

## Lemos, June

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From: Paul Clark <pclark@fortbraggrealty.co>

Sent: Monday, February 24, 2020 6:51 AM

To: McCormick, Sarah <SMcCormick@fortbragg.com>; CMAR (CMAR@MCN.ORG) <CMAR@MCN.ORG>; Paul Clark <pclark@fortbraggrealty.co>

Subject: City Council

### 8. CONDUCT OF BUSINESS

Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation 8A. 20-623

02242020 Formula Businesses Ordinance Direction Att. 1 Current Zoning Map Att. 2 10242019 Formula Businesses Staff Report Public Comment

I hope the Council will step back on this formula business issue. We are in the age of Amazon, and have become more of a tourist economy since the GP mill shut down.

I hear often the desire to keep Fort Bragg as a small town and such things. I moved here in 1976 and can assure the town has changed considerably since then.

Regulations have gotten us where we are, that and the changing world economy and the internet. You can't put the Genie back in the bottle.

Costco is in Ukiah with cheaper gas than anyone can sell here, we had a Kmart try years ago but after a few weeks the developer made the right call, go elsewhere.

You may not like those stores, no one is forcing you to shop there. The county blew its opportunity to get Costco, now the City of Ukiah is getting all that sales tax income.

Imagine what the county could have done for the entire county with the extra income. Our elected officials screwed that up. They wanted to go on the Masonite site, it only had to be rezoned.

Think carefully about what a few vocal citizens have asked you to do. Perhaps its time to talk to the rest of the public. You represent us all, not just a few, and not just the Down Town which is dying if you had not noticed. There are more vacant store fronts each year. You can't change that. To make one into a restaurant is very costly with the impact fees in place. You look at expanding the CBD into the mill site, what do you think will happen to the existing CBD then? Move slowly please. California is seeing an exodus out of state, we don't want to lose anymore locals than we have too. When I travel, I don't look at other towns and judge them by what stores they have. Most all have big chain stores. Most are still nice towns. The People make a town. If you click the mouse and order anything on line, you have already turned your back on mom and pop stores. It is a changing world and Fort Bragg needs to change too. It is not the town I moved to, but still a nice place to live and work. We have seen what will happen with no big box stores.

Thank you

Paul Clark  
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BRE 00640014  
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Fort Bragg, CA 95437

707-964-0811 voice  
707-964-3402 fax

Dear City Council members,

City Council meeting 2-24-20. Please accept my comments about item # 8A.

As I am not able to attend this meeting I am sending you my comments ahead of time.

Some of you might know that I along with other members of CACLU (citizens for appropriate coastal land use) advocated since 4-6-17 to have a formula business ordinance in place like Mendocino County came up with. At that time neither the Fort Bragg community development commission, planning commission, nor the city council was willing to come up with such an ordinance.

Mendocino County, CA, passed a formula business ordinance in November 2016, and it took effect in August 2017. As an ordinance at the county level, it's particularly effective, as it covers unincorporated areas that are outside the boundaries of city and municipal zoning.

The ordinance, which the county describes as a "community character" measure, was passed after a two-year process that began when Dollar General received permits to construct a 9,100 square ft. store in the area of Redwood Valley. The location was next to a small farm and locally owned grocery store in the rural area, as the group Smart Growth Rural Mendocino reported on its website.

<https://ilsr.org/rule/formula-business-restrictions/formula-business-restriction-mendocino-county-ca/>

Why reinvent the wheel and not learn what we can from this ordinance as was suggested to the city council many times?

Now, shortly before a new project by Grocery Outlet Bargain Market is discussed (not for the Hare Creek site, but at the site of the old Social Services building on South Franklin Street) we are finally addressing

the issue.

