



AGENCY: City Council
MEETING DATE: November 08, 2021
DEPARTMENT: Community Development
PRESENTED BY: H. Gurewitz
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Provide Direction to Staff on Potential Updates to Section 18.42.057 of the Inland Land Use and Development Code to Address the Siting of Cannabis Dispensaries in Relationship to Residential Neighborhoods

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. In the City Manager's staff report, the purpose of the moratorium was to allow Council to consider several issues including, "resolve potential conflicts with residential uses." The purpose of this agenda item is to request direction from Council on whether there needs to be a change in the Inland Land Use and Development Code (ILUDC) to address the siting of cannabis dispensaries in relation to residential uses.

ANALYSIS:

Much of the City of Fort Bragg's development pre-dates the City's first Zoning Ordinance which was adopted in 1971. This is why there are many historic residential structures in commercial zones. In the most recent update to the ILUDC, a provision was added to allow a historic house in a commercial zone to be turned back into a residence with a Use Permit. The map below (Figure 1) shows the commercial districts in the Inland Zone of Fort Bragg south of Pudding Creek. The green dots represent residences or potential residences in the three inland commercial zones.

The Inland General Plan has the following provision:

Page 2-10 Commercial Land states:

"The goals and policies in this section ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community. There are also policies encouraging mixed use and infill development to strengthen the other commercial areas of the City."

Additionally, the Inland General Plan's Land Use Element Policy LU-3.2 states, *"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."*

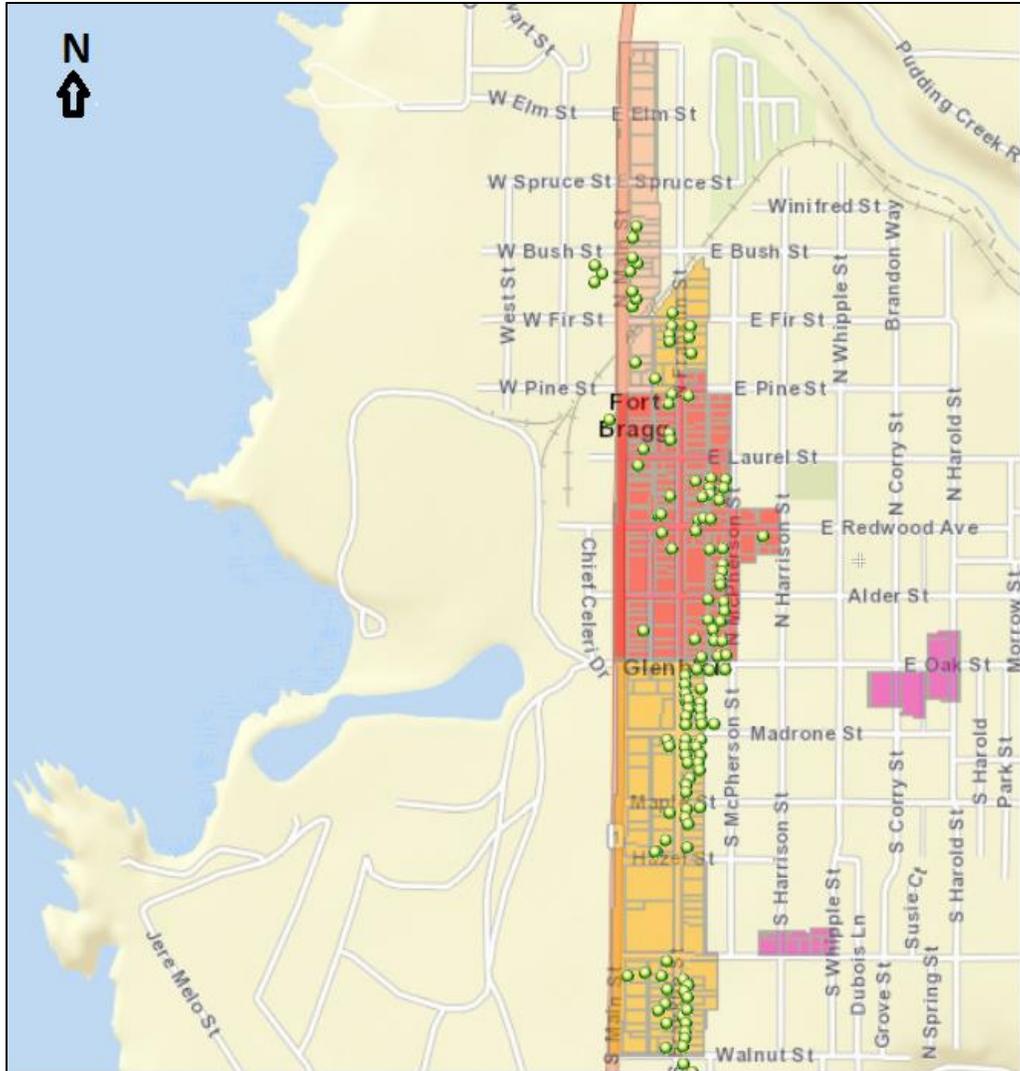


Figure 1. Existing/Potential Residences in Commercial Areas

The Planning Commission’s decision to deny Minor Use Permit 1-21 on June 23, 2021 was clarified by the subsequent resolution adopted on August 5, 2021 which stated that the use [Cannabis Dispensary] “was not compatible with existing and future land uses.”

The City Council did not have a consensus on this matter at the appeal hearing on September 1, 2021 and the decision of the Planning Commission was not overturned or upheld. The interpretation of the Planning Commission that the use needs to be compatible with residential, and that cannabis dispensaries are not compatible with residential requires that either staff now use this as policy guidance for future applications, or that Council provide clarification and direction to ensure equal processing of applications on the matter.

RECOMMENDED ACTION:

Provide direction to staff on whether the ILUDC Section 18.42.057 should be updated to provide a separation between cannabis dispensaries and residential uses, and whether any other commercial uses in commercial zones will need to be compatible with residential uses.

ALTERNATIVE ACTION(S):

Provide different direction.

FISCAL IMPACT:

None.

GREENHOUSE GAS EMISSIONS IMPACT:

Not applicable.

CONSISTENCY:

Any updates to the Inland Land Use and Development Code must be consistent with the Inland General Plan.

IMPLEMENTATION/TIMEFRAMES:

To be determined.

ATTACHMENTS:

1. ILUDC Section 18.42.057

NOTIFICATION:

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