



**AGENCY:** City Council  
**MEETING DATE:** October 25, 2021  
**DEPARTMENT:** Community Development  
**PRESENTED BY:** H. Gurewitz  
**EMAIL ADDRESS:** HGurewitz@fortbragg.com

## AGENDA ITEM SUMMARY

### **TITLE:**

**Receive Report and Provide Direction to Staff on the Process for Potentially Revising Section 18.22.030 Table 2-6 and Section 18.42.057 of the Inland Land Use and Development Code for the Land Use Regulations for Cannabis Dispensaries in the City of Fort Bragg**

### **ISSUE:**

On Monday, 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. Staff is seeking direction from Council on the process for reviewing and potentially revising Section 18.22.030 Table 2-6 and Section 18.42.057 of the Inland Land Use and Development Code (ILUDC).

In the City Manager's September 27, 2021 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 CBD (a limit on the number allowed or a required buffer between dispensaries); and consider whether cannabis dispensaries should be limited in where they are allowed in the CBD or any other district where allowed; and
- Provide direction on establishing a tax on cannabis cultivated, manufactured, or sold in the City limits.

Staff is requesting that City Council provide direction on how they would like to move forward to address these issues. The City Council may wish to consider the following options:

- Discuss one or all of the above topics as listed on tonight's agenda.
- Postpone one or more of the items listed on tonight's agenda until a future meeting and provide direction to staff on what information or input the Council would like prior to a discussion. This may include current updates on cannabis research, collecting more empirical data on dispensaries, or soliciting public input on cannabis.
- Postpone the discussion and direct staff to organize a stakeholder group that might include members of the business community, neighbors, and representatives of other groups to review the existing cannabis regulations and make recommendations to the City Council on potential changes.

- Provide alternative direction.

**ANALYSIS:**

The legislation adopted by City Council in 2019 was supported by the analyses that were conducted at the time. A comparison between the requirements for a cannabis dispensary and other uses such as a bar or tavern, or even a convenience store, demonstrate that the Council provided a number of safeguards to ensure that dispensaries would not have negative impacts on the neighboring properties. For example, the excerpts from Section 18.22.030 Table 2-6 is a comparison of these uses:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	Permitted use, Zoning Clearance required					Specific Use Regulations
	P	UP	S	—		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § <a href="#">18.71.060</a> ) UP Use Permit required (see § <a href="#">18.71.060</a> ) S Permit requirement set by Specific Use Regulations — Use not allowed					

RETAIL TRADE

Bar/tavern	—	—	UP	MUP	MUP	
Cannabis retail	—	—	MUP	MUP	MUP	<a href="#">18.42.057</a> Chapter <a href="#">9.30</a>
Cannabis retail - Delivery only	—	—	—	MUP	MUP	<a href="#">18.42.057</a> Chapter <a href="#">9.30</a>
Convenience store	P	—	P	P	P	
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P	
Retail, general - Less than 5,000 sf	P	P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Night club	—	—	UP	UP	UP	
Restaurant, café, coffee shop	UP	P	P	P	P	<a href="#">18.42.165</a>

As can be seen in the “Special Use Regulations” column of the above table, a convenience store which may sell both alcohol and cigarettes is permitted with no additional restrictions.

A grocery or specialty food store may sell alcohol as part of their inventory but there are no additional regulations, and a bar/tavern is allowable with a minor use or use permit but has no additional requirements. A restaurant, which may also sell alcohol is the only use that is permitted but that has any requirements and they are limited to the following:

**18.42.165 - Restaurants**

The following standards for restaurants are intended to regulate the disposal of grease and oils for the protection of the City of Fort Bragg sewage treatment plant and the environment:

**A. Operating standards.** Restaurants shall comply with the following operating standards:

**1. Installation and maintenance of grease trap/interceptor.** Grease interceptor installation and maintenance must comply with the City’s Food Service Establishment Wastewater Discharge Permit and the City’s Municipal Code section regarding fats, oil and grease control.

**2. Washing of restaurant floor mats, exhaust filters.** Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

On the other hand, a retail cannabis dispensary has to meet the requirements of Municipal Code Section 9.30 and the ILUDC Section 18.42.057 (see Attachment #2 & Attachment #3).

The City Council has placed a moratorium on the establishment of dispensaries until the concerns that have arisen as a result of implementing the 2019 legislation can be resolved. Staff is now requesting Council to provide feedback on how they would like to move forward on making changes to the City’s cannabis related codes.

**RECOMMENDED ACTION:**

Discuss the items on tonight’s agenda and provide direction to staff on changes to zoning regulations for cannabis dispensaries.

**ALTERNATIVE ACTION(S):**

Provide alternative direction on how the council would like to move forward with updating the zoning regulations for cannabis dispensaries.

**FISCAL IMPACT:**

Fiscal impact depends on the direction of council to determine the extent of the review/revisions necessary.

**GREENHOUSE GAS EMISSIONS IMPACT:**

Not applicable.

**CONSISTENCY:**

The final policies must be consistent with the Inland General Plan.

**IMPLEMENTATION/TIMEFRAMES:**

The Council may decide to discuss and provide direction to staff tonight. Staff could have a revised ordinance proposed to the Planning Commission within 30 days and then back to City Council within another 30 days with the final ordinance requiring two readings and then a 30-day waiting time for implementation. A best case scenario would allow for new regulations to take effect sometime between March and April of 2022.

A public engagement process could add anywhere from 30 days to 6 months to the above timeline depending on the process that is used.

**ATTACHMENTS:**

1. September 27, 2021 Staff Report for Urgency Ordinance No. 972-2021
2. Municipal Code Chapter 9.30
3. Inland Land Use Development Code Section 18.42.057

**NOTIFICATION:**

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