The following communities/counties restrict formula businesses in various ways: Mendocino County, San Francisco, Arcata, Benicia, Coronado, Sebastopol, Solvang, Pacific Grove, Ojai, Calistoga, San Juan Bautista, Carmel-by-the-Sea, Sausalito, CA; Port Townsend, Bainbridge Island, WA; Chesapeake City, Nantucket, MA; Jersey City, NJ; NY; McCall, ID; Bristol, RI; York, MI; Sanibel, FL; New York City, Port Jefferson NY; Ogunquit ME; Fredericksburg TX, Fairfield CT; Chesapeake City, MD; Bristol, RI; and Banff, Calgary in Canada.

It seems to me that it would be helpful to study all these and find out where, and why they came up with these restrictions.

<https://ilsr.org/rule/formula-business-restrictions/>

It would help to have a subcommittee study these models and see how and where they would apply to our situation.

It is crucial that the community has a chance to weigh in on every proposal for a formula business. It is not good enough to inform the residents who live within 300ft radius, post a sign on the property, publish in a local newspaper and have the Community Development Director make decisions for the whole community.

We demand Use Permits (UP's), that will be approved or denied by the planning commission, not Minor Use Permits (MUP's), no matter where the site of a future formula business would be.

We also demand that the information is also shared with everyone that asked the City to be notified about economic development & planning; tourism & marketing; and Fort Bragg downtown businesses as well as a separate new Notify Me list for formula businesses.

A MUP would only get a hearing if someone finds out about it in time and would request a hearing. Already Cannabis Dispensary permits and vacation rentals in the Central Business District are dealt with it

that way. We can not be so nonchalant about such major changes to our town. We have reached the tipping point already.

How many more pizza businesses do we need?

In the agenda item summary a formula business is described as a business that is identical of 25 other businesses in the US. Mendocino County uses 10 identical other businesses and 2 standardized features as its trigger.

At the October 24, 2019 special city council meeting the power point presentation listed all top 25 sales tax producers (marked in yellow were the 16 formula stores as well as big box retail policies about max. square ft. within various areas in Fort Bragg. In addition to these top 25 sales producers we have formula businesses like Mountain Mike's Pizza, Starbucks, Sears, Rite Aide, Subway Sandwiches & Salads, SHN Consulting Engineers & Geologists, Edward Jones Investments and Sinclair Gas.

Leslie Kashiwada in her letter to you from 1-29-20 encouraged you to look at the market study prepared by HdL ECONsolutions for AutoZone carefully when making future decisions for formula businesses. The study included a void analysis summary & market profile listing 24 formula businesses, in addition to AutoZone, that they deemed a good fit for Fort Bragg (refer to the table on page 7 of their report). Leslie also encouraged you to look at existing policies in other municipalities and decide which work for Fort Bragg and which do not, as well as consider the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district.

The market study prepared by HdL ECONsolutions suggested that the following would be a good fit for Fort Bragg. These included: AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin' Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley's, Save Mark Supermarkets, Harbor

Freight Tools, Arby's, Burger King (which used to exist in Fort Bragg), Carl's Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy's, Tractor Supply, and Dollar General. Ten of these are formula food stores, three sell discount merchandise (much of it cheap plastic products made overseas), two are usually associated with gas stations and sell snacks and general merchandise, three are supermarkets, six sell car/tractor parts and/or services and one sells boots and clothing. I don't think any of these have a place in Fort Bragg as they all compete with existing businesses and will mostly take customers away from existing businesses. This doesn't grow the economy, it merely swaps one set of sales for another, and often for cheaper products that will generate less tax revenue. In addition, most, if not all of these businesses, provide part-time low-wage jobs.

The public comments section of the Oct. 24 meeting includes a link to the Mendocino County's Ordinance deal with "community character", rezoning, etc. Here is the complete document:

<https://mendocinocounty.nextrequest.com/documents/2011342?token=edee79984fb0797e2134613e8c5e7410>

and also a link to the CHAPTER 20.147 - COMMUNITY CHARACTER COMBINING DISTRICT

[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20Zoor\\_DIVIMECOZOCO\\_CH20.147COCHCODI](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20Zoor_DIVIMECOZOCO_CH20.147COCHCODI)

Formula businesses should not be allowed in the Central Business District and the City should prohibit façade renovations that incorporate an element of uniform branding and limit exterior displays to signage.

