



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda Planning Commission

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Wednesday, May 5, 2021

6:00 PM

Via Video Conference

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### Special Meeting

#### MEETING CALLED TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### PLEASE TAKE NOTICE

*DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MENDOCINO TO SHELTER IN PLACE TO MINIMIZE THE SPREAD OF COVID-19, PLANNING COMMISSIONERS AND STAFF WILL BE PARTICIPATING BY VIDEO CONFERENCE IN THE PLANNING COMMISSION MEETING OF MAY 5, 2021.*

*In compliance with the Shelter-in-Place Orders of the County and State, the Town Hall Council Chamber will be closed to the public. The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made in any of the following ways: (1) By joining the Zoom video conference and using the Raise Hand feature during Public Comment, (2) Through the City's online eComment agenda feature, (3) By emailing comments to Administrative Assistant Joanna Gonzalez, [jgonzalez@fortbragg.com](mailto:jgonzalez@fortbragg.com), (4) By delivering written comments through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street, or (5) By leaving a voice mail comment at (707) 961-1694.*

*THE DEADLINE TO SUBMIT PUBLIC COMMENTS IS 3:00 PM ON THE DATE OF THE MEETING. Any written or emailed comments received after 3:00 PM and before the meeting is ended will be forwarded to the Commissioners by email. All comments on agenda items will be included in the public record as part of the agenda packet the next business day after the meeting.*

*We appreciate your patience and willingness to protect the health and wellness of our community and staff. If you have any questions regarding this meeting, please contact Community Development Department at (707) 961-2823 or email [cdd@fortbragg.com](mailto:cdd@fortbragg.com).*

#### ZOOM WEBINAR INVITATION

*You are invited to a Zoom webinar.*

*When: May 5, 2021 06:00 PM Pacific Time (US and Canada)*

*Topic: Planning Commission*

*Please click the link below to join the webinar:*

*<https://zoom.us/j/93244134997>*

*Or One tap mobile :*

US: +16699009128,,93244134997# or +13462487799,,93244134997#  
Or Telephone:  
Dial(for higher quality, dial a number based on your current location):  
US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592  
or +1 312 626 6799  
Webinar ID: 932 4413 4997  
International numbers available: <https://zoom.us/j/93244134997>

## **1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS**

*MANNER OF ADDRESSING THE PLANNING COMMISSION: Any member of the public desiring to address the Planning Commission may submit a Speaker Card to the Administrative Assistant and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. Those who have not filled out a Speaker Card will be given an opportunity to speak after all those who have filled out Speaker Cards have spoken. All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or acting Mayor. Written comments may be submitted to the Community Development Department, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to [cdd@fortbragg.com](mailto:cdd@fortbragg.com).*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Any citizen, after being recognized by the Chair or acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.*

*BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.*

## **2. STAFF COMMENTS**

## **3. MATTERS FROM COMMISSIONERS**

## **4. CONSENT CALENDAR**

*All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.*

**4A. [21-185](#)** Approve the Planning Commission Minutes of April 14, 2021

**Attachments:** [04142021 Planning Commission Minutes](#)

**4B. [21-211](#)** Approve the Minutes of April 28, 2021

**Attachments:** [April 28, 2021 Minutes](#)

## **5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

## **6. PUBLIC HEARINGS**

## **7. CONDUCT OF BUSINESS**

- 7A. [21-203](#) Receive Report and Provide Staff Direction on Ordinance Adding Chapter 18.46 Formula Business Regulations to the Fort Bragg Inland Land Use and Development Code

**Attachments:** [05052021 Formula Business](#)

[Att. 1 - ORD Formula Business Regulations](#)

[Att. 2 - Location Map LU-1 Land Use Designations](#)

[Att. 3 - Commercial Districts Purpose and Permit Requirements](#)

[Att. 4 - Public Comments](#)

**ADJOURNMENT**

*The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.*

STATE OF CALIFORNIA     )  
   )ss.  
 COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on April 30, 2021.

\_\_\_\_\_  
 Joanna Gonzalez  
 Administrative Assistant, Community Development Department



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 21-185

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**Agenda Date:** 5/5/2021

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Consent Calendar

**Agenda Number:** 4A.

Approve the Planning Commission Minutes of April 14, 2021



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Planning Commission

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Wednesday, April 14, 2021

6:00 PM

Via Video Conference

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### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 PM.

### ROLL CALL

**Present** 4 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Commissioner Michelle Roberts, and Chair Jeremy Logan  
**Absent** 1 - Commissioner Nancy Rogers

### 1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

### 2. STAFF COMMENTS

Assistant Director O'Neal informed the Commission that at the last City Council Meeting a moratorium on franchise business was passed for inland zoning and not passed in the coastal zones.

### 3. MATTERS FROM COMMISSIONERS

Commissioner Roberts states she would like to receive the agenda earlier than 72 hours when possible. The rest of the Commission agreed.

### 4. CONSENT CALENDAR

**Moved by Commissioner Michelle Roberts, seconded by Commissioner Stan Miklose, that the minutes of March 24, 2021 be approved. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Miklose, Vice Chair Andreis, Commissioner Roberts and Chair Logan

**Absent:** 1 - Commissioner Rogers

#### 4A. [21-155](#)

Approve the minutes of March 24, 2021

### 5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Commissioner Miklose states that he has spoken to staff regarding the project prior to the Public Hearing.

**6. PUBLIC HEARINGS**

6A. [21-120](#) Receive Report, Hold Public Hearing, and Consider Adoption of a Resolution to Approve Coastal Development Permit 3-20 (CDP 3-20) to upgrade a section of State Route 1 (SR 1) to current Americans with Disabilities Act (ADA) standards from the intersection of SR 1 at SR 20 north to Elm Street

Chair Logan opened the public hearing at 6:10 PM. Contract Planner Aggarwal presented the prepared report to the commission. The Commissioners asked clarifying questions and the applicants representatives were also present to answer questions.

**Public Comments:**

- \* Annemarie Weibel
- \* Tiffani
- \* Jacob Patterson
- \* Gabriel Quinn-Maroney

Chair Logan closed the Public Hearing at 7:33 PM.

**Discussion:**

Discussion included protective measures that should be taken to protect the root of the established trees in the tree wells in front of Rite Aid, creativity on the retaining wall and the importance of community involvement in the selection of the art on said retaining wall. The Commission requested special conditions to ensure the Rite Aid trees not be removed and the retaining walls have smooth brick to later be decorated with community input

**A motion was made by Commissioner Miklose, seconded by Vice Chair Andreis, that this Planning Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 3 - Commissioner Miklose, Vice Chair Andreis and Chair Logan

**No:** 1 - Commissioner Roberts

**Absent:** 1 - Commissioner Rogers

Enactment No: RES PC04-2021

**7. CONDUCT OF BUSINESS**

None.

**ADJOURNMENT**

Chair Logan adjourned the meeting at 8:08 PM.

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Jeremy Logan, Chair

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Joanna Gonzalez, Administrative Assistant

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

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## Text File

File Number: 21-211

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**Agenda Date:** 5/5/2021

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Consent Calendar

**Agenda Number:** 4B.

Approve the Minutes of April 28, 2021





# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, April 28, 2021

6:00 PM

Via Video Conference

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Via Webinar

### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 PM.

