

To: Board of Supervisors Mendocino County
From: Concerned citizens of the Town of Mendocino County

(Please note this is a collaborative effort.)

- It is our understanding that the Board of Supervisors is possibly deciding on whether to amend County Code Section 6.36 which is the business license code section that applies to cannabis dispensaries in the **inland zone**. A 1000-foot set back is built into this code section and the Board is considering reducing that to 600 feet. Supervisor McCowan mentioned two weeks ago a couple of times exempting dispensaries from the 600-foot change and keeping their setback requirement at 1000 feet. This would allow a portion of the historic Main Street of Mendocino to be open to new dispensaries which the towns people are in opposition to.
- There are different types of cannabis facilities that can obtain business licenses under section 6.36 but this section is ONLY supposed to apply to the inland zone. It is our understanding that there is currently no ordinance for the Coastal Zone nor the Town of Mendocino. Making a change that would affect the Town of Mendocino at this time is strongly opposed by the Town of Mendocino. The petition that was previously submitted to you represented approximately 95% of the business owners and employees in the village including shops, inns, restaurants and real estate agents. There are many additional names to be added to this list including property owners and residents.

Applying Section 6.36 to the whole County including the Coast until the Coastal regulations are discussed and enacted has strong opposition. A blanket enforcement of Section 6.36 to the entire County and its application to the coastal zone and the village of Mendocino prior to the Coastal regulations being studied could cause irreversible harm to the village.

- Has the Coastal Commission been contacted by the County of Mendocino? Is the Coastal Commission aware that the Section 6.36 which applies to the inland zones will be applied to the Coastal Zone including the Town of Mendocino, which is in the Coastal Zone without updating the Coastal Zoning Code and Mendocino Town Plan? It is understood that the Local Coastal Program must be updated before a change like this can occur.

Suggesting that failure to apply this ordinance preemptively in the Coastal Zone and the Town of Mendocino is akin to a moratorium in the Coastal Zone is not a valid argument for not waiting to go through the property channels.

- Can the ordinance be applied universally with no CEQA analysis (California Environmental Quality Act) nor an EIR (Environmental Impact Report) for impacts in the Coastal Zone? In a similar situation the County of Santa Cruz Planning Department did an EIR for impacts to CEQA here:

http://www.sccoplanning.com/Portals/2/County/Planning/env/NOP_Cannabis_pl_3.13v2.pdf

- The ordinance specifically lists the zones in which specific uses are allowable. How can they apply that ordinance when none of those zones are in the Town of Mendocino?

Carmel by the Sea updated their Local Coastal Program, including Coastal Zoning Code, expressly to clarify that marijuana dispensaries are **prohibited** there. (The California Coastal Commission was the approving authority.)

<https://documents.coastal.ca.gov/reports/2016/4/w10a-4-2016.pdf>

As the town of Mendocino is similar in nature to Carmel as an artistic tourist destination this same prohibition may be appropriate for the Town of Mendocino as well. It would be proper to allow for community involvement in that decision-making process in the way of a Public Hearing at the Coast at a time business owners and residents can attend.

- The Adult Use of Marijuana Act of 2016 sets the minimum 600-foot requirement from places where children congregate. Local jurisdictions can increase this requirement, or even prohibit the use altogether. **This Act is not required by state law to be applied in all zones or even in all communities.**





These photos were taken May 17, 2018 at approximately 11 am. The school bus from Fall River Unified School District parked and unloaded about 50 children all with backpacks to spend the day at the Headlands parking directly across the street from 45110 Main Street (currently Zacha Bay Window Gallery clearly seen in the photograph.)

Please note there are few cars parked as DOT had just completed painting the lines. Parking is also a potential issue with this location.