The area north of Pudding Creek should not have any additional formula accommodation businesses as it is close to Mac Kerricher State Park. It is important to preserve the views and character of its surroundings.

Regulations for the General Commercial Corridor, Central Business District, and the area north of Pudding Creek need to be formulated with more constraints.

We need a fiscal and economic analysis as part of the conditional use permit process for all formula and big box retail projects.

We demand Use Permits (UP's), that will be approved or denied by the planning commission, not Minor Use Permits (MUP's), no matter where they would be located.

Roanne Withers and Ron Guenther (both no longer alive) along with Anna Marie Stenberg advocated long and hard to protect our coast and Fort Bragg from becoming like Anytown USA. So have members of CACLU. We are asking the city council to make wise decisions and think for the long run. Neither tourists nor locals desire any more formula businesses. Fort Bragg already has lots of vacancies in the boatyard shopping center, the DMV mall and downtown (approx.20 vacancies). We need to fill these first and prevent blight.

Thank you for your consideration, Annemarie Weibel  
2-24-20

## Lemos, June

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**From:** Miller, Tabatha  
**Sent:** Monday, February 24, 2020 6:11 PM  
**To:** Lemos, June  
**Subject:** FW: Formula business ordinance comment

Public Comment on 8A.

-----Original Message-----

**From:** Ron Munson [mailto:rontmunson@gmail.com]  
**Sent:** Monday, February 24, 2020 5:21 PM  
**To:** Miller, Tabatha <TMiller@fortbragg.com>  
**Subject:** Formula business ordinance comment

Hello, Tabitha and the Fort Bragg City Council, First of all I want to commend the City Council for engaging in the process of developing a Formula Business Ordinance. It is surely a complex issue with outcomes that are difficult to predict reliably.

It seems like the use permit process would give the City the most flexibility in making final determinations on the merits or drawbacks to specific proposals as they come forward.

That being said, after having traveled all over the United States and to many parts of the world I can tell you that formula businesses generally lend very little to the unique charm of rural communities, and often they seem to be indicators of economically depressed or impoverished communities.

I think that the City Council has demonstrated an appreciation for the historic character and the magnificence of the scenic coastal corridor, and the effort to preserve this character is very worthwhile, especially considering the blank slate represented by the former mill site.

I would suggest perhaps restricting any new formula businesses west of Highway 1, along the scenic coastal corridor between the Highway 20 Gateway and the northern city limit, and I would also recommend specifically restricting formula businesses from any of the former mill site property.

I appreciate the opportunity to submit my observations and cursory comments, and I also appreciate the City Council's thoughtful endeavors to codify protective measures to maintain Fort Bragg's unique charm and coastal vistas.

Sincerely,

Ron Munson

## Lemos, June

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**From:** djliz@mcn.org  
**Sent:** Monday, February 24, 2020 1:39 PM  
**To:** Albin-Smith, Tess; Peters, Lindy; Lee, Will; Morsell-Haye, Jessica; Norvell, Bernie  
**Cc:** Miller, Tabatha; Lemos, June  
**Subject:** Auto Zone/ Formula business ordinance, Modified Agenda 2/24/2020

Dear Ft Bragg City Council Members,

Once again, I am writing in strong opposition to The Auto Zone & other franchise businesses being sited & built on the west side of Hwy One & the Highway 20 intersection. I cannot attend tonight's meeting.

I urge you to turn down any MUPs (Minor Use Permits) submitted as ways to weasel around the restrictions of any UP (Use Permit) before you.

Along with many other concerned locals & a few officials of agencies who expressed themselves in previous letters & meetings, I urge you to heed their informed & heartfelt objections to developing/destroying a key public resource in this way.

Can we rely on you to govern wisely by supporting existing businesses & protecting our resources? Or will you make cynical, short-term decisions serving only a moneyed few?