### ROLL CALL

**Present** 2 - Commissioner Stan Miklose, and Chair Jeremy Logan

**Absent** 3 - Commissioner Nancy Rogers, Vice Chair Jay Andreis, and Commissioner Michelle Roberts

### 1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

### 2. STAFF COMMENTS

Assistant Director O'Neal informed the present commissioners that due to a noticing error the item will not be heard and the permit will be processed administratively.

### 3. MATTERS FROM COMMISSIONERS

None.

### 4. CONSENT CALENDAR

4A. [21-185](#) Approve the Planning Commission Minutes of April 14, 2021

### 5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

### 6. PUBLIC HEARINGS

6A. [21-181](#) Receive Report, Conduct Public Hearing on Minor Use Permit Application 1-21 for a Cannabis Dispensary at 144 N. Franklin St., and Consider Adoption of Resolution Approving the Permit.

### 7. CONDUCT OF BUSINESS

### ADJOURNMENT

Chair Logan adjourned the meeting at 6:02 PM.

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Jeremy Logan, Chair

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Joanna Gonzalez, Administrative Assistant

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

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## Text File

File Number: 21-203

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**Agenda Date:** 5/5/2021

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Staff Report

**Agenda Number:** 7A.

Receive Report and Provide Staff Direction on Ordinance Adding Chapter 18.46 Formula Business Regulations to the Fort Bragg Inland Land Use and Development Code



AGENCY: Planning Commission  
MEETING DATE: May 5, 2021  
DEPARTMENT: City Manager  
PRESENTED BY: Tabatha Miller  
EMAIL ADDRESS: [tmiller@fortbragg.com](mailto:tmiller@fortbragg.com)

## AGENDA ITEM SUMMARY

**TITLE: Receive Report and Provide Staff Direction on Ordinance Adding Chapter 18.46 Formula Business Regulations to the Fort Bragg Inland Land Use and Development Code**

### **ISSUE:**

After discussing the regulation of formula businesses on October 24, 2019 and February 24, 2020, the City Council directed staff to bring the matter to the Planning Commission to provide guidance on developing a Formula Business Ordinance and potentially recommending an Ordinance for adoption by the City Council. The Planning Commission initially received a report on development of an Ordinance to regulate formula businesses on October 14, 2020. In a series of meetings since then (see Links on page 9), the Planning Commission has developed policies to incorporate into the Formula Business Ordinance.

On April 12, 2021, the City Council adopted Urgency Ordinance No. 964-2021 placing a 45-day Moratorium on the Approval of Applications and Permits for Formula Businesses in the Inland Zoning Areas. Urgency Ordinances require four of five Councilmembers to approve and to extend. On the same day, an Urgency Ordinance for a Formula Business Moratorium in the Coastal Zoning Areas failed. It is expected that City Council will consider extending the Inland Area moratorium to provide sufficient time to allow the Formula Business Regulations to be finalized, adopted, and to become effective.

Attached to this Staff Report is a Proposed Ordinance adding Chapter 18.46 Formula Business Regulations to the Inland Land Use and Development Code (ILUDC). Staff requests that the Planning Commissions provide final direction on the Ordinance, so that it can be scheduled for a Public Hearing before the Commission where the Commission makes a recommendation to the City Council to approve, approve in modified form or disapprove the proposed amendment ([ILUDC Section 18.94.040](#)).

### **ANALYSIS:**

This amendment to the Municipal Code involves changes to Title 18, the Inland Land Use and Development Code (ILUDC), in order to provide additional regulation of Formula Businesses.

Cities cannot prohibit all Formula Business within their jurisdictions, but can pass ordinances to impose specific permit requirements to ensure that new Formula Businesses are located in accordance with legitimate land-use and planning goals that support the City's General Plan Policies. Three elements to consider in structuring a legally defensible formula business ordinance: 1) Establish extensive findings on the purpose of the ordinance; 2) Establish clear criteria for the issuance of Use Permits regulating the use of the land which treats the class of Formula Businesses equally; and 3) Make clear connections between the Formula Business regulations and stated purpose of the ordinance.

AGENDA ITEM NO. \_\_\_\_\_

## **Discussion on Proposed Ordinance Language**

### **Section 1. Legislative Findings**

Section 1 of the proposed Ordinance sets forth legislative findings. There have been few legal challenges in California to local Formula Business regulations. One, in which the City of Coronado successfully defended its regulations, was *Organized v. City of Coronado*<sup>1</sup>. Although unpublished, so it cannot be relied on as case law, the court there relied heavily on the lengthy preamble section which set forth the nondiscriminatory purposes of the regulation. Staff has followed this example, to provide further support for adoption of the Formula Business regulations.

### **Section 2. Chapter 18.46 Formula Business Regulations**

#### **18.46.010 Purpose.**

The purpose provides an abbreviated purpose for the Ordinance. It introduces the chapter in the code, serves as a sort of preamble and is included in the codified portion of the Ordinance, unlike the more expansive Legislative Findings. It also helps substantiate the nondiscriminatory justification for the Ordinance.

*The purpose of this chapter is to promote and maintain the City's unique small town character, the diversity and vitality of the City's commercial districts, and the quality of life for Fort Bragg's residents and visitors. It is presumed that establishing or preserving a balanced mix of local, regional and national-based businesses will more effectively serve to achieve this purpose as a strategy to maintain and improve the economic health of the City's business districts and the small one-of-a-kind ambiance.*

#### **18.46.020 Definitions.**

Terms and phrases used in the Formula Business Chapter will be codified in Chapter 18.100 reserved for definitions under the header "Formula Business." Additionally, the Ordinance eliminates the current definition of "Formula Business" in the ILUDC.

A couple of notable updates from prior working versions of the Ordinance are described here. Instead of listing, each land use that would be included or excluded from the Formula Business Regulation, the term "Commercial Establishment" has been added with a basic definition – a commercial establishment that provides goods and /or services directly or indirectly to the consumer. After several versions, the Planning Commission concluded that a more generic definition that could encompass all uses would serve the City better than a detailed definition trying too hard to account for all possible future formula business uses. The alternative is to list each land use, as defined in the ILUCD, to include or exclude from the Formula Business Regulations. If this alternative is desired the Use Table 2.6 could be

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<sup>1</sup> *Organized v. City of Coronado*, 2003 Cal.App.Unpub. LEXIS 5769, Court of Appeals of California, Fourth Appellate District, Division One.

updated to refer to Chapter 18.46 in the right column “Specific Use Regulation” for each Commercial Land Use subject to the Ordinance.

A definition of “Payday or Check Cashing Commercial Establishment” has been added. Several times through the process of developing this Ordinance, the question about limiting or even banning Payday Lending Businesses was raised. In response, this Ordinance provides a ban on Payday or Check Cashing Formula Businesses in all commercial zoning districts in Section 18.46.060.