- Other confusions need also to be addressed in the Ordinance in general. Specifically, the point of origin to the point of origin. Supervisor Hamburg stated that it was from property line to property line which appears to be the easiest to comply with. Another interpretation is from the facility to the facility. This leaves it still further open to interpretation as to what part of the facility and then to what part of the other facility? Front door to front door? Or edge to edge? And if one of the sensitive areas is a park with no facility? From property line to property line is the most definitive way to measure the distances.
- Is the County of Mendocino looking at the dispensary as a retail store? (It should not be as sales are prohibited to minors.) Does a smoking patio take it out of that realm? Does then County Code Section 9.32 which applies to the onsite smoking of cigarettes basically apply? Would then all dispensaries have to do is follow whatever regulations are in place for businesses such as bars that allow smoking on site? This occurred at one of the existing dispensaries this year in

Mendocino on April 20th. Cannabis smoke is different and stronger smelling than cigarette smoke.

Near the outdoor area at the rear of 45110 Main Street (assuming smoking Cannabis would not be allowed at the front of the property right on Main Street) are two outdoor dining areas. The old Cultured Affair which is going to be a new restaurant (30 feet) and the outdoor patio of Trillium (50 feet). With the prevailing winds coming from the south and west it is likely that both areas would become unusable for dining having a tremendous and negative impact on these business owners. Additionally, this property is partially residential and is adjacent and surrounded by residents.



The front deck of 45110 Main Street is directly on Main Street. It is not accessible let alone ADA compliant.

- Another confusion comes from the word “church”. Is this solely a Christian church excluding Jewish synagogues, Muslim mosques and Buddhist temples? Does it have to be of a certain size or merely a House of Worship? Is this religious discrimination?

(Please note that the Yee family has recently found out about this proposed change less than 200’ from the Temple of Kwan Tai and are opposed to it.)

It has been said that the Baptist Church is not a “church” as only 20 people go there which is not true. And it has been said that Temple of Kwan Tai is also not a “church.” Per Wikipedia (to take this somewhat out of the realm of opinion):

“The Temple of Kwan Tai is one of the oldest Chinese temples in California that has been **used continuously** since its construction.^[11]

The temple is used for traditional Chinese rituals in which the officiant kneels and bows at the altar, placing offerings at the table in front of the altar or burning them in the furnace. Offerings of food are made on the first and 15th day of each month and at the [new moon](#), and [incense](#) is burned daily. Additionally, the temple may be used for [divination](#) by [kau cim](#) sticks and [jiaobei](#) blocks.^[17]

As well as continuing to serve as a house of worship, the temple has a mission of educating members of the Mendocino community and visitors about Chinese contributions to California history.^[4] “ (Emphasis mine.)

- Other concerns of the community also include not only the potential location but also the number of dispensaries as it appears that there are two other dispensaries who have already or are in the process of applying for dispensary licenses. Along with this is the raising of rents that can make it impossible for other businesses to compete.

In short, the village of Mendocino is like no other place in Mendocino County. To apply County Code Section 6.36 which is the business license code section that applies to dispensaries in the inland zone stands to cause potentially irreversible harm to the artistry and charm of the community. A business license section designed for the inland zone should not be applied in haste to the village of Mendocino prior to the Coastal regulations being studied and enacted and the Local Coastal Program and the Town Plan for Mendocino being updated.

The village of Mendocino is a major financial draw for the entire County for tourism and its financial health should be of high importance to the Board of Supervisors. This is a sensitive subject not for just a few individuals but rather with 95% of the businesses represented are against lessening the setback requirements for cannabis dispensaries to less than 1000 feet (property line to property line) from schools, parks (and Headlands State Park should be included as it functions more like a city park than a forest and as is evidenced a place that children congregate), churches (which should be defined as Houses of Worship) and youth oriented facilities and prohibiting dispensaries from prominent store front locations and/or the village at all.

We are respectfully requesting as this is a very contentious issue that no new licenses be approved including moving an existing business until such time as there can be a public hearing at a time and place that the business owners and residents of Mendocino can attend and the location in town, setbacks, and number of cannabis dispensaries can be incorporated into the Town Plan of Mendocino and the Local Coastal Program with the Coastal regulations being studied and an EIR being submitted for review.