Respectfully,

Liz Helenchild



## Lemos, June

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**From:** Linda Jo Stern <lindajostern@gmail.com>  
**Sent:** Monday, February 24, 2020 8:31 AM  
**To:** Lemos, June  
**Subject:** formula business ordinance

Good morning, June. I would like to enter my letter as a public comment regarding the establishment of a city ordinance regarding formula businesses. I understand that at this time Fort Bragg does not have such an ordinance. By not having a control on these types of stores, we lessen the possibility of keeping a small town flavor here and also discourage entrepreneurial folks from starting their own businesses in town. Such an ordinance could assist in promoting and preserving the city's attractiveness, rural character and locally oriented tourist business.

Thank you.

*Linda Jo*

Linda Jo Stern, MPH  
[lindajostern@gmail.com](mailto:lindajostern@gmail.com)  
617-435-8412 (mobile)

## Lemos, June

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**From:** Leslie Kashiwada <kashiwa@mcn.org>  
**Sent:** Wednesday, January 29, 2020 3:43 PM  
**To:** Lee, Will; Norvell, Bernie; Albin-Smith, Tess; Morsell-Haye, Jessica; Peters, Lindy  
**Cc:** Lemos, June  
**Subject:** Formula Business Ordinance

Greetings,

I am glad there will be continued discussion about regulating formula businesses tonight. Unfortunately, I am unable to attend.

I would like to remind you that the market study prepared by HdL ECONSolutions for AutoZone included a void analysis summary & market profile listing 24 formula businesses, in addition to AutoZone, that they deemed a good fit for Fort Bragg (refer to the table on page 7 of their report). These include AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin' Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley's, Save Mark Supermarkets, Harbor Freight Tools, Arby's, Burger King (which used to exist in Fort Bragg), Carl's Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy's, Tractor Supply, and Dollar General. Ten of these are formula food stores, three sell discount merchandise (much of it cheap plastic products made overseas), two are usually associated with gas stations and sell snacks and general merchandise, three are supermarkets, six sell car/tractor parts and/or services and one sells boots and clothing. I don't think any of these have a place in Fort Bragg as they all compete with existing businesses and will mostly take customers away from existing them. This doesn't grow the economy, it merely swaps one set of sales for another, and often for cheaper products that will generate less tax revenue. In addition, most, if not all of these businesses, provide part-time low-wage jobs.

Look at this list carefully when crafting a formula business ordinance (assuming you decide to do so). I encourage you to look at existing policies in other municipalities (as outlined in the staff report) and decide which work for Fort Bragg and which do not. And consider the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district.

Thank you for your consideration,  
-Leslie Kashiwada

## Lemos, June

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**From:** Annemarie <aweibel@mcn.org>  
**Sent:** Wednesday, January 29, 2020 5:28 PM  
**To:** Morsell-Haye, Jessica; Peters, Lindy; Albin-Smith, Tess; Norvell, Bernie; Lee, Will; Lemos, June  
**Subject:** Formula Business Ordinance

Greetings,

I am glad there will be continued discussion about regulating formula businesses tonight.

As a member of Citizens for Appropriate Coastal Land Use and active promoter of a formula business ordinance I am asking you to consider these facts.

As you may know I approached the city since April 2017 to adopt an ordinance like the one the county adopted. I understand if you do not want to adopt a complete moratorium, but agree with the comments by Leslie Kashiwada that AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin' Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley's, Save Mark Supermarkets, Harbor Freight Tools, Arby's, Burger King, Carl's Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy's, Tractor Supply, and Dollar General do not fit in considering the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district. We already have one Dollar Store, so we do not need another one.

Specifically on page 3 of the Agenda Summary # 2 needs to say that the City should (not could) require an MUP. We do not want to look like Anywhere USA! It does not help with filling the approx. 20 vacancies downtown (blight issue).

#3 Formula businesses should (not could) not be allowed in the Central Business District and the City should prohibit façade renovations that incorporate an element of uniform branding and limit exterior displays to signage only.