The following definitions will be added to the ILUDC as set forth in the Ordinance:

*“Array of merchandise/menu” shall be defined as 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.*

*“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.*

*“Commercial Establishment” means a commercial establishment that provides goods and/or services directly or indirectly to the consumer.*

*“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.*

*“Facade” shall be defined as the face, front or side of a building, including awnings, especially the principal front that looks onto a street or an open space.*

*“Formula Business” means a Commercial Establishment 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, exterior Signage including a Trademark or Service mark as Signage.*

*“Payday or Check Cashing Commercial Establishment” is a person or company who makes or facilitates a deferred presentment transaction, such that the person or company provides currency or a payment instrument in exchange for a person’s check or agreement to provide access to a drawer’s account in a financial institution and agrees to hold that person’s check for a period of time prior to presentment, deposit, or redemption or facilitates this process.*

*“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.*

*For definition of “Signage,” see definition of “sign” § 18.100.020.*

*“Standardized” does not mean identical, but means substantially the same.*

*“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.*

*“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.*

#### **18.46.030 Regulations.**

Section A below was added to specifically state where Formula Businesses may locate and to add the requirement for a Use Permit. Both the Planning Commission and the City Council in their preliminary discussions waived on whether a Formula Business should be subject to a Minor Use Permit (MUP), a Use Permit (UP)<sup>2</sup>, if some should be allowed by right, or if some zoning districts should allow Formula Businesses by right. The proposed Ordinance establishes that a Use Permit is the correct level of review, apart from the exceptions in Section 18.46.050 discussed later; nevertheless, the Planning Commission or City Council may change the level of review.<sup>3</sup>

Regulation B below, establishes that Design Review is required when establishing the Formula Business and if making exterior alterations. Design Review was raised by the Planning Commission as an important aspect of reviewing Formula Businesses. So much so, that an update of the City’s current Design Guidelines grew out of developing this Ordinance. There are a few circumstances when a Formula Business may be exempt from Design Review per [Section 18.71.050](#) and the Commission could modify Regulation B, to allow design review by the Director in those cases or eliminate this regulation and subject Formula Business to Design Review as established in Section 18.71.050.

- A. A Formula Business Establishment may be allowed in all Commercial Zoning Districts except Neighborhood Commercial with a Use Permit (UP).*
- B. Establishment or exterior alteration of a Formula Business is subject to Design Review.*

#### **18.46.040 Required Findings for Approval.**

When a permit application for a Formula Business comes before the Planning Commission for review, the required findings ensure that the new business is consistent with the intent of the Ordinance. Rightfully so, the Planning Commission spent significant time reviewing and revising these required findings.

*Required findings. In addition to the findings required by 18.71.060(F) as prerequisite to the issuance of a Use Permit, the Planning Commission shall make all of the following findings prior to the issuance of a Use Permit for a Formula Business, unless in conformance with Section 18.46.050:*

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<sup>2</sup> MUPs are approved or denied by the Community Development Director, while UPs must be approved or denied by the Planning Commission. Public notices of an application for an MUP will state that a decision will be made by the Director by the date specified unless an interested person requests in writing a public hearing. Notice of a pending UP or MUP is provided to property owners within a 300-foot radius by mail, is posted on the property and published in the newspaper at least 10 days before the decision.

<sup>3</sup> As discussed at the February 10, 2021 Planning Commission meeting, certain exemptions highlighted in yellow on page 6 are discussed and “allowed by right” certain Formula Businesses.

- A. *The Commercial Establishment will provide needed goods or services, will promote Fort Bragg's economic vitality, and will be compatible with existing and planned uses; and*
- B. *The Commercial Establishment will not result in an over-concentration of Formula Business establishments in its immediate vicinity or in the City as a whole; and*
- C. *The Commercial Establishment will complement existing businesses and promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and*
- D. *The Commercial Establishment has been designed to preserve and enhance the City's small town character, has an exterior design, which appropriately limits "formula" architectural, sign and other components, and integrates existing community architectural and design features which will preserve such character for the City's residents and visitors.*

#### **18.46.050 Exemptions.**

The feedback provided by the Planning Commission during its last discussion on Formula Business is incorporated below as exemptions (D, E, F) to the Formula Business regulations and creates an exemption from the required findings in Section 18.46.040. These exemptions were added to allow Formula Businesses by right, so long as other Use Permit requirements are not triggered. In exchange for the "allowed by right" designation, the City controls the amount of the space occupied by the Formula Business. This way, the potentially adverse impact from Formula Businesses is limited. In the exemptions associated with percentage of Formula Business allowed, the City is exchanging desired development such as additional residential component in a Mix Use Property or smaller scale commercial development that could provide space for new businesses that are not formula or chains.

The Planning Commission originally discussed these exemptions in the contexts of support for the Central Business District. As currently written, these exemptions would apply to all Commercial Zoning Districts, except Neighborhood Commercial (discussed in the next section). Staff found the Commissioners' reasoning on the benefits of allowing some Formula Businesses by right, applicable and beneficial to the other Commercial Zoning Districts. The Planning Commission may consider directing staff to limit exemption D, E and F to only certain Commercial Zoning Districts. The Commission may also want to consider if the percentage and/or amount of square feet (emphasized in bold on next page) allowed for Formula Businesses is in line with the Commission's goals.

The City's General Plans and the ILUDC provide certain limits on Big Box Stores. The Planning Commission also echoed a desire to limit the scale of formula business stores. Exemption D, E and F support those limitations by encouraging smaller uses on a scale better fitting Fort Bragg and a mix of formula and nonformula businesses.

As the Proposed Ordinance is written, design review



*This Chapter shall not apply to:*

- A. Those land use applications approved prior to the adoption of the Ordinance codified in this chapter;*
- B. Construction required to comply with fire and/or life safety requirements;*
- C. Disability accessibility work;*
- D. A Formula Business that does not exceed **2,000 square feet of gross floor area**, including all spaces occupied by the Commercial Establishment, except those uses prohibited by Section 18.46.060;*
- E. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than **twenty-five percent** of the total gross floor area of a Retail Complex or Mixed Use Project, subject to the prohibited uses in Section 18.46.060;*
- F. A Formula Business, which if approved, would not result in Business(es) occupying more than **thirty-five percent** of the total gross floor area of a Mixed Use Project in which at **least thirty-five percent** of total gross floor area is a residential component, subject to the prohibited uses in Section 18.46.060;*
- G. Business license approved prior to the adoption of the ordinance codified in this chapter;*
- H. Renovation of existing Formula Businesses so long as the renovation does not expand the square feet of floor area by 500 feet or more or the height or width of the business structure by more than ten percent; and*
- I. Changes in ownership of existing Formula Businesses where there is no substantial change to the land use classification of the use, or in the mode or character of the operation.*

#### **18.46.060 Prohibited Formula Business Uses.**

The proposed Ordinance allows Formula Businesses in all Commercial Zoning Districts except Neighborhood Commercial. The reasoning for excluding Neighborhood Commercial was the Planning Commission's discussions about protecting residential neighborhoods from larger more impactful retail development. Typically, chain stores generate more traffic, both vehicular and pedestrian. Neighborhood Commercial businesses should serve the local neighborhood and not the broader service area, thus, this district did not seem to be a good fit for Formula Business.

As mentioned in the Definition section, a prohibition on Payday Lending Formula Businesses has also been added to the Ordinance. These businesses are often associated with taking money out of communities and draining resources instead of adding to them. Formula

Business versions of this business model have proliferated in the last twenty years and are credited with downward community economic spirals.<sup>4</sup>

- A. *Formula Businesses, as defined in Chapter 18.100, are prohibited in the Neighborhood Commercial (CN) Zoning District.*
- B. *Formula Business Payday Lending or Check Cashing Commercial Establishments, as defined in Chapter 18.100, are prohibited in all Commercial Zoning Districts.*

#### **18.46.070 Burden of Proof.**

This section simply places a permit applicant on notice that they bear the burden of proving that a use does not meet the definition of a Formula Business.

*In the event the City determines that a permit application or permit is subject to this chapter for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.*

#### **18.46.080 Transferrable.**

This section establishes that a Use Permit is transferrable to a new business, so long as the land use category, location and gross floor area remain the same. This is a legal requirement and one of the reasons that the City of Malibu's original citizen initiative regulating Formula Businesses was overturned in 2017.

