



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: May 17, 2017
TO: Public Safety Committee
FROM: Scott Perkins, Associate Planner
AGENDA ITEM TITLE: Receive Report and Provide Recommendation to City Council Regarding the Regulation of Retail Cannabis Uses in Fort Bragg, Including Presentation on Prop 64 (“Adult use of Marijuana Act”) by League of California Cities Representative

ISSUE:

The voters of California passed Proposition 64, known as the Adult Use of Marijuana Act to legalize the nonmedical use of cannabis and the personal cultivation of up to six cannabis plants. The State will not be issuing licenses under the Act until the beginning of 2018; however, cities that wish to regulate or prohibit retail cannabis uses and/or cannabis cultivation should have policies in place prior to State licensing, otherwise the new State regulations will trump local control.

SUMMARY:

There are two new pieces of State-level legislation affecting the California cannabis industry—the Medical Marijuana Regulation and Safety Act (MMRSA) and Adult Use of Marijuana Act (AUMA). MMRSA specifically regulates medical cannabis, whereas AUMA regulates personal or recreational use of cannabis. On January 23, 2017, the City Council discussed ways in which the City may regulate retail cannabis uses and cannabis cultivation, and recommended the Public Safety Committee consider the various policy alternatives. The staff report from that City Council meeting, which includes a table of the various policy considerations facing the Council, is included as **Attachment 1**. Council’s direction to the Committee included the following:

1. Consider allowing retail cannabis uses with a Use Permit. Use Permit review would include consideration of:
 - a. Hours of operation
 - b. Exterior signage
 - c. Security requirements
 - d. Accessory uses
 - e. Odor control
2. Consider restricting the number of retail cannabis uses (i.e., establishing a cap on permits)

The League of California Cities worked closely with the State legislature during the crafting of AUMA and MMRSA, and has been monitoring subsequent legislation and policies since their passing. In an effort to inform cities of the options and responsibilities associated with AUMA and MMRSA, the League has developed a presentation to share with stakeholders. Tim Cromartie, Legislative Representative with the League, will give a presentation to the Committee followed by a question-and-answer session. A copy of the presentation is included as **Attachment 2**.

Staff recommends that the Committee provide direction on local legislation regulating cannabis retail uses and cultivation informed by the presentation by the League of California Cities. Specifically, the following policy questions should be considered:

1. Should the City allow retail cannabis uses and/or commercial cannabis cultivation?
2. Which zoning districts are appropriate for retail cannabis uses and/or commercial cultivation?
3. Should a Use Permit be required?
4. Should there be a limit to the number of permits issued?
 - a. Total? Per zoning district? Limit quantity by proximity?
5. For retail cannabis, should on-site ingestion of purchased cannabis be allowed?
6. What should be required for security?
7. Should the City prohibit or allow cannabis use in commercial establishments?
8. Should there be limitations on exterior signage?
9. Should accessory uses, such as retail sales of non-cannabis products, be allowed?
10. How could odor be regulated?
11. Should the City pursue establishment of a tax on cannabis businesses?

RECOMMENDATION:

Receive report and provide direction to staff regarding potential legislation regulating cannabis retail uses and cultivation.

ATTACHMENTS:

1. 1/23/17 City Council Staff Report
2. League of California Cities – Cannabis Presentation