#4 South of Pudding Creek. The area from the Pudding Creek bridge south to the CBD along Main Street is primarily zoned Highway Visitor Commercial and a few formula businesses already exist in this area. Formula businesses should be subject to an MUP.

page 4 #5 North of Pudding Creek. The City Council should distinguish this area from the General Commercial Corridor by not allowing additional formula accommodation businesses in this area. This area, as it is close to MacKerricher, State Park and with better ocean views, should be restricted to preserve the views and character of its surroundings. The Industrial and Light Industrial zones at the north end of the City should also have additional regulation beyond the MUP process.

Policy LU-4.2 on page 4

Require that a fiscal and economic analysis be performed as part of the conditional use permit process for all formula and big box retail projects.

Recent Fort Bragg Formula Businesses on page 5 Notably, Policy LU-4.1 above, applied to AutoZone during its application for a Coastal Development Permit (CDP). The CDP also triggered Design Review. Likewise, Taco Bell, also in the Coastal Zone was subject to a CDP and Design Review.

Other formula businesses that have opened in recent years in Fort Bragg have not been subject to any use or compatibility review, including:

Mountain Mike's Pizza; SHN Consulting Engineers & Geologists; Edward Jones Investments or Sinclair Gas.

Other formula businesses should in the future need to apply for a Coastal Development Permit (CDP) and a Design Review.

Thank you for your consideration, Annemarie Weibel

**Gonzalez, Joanna**

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**From:** Jamie Peters <jamielp13@hotmail.com>  
**Sent:** Wednesday, October 23, 2019 11:45 AM  
**To:** CDD User  
**Subject:** AutoZone Comments

Dear Joanna & Sarah,

Please add these to tonight's packet:

Our community is at a critical point. We need to make smart choices regarding what we want the future of Fort Bragg to look like and to become.

Based on the Mission of the City's General Plan to "**preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents,**" it is clear that AutoZone doesn't mesh with the City of Fort Bragg's Mission Statement.

They are NOT helping to economically diversify our community – they're only adding to an existing industry that is wholly unnecessary and has no economic value to our community; rather, they would cause great harm to existing, locally owned businesses – not just Napa Auto Parts, but other locally owned businesses who also have a footprint in the after sales auto supplies business such as Coast Hardware, Rossi Building Materials, Mendo Mill, Matson Building Materials, Fort Bragg Outlet, Harvest Market's Hardware Supply Store, and certainly they'd have an adverse impact on existing auto repair business since they're business plan is based in large part of DIY auto maintenance. Businesses like Sport Chrysler, North Coast Tire Pros, The Shop, E&B Auto, Fort Bragg Transmission, and many others.

Every time you bring in a big box, chain, or formula store into a community that is already covered in that industry, you harm existing businesses that support that community.

Along with the **City of Fort Bragg's mission**, there are several statements meant to affirm said mission, and these statements written out by the Development Department have been pointed out as *relevant* to our time here today. **AutoZone doesn't fit within our mission nor with the affirmed statements, which is another reason why their permit should be denied.**

- A friendly city with a small-town character and a strong sense of community.
  - How does a corporation like AutoZone fit with either a small town character or provide a strong sense of community? The answer is, they don't. With over 5,500 stores in the United States alone, they are far from small town. They are based in Tennessee – that is their community. They don't offer franchises,



and they are boastful of it and of aggressively pursuing places to open more stores. If you want to talk about a strong sense of community – all you need to do is look at our existing, locally owned businesses (like those previously mentioned) They have supported this community through numerous fundraisers, etc. They epitomize a strong sense of community.