*An approved Formula Business Use Permit is transferrable to a new business in the same land use category, located at the exact same location or tenant space, so long as the square footage of the gross floor area is not increased.*

#### Community Survey

In October 2020, staff conducted a non-scientific and [informal survey of community members](#) to gauge support for or against further regulation of formula businesses. Over 1,100 responses were received and approximately two-thirds of respondents favored some regulation of formula businesses. Of those in favor, the largest number of respondents indicated a desire to regulate the total number and type of businesses allowed.

#### Environmental Determination

Exempt from CEQA. Pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Significant effect on the environment is defined as substantial or potentially substantial, adverse change in the environment.

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<sup>4</sup> [Controlling the Growth of Payday Lending Through Local Ordinances and Resolutions, October 2012](#)

The Proposed Ordinance does not authorize any additional uses as permitted or permitted with a Use Permit or a Minor Use Permit. The Ordinance does not change the uses allowed in the City or the allowable intensity or density of use. Thus, there is no possibility that the proposed Ordinance will have a significant effect on the environment and the exemption set forth in Section 15061 (b)(3) applies.

**RECOMMENDED ACTION:**

Staff is seeking direction on the final Ordinance to be able to schedule a public hearing at a future Planning Commission meeting.

**ALTERNATIVE ACTION(S):**

1. Provide alternative direction to staff on the final Ordinance.

**FISCAL IMPACT:**

The impact of the Ordinance on City revenues is unknown. Of the City’s top twenty-five (25) sales tax generating businesses, as of Fourth Quarter 2020, which represents 69.4% of the General Fund City’s Sales Tax Revenue, fifteen are formula businesses. Additionally, a number of the hotels in Fort Bragg are associated with chains, such as Super 8, Holiday Inn, Motel 6, Best Western and Travelodge. The Transient Occupancy Tax (TOT) is the General Fund’s largest source of revenue.

**Fort Bragg Top Twenty-Five Sales Tax Businesses - Quarter 4, 2020**

ARCO AM/PM MINI MART	REDWOOD COAST FUELS
BOATYARD TOBACCO	RINO SERVICE STATIONS
CANCLINI TV & APPLIANCE	RITE AID DRUG STORES
CHEVRON SERVICE STATIONS	ROSSI BUILDING MATERIALS
CVS/PHARMACY	SAFEWAY STORES
DOLLAR TREE STORES	SINCLAIR SERVICE STATIONS
GEO AGGREGATES	SPORT CHRYSLER-JEEP-DODGE
HARVEST MARKET	TACO BELL
KEMPPE LIQUID GAS	THE BREWERY SHOP
MCDONALD'S RESTAURANTS	TRUE VALUE HARDWARE
MENDO MILL & LUMBER COMPANY	TWO SHORT SALES
MENDOCINO COUNTY HORTICULTURE SUPPLY	US CELLULAR
O'REILLY AUTO PARTS	

**CONSISTENCY:**

The Community Design Element of the City’s Inland General Plan provides support for regulating Formula Businesses. The intent of the Community Design Element is to establish goals, policies and programs to preserve and enhance Fort Bragg’s authentic, small town character, and is concerned primarily with the visual quality of the City.

Adopting Formula Business Regulations is consistent with numerous goals and policies because these regulations are in place to ensure that development within the City maintains and enhances the unique coastal character of our rural small-town. The proposed Ordinance

regulating Formula Business is consistent with the following Inland General Plan Goals and Policies:

**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.

**Goal LU-4** Promote the economic vitality of the City's existing commercial areas.

**Policy LU-4.1 Formula Businesses and Big Box Retail:** The location, scale, and appearance of formula businesses and big box retail shall not detract from the economic vitality of established commercial businesses, and shall be consistent with the small town, rural character of Fort Bragg.

**Policy LU-4.2 Large-Scale Commercial Development:** To maintain scenic views along Main Street and to ensure that building sizes at the City's gateways are in scale with the community, no commercial building shall exceed the following limitations on the gross floor area: a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet

**Policy LU-4.3 Standards for Commercial Uses in Residential Areas:** Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.

**Policy C-5.1 Community Priorities for Transportation Improvements:** Place a higher priority on maintaining a sense of place and enhancing the attractiveness of the Central Business District than on efficient traffic flow and movement.

**Policy CD-1.5 Strip Development:** Discourage strip development along Main Street.

**Goal CD-2** Preserve the Central Business District as the commercial, civic, historic, and cultural center of the community.

**Policy CD-2.1 Adaptive Reuse:** Facilitate the adaptive reuse of existing older buildings in the Central Business District.

**Policy CD-2.3 Economic Vitality:** Continue to support the economic diversity and vitality of downtown businesses.

**Policy CD-2.5** Strengthen the Distinctive Identity of the Central Business District: Strengthen the distinctive identity and unique sense of place of the Central Business District.

**Policy CD-3.2** Gateway Development: Encourage a higher quality of development at the City's gateways.

**Policy CD-6.1** Protect and Preserve Buildings and Sites with Historic and Cultural Significance to the Community.

**Central Business District Frontage and Façade Standards**

Section 18.22.060 applies to new development in the Central Business District. The policies limit the uses allowable on the ground floor (pedestrian-oriented uses, such as retail), prescribe requirements on pedestrian entrances (shall be recessed from the sidewalk), and prohibits formula design.

The following policy regulates formula design:

***E. Formula design prohibited.*** *The architectural style and exterior finish materials of each proposed structure shall be designed based upon the architectural traditions of Fort Bragg and Mendocino County, and the architectural styles prevalent in the site vicinity. Buildings proposed with architectural features substantially similar to those found in other communities on buildings occupied by the same corporate or franchise entity that will occupy the proposed building are strongly discouraged.*

**IMPLEMENTATION/TIMEFRAMES:**

The Municipal Code requires that the Planning Commission conduct at least one public hearing regarding amendments to the ILUDC and that the Commission recommend to the City Council to either approve, approve in modified form or disapprove the proposed amendment based on the findings provided in the ILUDC. Upon a recommendation to the Council, a Public Hearing will be conducted by City Council, and if approved, is adopted at the next meeting and typically effective thirty (30) days later.

**ATTACHMENTS:**

1. Att. 1 – Proposed Ordinance
2. Att. 2 – Location Map LU-1 Land Use Designations
3. Att. 3 – Commercial Districts Purpose and Permit Requirements

**LINKS:**

1. 2-10-2021 Planning Commission Agenda Item:  
<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4791266&GUID=BC2A0DF5-7E5B-4B2E-92F5-A2990439AB54&Options=&Search=>
2. 01-6-2021 Planning Commission Agenda Item:  
<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4734368&GUID=95841ACC-F213-497A-A7C0-5B6B5DD266E6&Options=&Search=>

3. 11-12-2020 Planning Commission Agenda Item:  
<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4690413&GUID=864E59CA-C811-40B0-A2EA-74FE8B15A4FF&Options=&Search=>
4. 10-14-2020 Planning Commission Agenda Item  
<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4663892&GUID=CF7C04D6-1EDB-46DE-A786-C6C165DE4242&Options=&Search=>

**NOTIFICATION:**

1. Economic Development Planning, **Notify Me subscriber list**
2. Tourism and Marketing, **Notify Me subscriber list**
3. Fort Bragg Downtown Businesses, **Notify Me subscriber list**
4. Dollar General Applicant

