorium for four months, or until March 8, 2022. Staff anticipates that the revised

ordinance will be completed and presented to City Council for adoption either December 13, 2021 or January 10, 2022. The City Council may rescind the urgency ordinance prior to its stated termination.

ANALYSIS:

Urgency Ordinances

Under [California Government Code Section 65858](#), a city or county may adopt an interim ordinance to temporarily prohibit certain land uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council and/or Planning Commission is considering or studying. The temporary prohibition or moratorium provides municipalities time to study the impact of certain activities and develop appropriate regulations, if deemed necessary.

An urgency ordinance may remain in effect for only 45 days, unless it is extended by another four-fifths vote. After notice and a hearing, the City can extend the Ordinance for up to either ten months and 15 days, with the option to extend it once more for an additional one year, or once for 22 months and 15 days. Either option equates to a total moratorium period of up to two years and each requires the four-fifths votes. The City Council may rescind the Urgency Ordinance prior to its stated termination.

Current Cannabis Dispensary Applications

As of writing this staff report, there are three applications in process for Cannabis Dispensaries in the City (in order of receipt):

1. UVH, Inc. DBA Cannavine
Proposed site: 362 N. Franklin St. (CBD)
2. Perfect Union LLC
Proposed Site: 112 S. Main St. (CG Outside CBD)
3. Sunshine Holistic
Proposed Site: 144 N. Franklin St. (CBD)

RECOMMENDED ACTION(S):

1. Open the Public Hearing, receive staff report, take evidence and public testimony and close the public hearing.
2. Waive reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. 975-2021 entitled, "AN UNCODIFIED INTERIM URGENCY MEASURE OF THE CITY COUNCIL OF FORT BRAGG EXTENDING INTERIM ORDINANCE NO. 972-2021 PLACING A MORATORIUM ON THE APPROVAL OF APPLICATIONS AND PERMITS FOR CANNABIS DISPENSARIES IN THE INLAND ZONING AREA."
3. Please note that a four-fifths vote is required for adoption of the Interim Urgency

Ordinance.

FISCAL IMPACT:

The impact of extending a temporary moratorium on Cannabis Dispensaries to the City's revenue is likely minimal.

GREENHOUSE GAS EMISSIONS IMPACT:

Adoption of the temporary moratorium on Cannabis Dispensaries will have little impact on greenhouse gas emissions but could slow down development and resulting construction that causes an increase in greenhouse gas emissions.

CONSISTENCY:

The City's current Inland General Plan provides support for regulating cannabis businesses, particularly in the Central Business District.

Policies and Goals from the City's General Plan include:

Goal LU-3 *Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.*

Policy LU-3.1 Central Business District: *Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).*

Policy LU-3.2 Mixed Uses: *Support mixed use development (i.e., a combination of residential and commercial uses) in the Central Business District that does not conflict with the primary retail function of this area.*

Policy LU-3.4 Encourage Infill Development: *Encourage infill development of vacant and underdeveloped land in the Central Business District and adjacent commercial areas before amending the Inland General Plan and rezoning to obtain additional commercial land elsewhere.*

Policy LU-3.6 Re-Use of Existing Buildings: *Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.*

Policy LU-4.3 Standards for Commercial Uses in Residential Areas: *Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.*

Goal C-5 *Regard the quality of life in Fort Bragg and maintaining community identity as more important than accommodating through-traffic.*

Policy C-5.1 Community Priorities for Transportation Improvements: *Place a higher priority on maintaining a sense of place and enhancing the attractiveness of the Central Business District than on efficient traffic flow and movement.*

Policy CD-2.1 Adaptive Reuse: *Facilitate the adaptive reuse of existing older buildings in the Central Business District.*

Policy CD-2.2 Pedestrian Activity: *Encourage increased pedestrian movement and activity in the Central Business District.*

Policy CD-2.3 Economic Vitality: *Continue to support the economic diversity and vitality of downtown businesses.*

Policy CD-2.5 Strengthen the Distinctive Identity of the Central Business District: *Strengthen the distinctive identity and unique sense of place of the Central Business District.*

Policy CD-6.1 Protect and Preserve Buildings and Sites with Historic and Cultural Significance to the Community.

IMPLEMENTATION/TIMEFRAMES:

An urgency ordinance may remain in effect for only 45 days, unless it is extended by another four-fifths vote. Ten days prior to the expiration of the Urgency Ordinance or any extension, City Council will need to issue a written report describing the measure taken to alleviate the condition that led to the adoption. After notice and a hearing, the City can extend the Ordinance for up to either ten months and 15 days, with the option to extend it once more for an additional one year, or once for 22 months and 15 days. Either option equates to a total moratorium period of up to two years and each requires a four-fifths vote of Council. The City Council may rescind the Urgency Ordinance prior to its stated termination.

ATTACHMENTS:

1. Proposed Ordinance
2. Report on Measures Taken
3. Public Hearing Notice

NOTIFICATION:

1. Cannabis Legislation, **Notify Me subscriber list**