



FORMULA BUSINESS ORDINANCE DISCUSSION

Planning Commission Meeting

November 12, 2020



Planning Commission Discussion and Direction

1. Document Ordinance Purpose
2. Defining “Formula Business”
3. Develop Specific Findings for Use Permit

Elements for Legally Defensible Formula Business Ordinance

1. Establish extensive findings for purpose of Ordinance;
2. Clear criteria (specific findings) for issuance of Use Permits (UP or MUP) making the connect to the general findings setting forth the purpose of the Ordinance;
3. Treat class of Formula Businesses equally; and
4. Avoid regulations that specifically target protecting local businesses from competition from Formula Businesses.

Ordinance Purpose - Sources

- **General Plan Policies and Goals**

- *reuse of existing buildings, CBD small-scale and historical character, economic vitality, small town rural character, community identity, unique sense of place, pedestrian friendly, distinctive identity and quality of life*

- **Community Design Element Chapter Six of Inland General Plan**

- *The City's appearance is essential to the quality of life in Fort Bragg. Visual quality and amenities go hand-in-hand with long-term economic development strategies, and strengthen the stability and desirability of the community. To be attractive to residents, visitors, and businesses, the City must be concerned with its appearance, physical character, and livability.*

- **Dependence on Tourism and Desirability of Community**

- *Inventory local businesses dependent on tourism industry, focus on actions to attract new industry and jobs: Visit Fort Bragg Campaign, Noyo Center for Marine Science and improvements to athletic fields.*

- **Local History**

- *Preservation of buildings, culture and events*

Define “Formula Business”

Formula Business (current definition from Fort Bragg LUDC).

A business that is required by contractual or other arrangement to maintain standardized uses, services, décor, uniforms, architecture, signs **or other similar features.** Formula businesses can include retail sales services, restaurants, gas stations, visitor accommodations, **etc.**

Proposed Definition for Planning Commissioners' Feedback

“**Formula Business**” means a retail, or eating and drinking service which, along with ten (10) or more other business locations outside of Fort Bragg, regardless of ownership or location at the time that the application is deemed complete, is required by contractual or other arrangement to maintain at least two (2) of the following Standardized features: an Array of merchandise/menu, Decor, Uniforms, Façade, Color scheme, Signs, Trademark, or Service mark.

Definitions for Standardized Traits

For the purposes of this section the following definitions apply:

1. “**Array of merchandise/menu**” shall be defined as 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.
2. “**Decor**” shall be defined as the style of interior finishings, which may include but is not limited to style of furniture, wallcoverings or permanent fixtures.
3. “**Uniforms**” shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.
4. “**Facade**” shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.
5. “**Color scheme**” shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.
6. For definition of “**signage,**” see definition of “sign” FBMC.
7. “**Trademark**” shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
8. “**Service mark**” shall be defined as word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
9. “**Standardized**” does not mean identical, but means substantially the same.

Proposed Special Findings for Planning Commissioners' Feedback

– *Diversity of Services*

1. The business offers merchandise and/or services that serve the unmet needs of the population; and

Proposed Special Findings for Planning Commissioners' Feedback

- *Economic Diversity*

2. Approval of the formula business establishment will contribute to an appropriate balance of local, regional or national-based businesses in the community; and

Proposed Special Findings for Planning Commissioners' Feedback

- *Economic Vitality*

3. The formula retail establishment will be mutually beneficial to and would enhance the economic health of Fort Bragg; and

Proposed Special Findings for Planning Commissioners' Feedback - *Unique Sense of Place*

4. The proposed formula business has been designed to preserve and enhance the City's small town character and to integrate existing community architectural and design features which will preserve such character for the City's residents and visitors.

Next Steps

1. Identify locations for zoning districts requiring Permits (UP or MUP).
2. Finalize the Formula Business Ordinance. Planning Commission will make a recommendation to the City Council regarding approval of the Ordinance.

Top Twenty-Five Sales Tax

(in alphabetical order)

Arco AM/PM Mini Mart	McDonald's Restaurants	Safeway Stores
Boatyard Tobacco	Mendo Mill & Lumber Company	Sinclair Service Stations
Canclini TV & Appliance	Mendocino County Horticultures	Sport Chrysler-Jeep-Dodge
Chevron Service Stations	O'Reilly Auto Parts	Taco Bell
CVS/Pharmacy	Redwood Coast Fuels	The Brewery Shop
Denny's Restaurants	Rino Service Stations	True Value Hardware
Dollar Tree Stores	Rite Aid Drug Stores	Two Short Sales
Geo Aggregates	Rossi Building Materials	US Cellular
Harvest Market		

Questions?