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE ADDING CHAPTER 18.46 FORMULA BUSINESS REGULATIONS TO TITLE 18.4 (STANDARDS FOR SPECIFIC LAND USES) AND AMENDING CHAPTER 18.100 (DEFINITIONS) OF THE FORT BRAGG MUNICIPAL CODE AND AMENDING CHAPTER 18.2 (ZONING DISTRICTS AND ALLOWABLE LAND USES) OF THE FORT BRAGG MUNICIPAL CODE**

ORDINANCE NO. [REDACTED]

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS**, the City Council adopted Urgency Ordinance No. 964-2021, which established a forty-five (45) day moratorium on approval of applications for Formula Businesses, as defined in the Ordinance, in the Inland Zoning Area; and

**WHEREAS**, the City Council extended the Moratorium on approval of applications for Formula Businesses for an additional XXX days on XXXX, 2021 to provide for sufficient time to adopt Formula Business Regulations; and

**WHEREAS**, the Planning Commission considered the Inland Land Use and Development Code at a noticed public hearing on XXX, 2021, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Planning Commission adopted Resolution PC XX-2021 recommending City Council adopt the amended Inland Land Use and Development Code; and

**WHEREAS**, the City Council considered the amended Inland Land Use and Development Code at a noticed public hearing on XXXX, 2021, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the staff reports, Planning Commission resolution, City Council resolution, and Inland Land Use and Development Code are available for review at City Hall during normal business hours.

**The City Council ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The City of Fort Bragg is a small coastal community of 7,500 residents perched on the bluff tops overlooking the ocean in northern Mendocino County. A former lumber town with what was a strong fishing industry, Fort Bragg has a rich history and many of its homes and buildings are well over a hundred years old. Located approximately 165 miles north of San Francisco and 185 miles west of Sacramento, Fort Bragg, while quite small, is the largest city on the coast between San Francisco and Eureka. The remoteness of Fort Bragg is one of its greatest assets. The natural landscape is beautiful. The air is clean, the ocean wild, and traffic is a non-issue. The City acquired parkland along the bluff tops of the former mill site and has completed construction of a multiuse trail. This trail created public access to 3.5 miles of scenic coastline and is value added for local residents and visitors alike. Of the City's 1,869 acres, 962 are located in the Coastal Zone. The coastal views and beauty are critical to what makes Fort Bragg special. Many unique local businesses and brands have made Fort Bragg distinct, relying on the city's natural beauty and laid-back commercial character. Maintaining the economic health and one-of-a-kind distinction is vital to preserving Fort Bragg's commercial character while meeting the needs of its visitors and residents.
2. To retain that one-of-a-kind character, the City seeks to avoid the proliferation of chain store uses that result in diluting what makes Fort Bragg unique and instead creates a character of repetitiveness similar to other towns across America, where chain store prevalence grows. Fort Bragg seeks to encourage elements that provide variety and fit with the unique environment, history and its quirky charm while retaining opportunities for all. The City's mission and vision embraces a friendly city with a small town character and a strong sense of community that values its roots in the fishing and timber industries. The City's General Plan, Citywide Design Guidelines, and Inland Land Use & Development Code emphasize the commitment to maintaining the strength and vitality of the historic Central Business District.
3. A strong and diverse retail base is necessary for the success of Fort Bragg's commercial sector, in particular the Central Business District. The City recognizes that a healthy blend of unique and familiar businesses providing diverse retail experiences for both visitors and residents supports this success. "As the economy evolves to a more tourism and service-based economy, the community has acknowledged the importance of maintaining the historic identity of downtown and the integrity of the residential neighborhoods, while enhancing views and access to the coastline and planning for continued growth and development." (Inland General Plan 6. Community Design Element). The City is committed to and recognizes the importance of promoting and supporting the economic vitality and diversity of City businesses both in its commercial districts and the historic Central Business District. (Inland General Plan Goal LU-4, Policy CD-6.1 and Policy CD2.3). Maintaining the City's quality of life and identity is a priority. (Inland General Plan C-5, Policy C-5.1).



4. As the City continues to rely on its reputation as an emerging destination, to sustain and grow its tourism industry Fort Bragg must retain its historical ties to timber and fishing, the coastal and cultural qualities, and its recreation opportunities. Fort Bragg's commercial uses should promote its unique and special qualities. The commercial uses should not detract from or dilute what makes Fort Bragg stand out from other cities in California. Formula retail businesses are, by their nature, not unique. Many of Fort Bragg's unique goods and services cannot be found where many of our visitors reside. As a result, the City Council finds that formula retail businesses located in the City, if not regulated, will conflict with and frustrate the City's goal of maintaining its unique historical character with a local economy that offers visitors and residents non-standard offerings.
5. An abundance of formula retail establishments hinders the City's ability to promote its unique one-of-a-kind experience and to promote a diverse and balanced retail base within the City. A diverse retail base includes unique character that avoids overwhelming familiarity and sameness. The City Council finds that an overabundance of formula retail establishments will unduly limit or possibly eliminate the availability of businesses that tend to be unique or project the history and character of Fort Bragg.
6. The increase of formula retail establishments will hinder the City's goal to promote economic vitality in existing commercial areas, maintain community identity, and the continued support of economic diversity and vitality in the downtown. (Inland General Plan Goal LU-4, Goal C-5, and CD-2.3) A balanced and diverse retail base should be comprised of a balanced mix of businesses, small, medium and large, familiar and unique, and offering a variety of goods and services. The City strives to ensure that goods and services available locally, meet the regular needs of residents and visitors. The City Council finds that unregulated establishment of additional formula retail establishment uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be unique and unduly skews the mix of businesses towards formula retailers in lieu of those unique or start-up retailers, and result in decreasing the diversity of goods and services available to residents and visitors.
7. The Inland General Plan Mission and Vision pledges "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." (Inland General Plan 1B Mission and Vision). The City Council finds that the public welfare will be served and advanced by regulating formula retail businesses.
8. The City has analyzed the project proposal described herein and has determined that the project is covered by the general rule that California Environmental Quality Act ("CEQA") applies only where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Significant effect on the environment is defined as substantial or potentially substantial, adverse change in the environment.

This proposed Ordinance does not authorize any additional uses as permitted or permitted with a Use Permit or Minor Use Permit. This Ordinance does not change the uses allowed in the City or their intensity or density. The City Council has determined that there is no possibility that the proposed Ordinance will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

9. The foregoing recitals are true and correct and are made a part of this Ordinance.
10. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and any applicable specific plan, and internally consistent with other applicable provisions of the Inland Land Use and Development Code.
11. Amending the Inland Land Use and Development Code in the manner described will ensure that Formula Business uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.
12. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

## **Section 2.**

### **TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE**

**Chapter 18.46 Formula Business Regulations** is hereby added to the Inland Land Use and Development Code.

#### **18.46.010 Purpose.**

The purpose of this chapter is to promote and maintain the City's unique small town character, the diversity and vitality of the City's commercial districts, and the quality of life for Fort Bragg's residents and visitors. It is presumed that establishing or preserving a balanced mix of local, regional and national-based businesses will more effectively serve to achieve this purpose as a strategy to maintain and improve the economic health of the City's business districts and the small one-of-a-kind ambiance.

#### **18.46.020 Definitions.**

The specialized terms and phrases used in this Chapter are defined in Article 10 (Definitions), under "Formula Business."

