



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF FINAL ACTION ON MINOR USE PERMIT

On May 19, 2021, final action was taken by the City on the following Minor Use Permit application:

PERMIT TYPE & NO.: Minor Use Permit (MUP) 1-21

APPLICANT/OWNER: Brandy Moulton/Lyndia Pyeatt

LOCATION: 144 N. Franklin St. Fort Bragg, CA 95437

APN: 008-164-39


DESCRIPTION: Retail Cannabis Dispensary with Retail Delivery

DATE OF ACTION: May 19, 2021

ACTION BY: John Smith, Acting Director, Community Development Department

ACTION TAKEN: Approved (See attached Findings and Conditions)
 Denied (See attached Findings)

THIS PROJECT IS: Appealable to the City of Fort Bragg Planning Commission. Decisions of the Director shall be final unless appealed to the Planning Commission within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$375.00 to the Community Development Department, and shall specifically state the pertinent facts and the basis for the appeal. Appeals shall be limited to issues raised at the administrative public hearing, or in writing before the public hearing, or information that was not known at the time of the decision.



John Smith
Acting Director

5/19/2021

Date

cc: Brandy Moulton
Lyndia Pyeatt
City Manager

Permit Findings

a. The proposed use is consistent with the General Plan and any applicable specific plan;

The proposed use of cannabis retail dispensary is consistent with the following applicable elements of the City of Fort Bragg's Inland General Plan:

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-3.6 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.

This is an existing building that has historically held a restaurant, candy store, and retail flooring & carpet store. The building would be reused to retail cannabis dispensary with a public pedestrian entrance on Franklin St.

b. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

A cannabis retail store is allowable with a Minor Use Permit under the Inland Land Use Development Code Section 18.22.020 Table 2-6. The project is not substantially different than previous uses for restaurant, candy store, or flooring store. The proposed use is a retail business and consumption of product is not allowed inside, in the parking lot, or in the public right of way around the store.

c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed use is compatible with the existing and future land uses because it is a retail business located in the downtown retail area of the Central Business District.

d. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

There will be no changes to the design, shape, or size of the building and the applicants plan addresses the operating characteristics to ensure that the business will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district. This includes security cameras, lighting, security guard, and alarm system.

e. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).

A cannabis retail dispensary does not detract from the basic purpose of the CBD because it is a pedestrian-oriented retail store which will have a public entrance on Franklin Street and a staff entrance in the back, as is the case with all shops on Franklin St.

f. The proposed use complies with the Specific Land Use Standards for Cannabis Retail Business in Section 18.42.057

The applicant's plan complies with the Specific Land Use Standards listed in section 18.42.057 including the compliance with Muniicipal Code Section 9.30 and the operating requirements.

g. The proposed use complies with Municipal Code Section 9.30 Cannabis Businesses.

The proposed Cannabis Retail Dispensary was reviewed by the Fort Bragg Police Department and the Community Development Department and it has been determined that the applicant and the proposed project complies with Municipal Code Section 9.30 Cannabis Businesses.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional

archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

SPECIAL CONDITIONS

1. Prior to commencing operation, a site visit by the Police Department and Community Development Department is required to ensure that all required operating plans, safety, and security measures have been appropriately instituted.
2. The permittee is responsible for ensuring that products sold onsite are not consumed anywhere on the property or within the public right of way on Franklin Street, Alder Street, or the alley between Franklin and McPherson.