- A city which strives to create an environment where business and commerce would grow and flourish.
  - **What do you think is going to happen with the addition of another auto parts store in this community? We already lost one locally owned independent auto store when O'Reilly's came to town; are we willing to lose another one? Certainly the other auto parts stores and those that sell auto parts wouldn't flourish or grow. How many businesses are you willing to impact for the sake of a corporation that has no ties to and no interest in our community?**
- A city that embraces its role as the primary commercial and service center of the Mendocino Coast
  - **That's great – we already have businesses that take care of the auto parts needs, so another is not needed and will only cannibalize existing businesses.**
- A city that promotes itself as a tourist destination and which provides the necessary infrastructure and services to support a growing population of transient visitors.
  - **There will never be a large enough population in Fort Bragg, or even along the Coast to warrant a third auto parts store. The current population is under 7,500 people. With a very obvious housing problem; even with new housing, it still won't be enough to warrant another auto parts store.**
- A city that supports efforts to preserve and strengthen the vitality of commerce in its central business district.
  - **Rhoads Auto Parts falls within the CBD. By allowing another corporate auto parts store to set up shop, you directly oppose the mission's effort to preserve this locally owned business. The reality is with another auto parts store, one may go out of business, leaving an empty building, thus creating more blight. This does not strengthen the vitality of commerce – it diminishes it.**
- A city that fosters a business climate which sustains and nourishes the growth and expansion of local businesses and cottage industries.
  - **Again, AutoZone is not a local business or cottage industry. AutoZone isn't here to become a part of our community, at least not in the manner intended per our General Plan. We're just another notch in their bloated, corporate belt.**

Further reasons why AutoZone should not be permitted to build in Fort Bragg:

A) we don't need another auto parts store; B) AutoZone has a terrible track record for environmental hazards – they are polluters ; C) it takes tax dollars out of our local economy - they're based in Tennessee; D) they are detrimental to other local businesses; and E) they don't mesh with our city's General Plan Mission.

It is naïve to think that AutoZone can be trusted to “ensure adequate measures in the handling and disposal of hazardous waste materials and their containers” considering that they're settlement wasn't due to one or two or even ten mistakes, they have a culture of non-compliance as it relates to handling and disposing of toxic materials over a 2+ year period of time – with over 5,000 violations. While they may be prudent for the first few years, but what about in 10 years, or 20 years? Do you think they'll take the same care?

Please do not turn Fort Bragg into a Corporate Candyland – saying no to AutoZone is the first step.

Thank you!

Jamie Peters-Connolly

Sent from Mail for Windows 10

**From:** [McCormick, Sarah](#)  
**To:** [Gonzalez, Joanna](#)  
**Subject:** FW: No AutoZone  
**Date:** Monday, September 09, 2019 9:22:22 AM

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Please forward public comment to Planning Commissioners and add to record.  
Thank you,  
Sarah

Sarah Million McCormick  
Assistant Planner  
City of Fort Bragg  
(707) 961-2827 x113

-----Original Message-----

**From:** Ron Munson <[rontmunson@gmail.com](mailto:rontmunson@gmail.com)>  
**Sent:** Friday, September 6, 2019 1:19 PM  
**To:** McCormick, Sarah <[SMcCormick@fortbragg.com](mailto:SMcCormick@fortbragg.com)>  
**Subject:** No AutoZone

Dear Ms McCormick,

Don't know if it's too late to submit comments on the AutoZone proposal, but I think it would be a big mistake to allow these cheap franchise operations like AutoZone or Dollar Store to be built right at the gateway to Fort Bragg in the highly scenic coastal corridor.

Fort Bragg has managed to fairly gracefully transition from a primarily fishing and logging town to a tourism based economy, thanks in large part to that brilliant Noyo Headlands Coastal Trail, which rightfully celebrates our magnificent coastal vistas.

Cheap franchises like AutoZone do nothing to enhance what makes FB special; in fact they denigrate the coastal corridor and advertise an impoverished community that might just as well be in West Virginia or Oklahoma.

I urge you to work with the city council to pass some sort of ordinance to put to bed once and for all the continuing and thoughtless efforts to spoil Fort Bragg's beautiful coastline with tawdry development proposals. Thanks for the opportunity to comment.

Ron Munson