#### **18.46.030 Regulations.**

- A. A Formula Business Establishment may be allowed in the Commercial Zoning Districts with a Use Permit (UP).
- B. Establishment or exterior alteration of a Formula Business is subject to Design Review.

#### **18.46.040 Required Findings for Approval.**

Required findings. In addition to the findings required by 18.71.060(F) as prerequisite to the issuance of a use permit, the Planning Commission shall make all of the following findings prior

to the issuance of a Use Permit for a Formula Business, unless in conformance with Section 18.46.050:

- A. The Commercial Establishment will provide needed goods or services, will promote Fort Bragg's economic vitality, and will be compatible with existing and planned uses; and
- B. The Commercial Establishment will not result in an over-concentration of Formula Business establishments in its immediate vicinity or in the City as a whole; and
- C. The Commercial Establishment will complement existing businesses and promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
- D. The Commercial Establishment has been designed to preserve and enhance the City's small town character, has an exterior design, which appropriately limits "formula" architectural, sign and other components, and integrates existing community architectural and design features, which will preserve such character for the City's residents and visitors.

**18.46.050 Exemptions.**

This Chapter shall not apply to:

- A. Those land use applications approved prior to the adoption of the Ordinance codified in this chapter;
- B. Construction required to comply with fire and/or life safety requirements;
- C. Disability accessibility work;
- D. A Formula Business that does not exceed 2,000 square feet of gross floor area, including all spaces occupied by the Commercial Establishment, except those uses prohibited by Section 18.46.060;
- E. Formula Business, which if approved, would not result in Formula Business(es) occupying more than twenty-five percent of the total gross floor area of a Retail Complex or Mixed Use Project, subject to the prohibited uses in Section 18.46.060;
- F. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than thirty-five percent of the total gross floor area of a Mixed Use Project in which at least thirty-five percent of total gross floor area is a residential component, subject to the prohibited uses in Section 18.46.060;
- G. Business license approved prior to the adoption of the ordinance codified in this chapter;
- H. Renovation of existing Formula Businesses so long as the renovation does not expand the square feet of floor area by 500 feet or more or the height or width of the business structure by more than ten percent; and

- I. Changes in ownership of existing Formula Businesses where there is no substantial change to the land use classification of the use, or in the mode or character of the operation.

**18.46.060 Prohibited Formula Business Uses.**

- A. Formula Businesses, as defined in Chapter 18.100, are prohibited in the Neighborhood Commercial (CN) Zoning District.
- B. Formula Business Payday Lending or Check Cashing Commercial Establishments, as defined in Chapter 18.100, are prohibited in all Commercial Zoning Districts.

**18.46.070 Burden of Proof.**

In the event the City determines that a permit application or permit is subject to this chapter for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.

**18.46.080 Transferrable.**

An approved Formula Business Use Permit is transferrable to a new business in the same land use category, located at the exact same location or tenant space, so long as the square footage of the gross floor area is not increased.

**Section 3.**

**TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE**

Table 2-6 of Section 18.22.030 entitled **Allowed Land Uses and Permit Requirements for Commercial Zoning Districts** is hereby amended as follows:

<b>TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>P Permitted use, Zoning Clearance required</b>					
	<b>MUP Minor Use Permit required (see § 18.71.060)</b>					
<b>UP Use Permit required (see § 18.71.060)</b>						
<b>Permit requirement set by Specific Use Regulations</b>						
<b>S Regulations</b>						
<b>— Use not allowed</b>						
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

RETAIL TRADE

Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	<a href="#">18.42.130</a>
Cannabis retail	—	—	MUP	MUP	MUP	<a href="#">18.42.057</a>

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	<b>P Permitted use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see § 18.71.060)</b> <b>UP Use Permit required (see § 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>						
	LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
		CN	CO	CBD	CG	CH	
						Chapter <a href="#">9.30</a>	
Cannabis retail - Delivery only	—	—	—	MUP	MUP	<a href="#">18.42.057</a> Chapter <a href="#">9.30</a>	
Construction and heavy equipment sales and rental	—	—	—	UP	UP	<a href="#">18.42.130</a>	
Convenience store	P	—	P	P	P		
Drive-through retail or service	—	—	UP	UP	UP	<a href="#">18.42.070</a>	
Farm supply and feed store	—	—	—	P	UP		
<b>Formula Business</b>	—	<b>UP(2)</b>	<b>UP(2)</b>	<b>UP(2)</b>	<b>UP(2)</b>	<b>Chapter 18.46</b>	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—		
Furniture, furnishings and appliance store	—	—	P	P	UP		
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP		
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P		
Retail, general - Less than 5,000 sf	P	P	P	P	P		
Groceries, specialty foods	P	—	P	P	P		
Mobile home, boat, or RV sales	—	—	—	UP	UP		
Night club	—	—	UP	UP	UP		
Outdoor retail sales and activities	—	—	P	P	P	<a href="#">18.42.130</a>	
Restaurant, café, coffee shop	UP	P	P	P	P	<a href="#">18.42.165</a>	
Second hand store	—	—	—	P	P		
Service station	—	—	—	UP	UP	<a href="#">18.42.180</a>	
Shopping center	—	—	—	UP	UP		

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use Permit required except for the exemptions set forth in [18.46.050](#).

<b>TABLE 2-6</b> <b>Allowed Land Uses and Permit Requirements</b> <b>for Commercial Zoning Districts</b>	<b>P</b>	<b>Permitted use, Zoning Clearance required</b>				
	<b>MUP</b>	<b>Minor Use Permit required (see § 18.71.060)</b>				
	<b>UP</b>	<b>Use Permit required (see § 18.71.060)</b>				
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>				
	<b>—</b>	<b>Use not allowed</b>				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	P	P	P	P	

SERVICES - GENERAL

Adult day care	P	P	P	P	UP	
Catering service	—	P	P(3)	P	—	
Child day care center	UP	UP	UP	UP	MUP	
Drive-through service	—	—	UP	UP	UP	<a href="#">18.42.070</a>
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	<a href="#">18.42.040</a>
Lodging - Bed and breakfast inn (B&B)	—	—	UP	UP	P	<a href="#">18.42.050</a>
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rental unit	—	—	MUP	—	—	<a href="#">18.42.190</a>
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	P	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Key to Zoning District Symbols

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial
<b>CBD</b>	Central Business District		

Notes:

(1) See Article [10](#) for land use definitions.

#### **Section 4.**

### **TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE**

Chapter 18.100.020 Definition for “Formula Business” is here by repealed and replaced with the following:

**Formula Business.** The following terms and phrases are defined for the purposes of Chapter 18.46 (**Formula Business Regulations**)

“Array of merchandise/menu” shall be defined as 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.

“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.

“Commercial Business Establishment” means a commercial establishment that provides goods and/or services directly or indirectly to the consumer.

“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.

“Facade” shall be defined as the face, front or side of a building, including awnings, especially the principal front that looks onto a street or an open space.

“Formula Business” means a Commercial Establishment 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, exterior Signage including a Trademark or Service mark as Signage.

“Payday or Check Cashing Commercial Establishment” is a person or company who makes or facilitates a deferred presentment transaction, such that the person or company provides currency or a payment instrument in exchange for a person’s check or agreement to provide access to a drawer’s account in a financial institution and agrees to hold that person’s check for a period of time prior to presentment, deposit, or redemption or facilitates this process.

“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.

For definition of “Signage,” see definition of “sign” § 18.100.020.

“Standardized” does not mean identical, but means substantially the same.

“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.

“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.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 6. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember [redacted] at a regular meeting of the City Council of the City of Fort Bragg held on [redacted] and adopted at a regular meeting of the City of Fort Bragg held on [redacted] by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

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Mayor

ATTEST:

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June Lemos, CMC  
City Clerk

PUBLISH: [redacted] and [redacted] (by summary).  
EFFECTIVE DATE: [redacted].



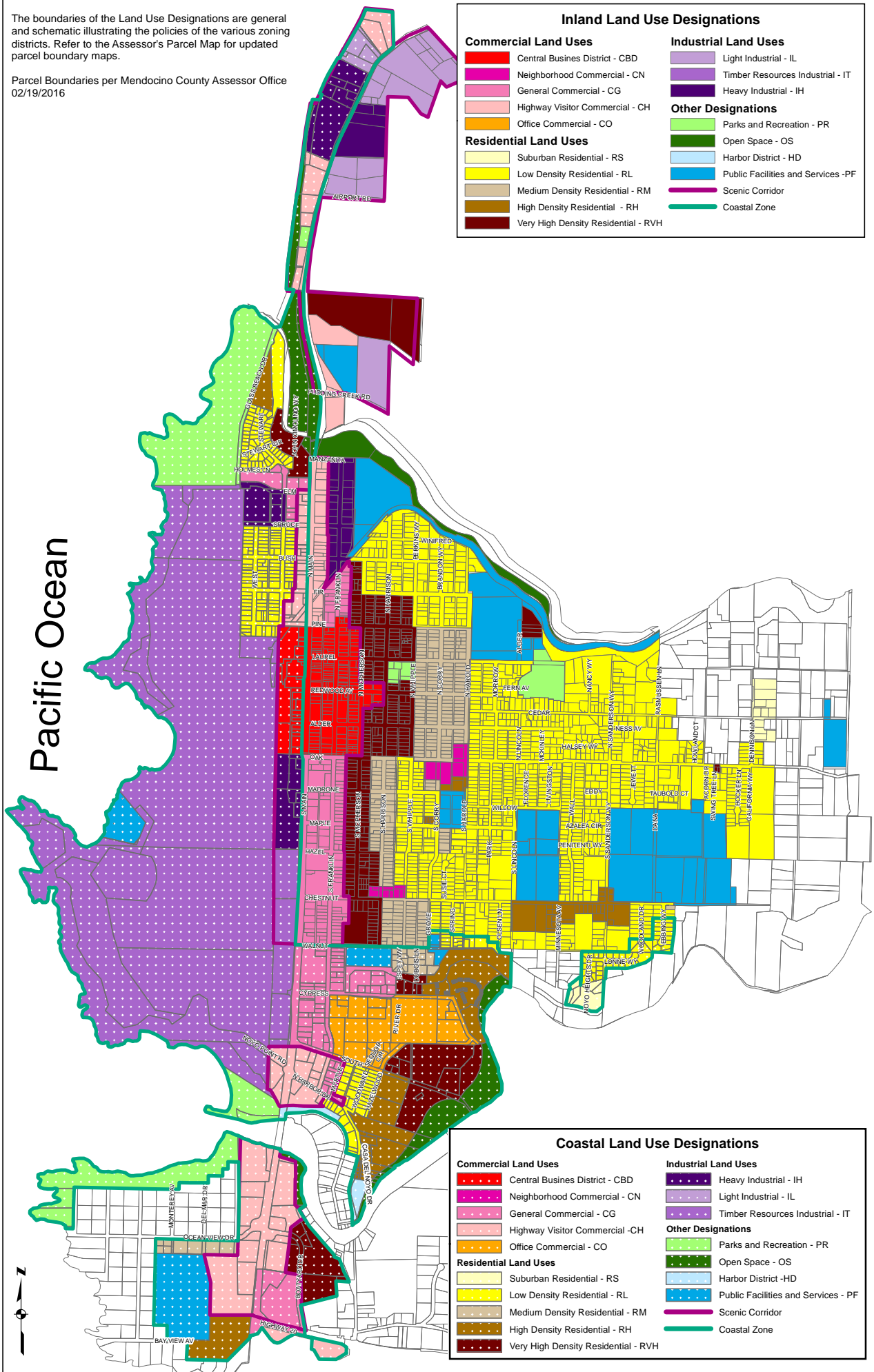
The boundaries of the Land Use Designations are general and schematic illustrating the policies of the various zoning districts. Refer to the Assessor's Parcel Map for updated parcel boundary maps.

Parcel Boundaries per Mendocino County Assessor Office 02/19/2016

Pacific Ocean

### Inland Land Use Designations

<b>Commercial Land Uses</b>	<b>Industrial Land Uses</b>
Central Business District - CBD	Light Industrial - IL
Neighborhood Commercial - CN	Timber Resources Industrial - IT
General Commercial - CG	Heavy Industrial - IH
Highway Visitor Commercial - CH	<b>Other Designations</b>
Office Commercial - CO	Parks and Recreation - PR
<b>Residential Land Uses</b>	Open Space - OS
Suburban Residential - RS	Harbor District - HD
Low Density Residential - RL	Public Facilities and Services - PF
Medium Density Residential - RM	Scenic Corridor
High Density Residential - RH	Coastal Zone
Very High Density Residential - RVH	



### Coastal Land Use Designations

<b>Commercial Land Uses</b>	<b>Industrial Land Uses</b>
Central Business District - CBD	Heavy Industrial - IH
Neighborhood Commercial - CN	Light Industrial - IL
General Commercial - CG	Timber Resources Industrial - IT
Highway Visitor Commercial - CH	<b>Other Designations</b>
Office Commercial - CO	Parks and Recreation - PR
<b>Residential Land Uses</b>	Open Space - OS
Suburban Residential - RS	Harbor District - HD
Low Density Residential - RL	Public Facilities and Services - PF
Medium Density Residential - RM	Scenic Corridor
High Density Residential - RH	Coastal Zone
Very High Density Residential - RVH	

**18.22.020 - Purposes of Commercial Zoning Districts**

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. CN (Neighborhood Commercial) zoning district.** The CN zoning district is applied to areas of the City that are appropriate for small-scale facilities providing convenience shopping and services for adjacent residential neighborhoods. The maximum allowable residential density within the CN district for the residential component of a mixed use project is 12 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CN zoning district implements and is consistent with the CN land use designation of the General Plan.
- B. CO (Office Commercial) zoning district.** The CO zoning district is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the CBD zoning district. Other related and office-supporting uses may also be allowed. The maximum allowable residential density within the CO district for either the residential component of a mixed use project or multifamily dwellings as a primary use is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CO zoning district implements and is consistent with the CO land use designation of the General Plan.
- C. CBD (Central Business District) zoning district.** The CBD zoning district is applied to the core of the downtown which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian-oriented development. The maximum allowable residential density within the CBD zone for the residential component of a mixed use project is 40 dwelling units per acre; the maximum floor area ratio (FAR) is 2.0. The CBD zoning district implements and is consistent with the CBD land use designation of the General Plan.
- D. CG (General Commercial) zoning district.** The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Allowable land uses are typically more auto-oriented than pedestrian-oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.). The maximum allowable residential density within the CG district for the residential component of a mixed use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CG zoning district implements and is consistent with the CG land use designation of the General Plan.
- E. CH (Highway Commercial) zoning district.** The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the General Plan.

(Ord. 930, § 2, passed 06-12-2017)

**18.22.030 - Commercial District Land Uses and Permit Requirements**

- A. General permit requirements.** Table 2-6 identifies the uses of land allowed by this Development Code in each commercial zoning district, and the planning permit required to establish each use, in compliance with § 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column in Table 2-6 (“Specific Use Regulations”) includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Findings for Use Permit or Minor Use Permit approval.** The approval of a Use Permit or Minor Use Permit for a project within a commercial district shall require that the review authority first make the following findings for the zoning district applicable to the site, in addition to the findings required by § 18.71.060 (Use Permit and Minor Use Permit):
- 1. CN (Neighborhood Commercial) district.** The use is designed and intended to serve the local neighborhood and not a broader service area, and is not of a size as to require a clientele larger than the neighborhood market area.

**2. CO (Office Commercial) district.** The use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.

**3. CBD (Central Business District) district.** The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street\*, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.

\* Code reviser’s note: The language in this section has been revised to refer to the intended area of the downtown core.

**4. CG (General Commercial) district.**

- a. The uses generally require larger display and/or storage areas; and
- b. The use is not dependent on heavy customer traffic per square foot.

**5. CH (Highway Commercial) district.**

- a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic; and
- b. Uses oriented to local clientele may be allowed where visitor-oriented uses are precluded because of environmental concerns or other site specific constraints.

<b>TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>P Permitted use, Zoning Clearance required</b>					<b>Specific Use Regulations</b>
	<b>MUP</b>	<b>Minor Use Permit required (see § 18.71.060)</b>				
	<b>UP</b>	<b>Use Permit required (see § 18.71.060)</b>				
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>				
	<b>—</b>	<b>Use not allowed</b>				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

**AGRICULTURAL, RESOURCE AND OPEN SPACE USES**

Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
--	---	---	---	---	---	--

**INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING**

Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	18.42.150
Recycling - Large facility	—	—	—	UP	—	18.42.150

Key to Zoning District Symbols

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
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CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	<b>P Permitted use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see § 18.71.060)</b> <b>UP Use Permit required (see § 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	LAND USE (1)	CN	CO	CBD	CG	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Recreational vehicle park	—	—	—	—	UP	
Commercial recreation facility - Indoor	—	—	UP	P	P	
Commercial recreation facility - Outdoor	UP	UP	—	UP	UP	
Conference facility	—	UP	UP	UP	UP	
Health/fitness facility	—	UP	UP	P	UP	
Library, museum, art gallery	UP	UP	P	P	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	
School - Private	UP	UP	UP	UP	UP	
Sports and active recreation facility	—	—	UP	UP	UP	
Studio - Art, dance, martial arts, music, etc.	UP	UP	P	P	P	
Theater	—	UP	P	P	P	

RESIDENTIAL USES

Emergency shelter	—	—	—	P	—	
Home occupation	P	P	P	P	P	18.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	18.42.090
Multifamily dwellings	P	UP	UP	UP	UP	18.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	P	P	18.42.100

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	Single residential unit	MUP (3)	—	UP(4)	UP(4)	
Second unit – ADU/JADU	P(5)	P(5)	P(5)	P(5)	P(5)	18.42.170

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing structures that have the appearance of a single residential dwelling unit, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, in compliance with § 18.42.170.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	RETAIL TRADE					

LAND USE (1)	CN	CO	CBD	CG	CH	Specific Use Regulations
Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CN	CO	CBD	CG	CH		
	<b>P</b> Permitted use, Zoning Clearance required <b>MUP</b> Minor Use Permit required (see § 18.71.060) <b>UP</b> Use Permit required (see § 18.71.060) <b>S</b> Permit requirement set by Specific Use Regulations <b>—</b> Use not allowed						
Bar/tavern	—	—	UP	MUP	MUP		
Big box retail	—	—	—	UP	UP		
Building and landscape materials sales - Indoor	—	—	—	P	UP		
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130	
Cannabis retail	—	—	MUP	MUP	MUP	18.42.057 Chapter 9.30	
Cannabis retail - Delivery only	—	—	—	MUP	MUP	18.42.057 Chapter 9.30	
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130	
Convenience store	P	—	P	P	P		
Drive-through retail or service	—	—	UP	UP	UP	18.42.070	
Farm supply and feed store	—	—	—	P	UP		
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—		
Furniture, furnishings and appliance store	—	—	P	P	UP		
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP		
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P		
Retail, general - Less than 5,000 sf	P	P	P	P	P		
Groceries, specialty foods	P	—	P	P	P		
Mobile home, boat, or RV sales	—	—	—	UP	UP		
Night club	—	—	UP	UP	UP		
Outdoor retail sales and activities	—	—	P	P	P	18.42.130	
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165	
Second hand store	—	—	—	P	P		
Service station	—	—	—	UP	UP	18.42.180	
Shopping center	—	—	—	UP	UP		

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
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CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.

<b>TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>P Permitted use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see § 18.71.060)</b> <b>UP Use Permit required (see § 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>					
	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
<b>LAND USE (1)</b>	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	P	P	P	P	

SERVICES - GENERAL

Adult day care	P	P	P	P	UP	
Catering service	—	P	P(3)	P	—	
Child day care center	UP	UP	UP	UP	MUP	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	18.42.040
Lodging - Bed and breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rental unit	—	—	MUP	—	—	18.42.190
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	Personal services	P	P	P	P	
Personal services - Restricted	—	—	UP	UP	UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	P	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).
- (3) Permitted above the first floor or as part of a restaurant.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE					

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation dispatch facility	—	UP	—	UP	UP	
Broadcasting studio	—	P	P	P	—	



LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CN	CO	CBD	CG	CH		
	Parking facility, public or commercial	P	P	P	P	P	
Pipelines, transmission lines	S	S	S	S	S	18.42.145	
Telecommunications facility	S	S	S	S	S	Chapter 18.44	
Transit station	UP	UP	UP	UP	UP		
Solar, wind, geothermal facilities for on-site use	P	P	P	P	P		
Utility facility	P	P	UP	P	P		
Vehicle storage	—	—	—	UP	—		

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

(1) See Article 10 for land use definitions.

(Ord. 930, § 2, passed 06-12-2017; Am. Ord. 952, § 2, passed 11-12-2019; Am. Ord. 959, § 2, passed 02-10-2020)

**From:** [Lemos, June](#)  
**To:** [Gonzalez, Joanna](#)  
**Subject:** FW: 05052021 Planning Commission Formula Business Ordinance  
**Date:** Wednesday, May 05, 2021 8:28:07 AM

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**From:** Paul Clark <pclark@fortbraggrealty.co>  
**Sent:** Wednesday, May 5, 2021 8:15 AM  
**To:** Lemos, June <jlemons@fortbragg.com>  
**Cc:** CMAR (CMAR@MCN.ORG) <cmar@mcn.org>; Paul Clark <pclark@fortbraggrealty.co>  
**Subject:** 05052021 Planning Commission Formula Business Ordinance

I would like to again go on the record that this ordinance will without a doubt come back to haunt the City. A city is not growing will die to quote a past councilmember. If this was in some way an effort to combat the effect of online shopping and the dreaded Amazon that has truly been the worst blow to all towns like ours I would think better of it. That has been more detrimental than any chain store.

Once again, retail in Fort Bragg is less and less. Most shop owners are near retirement age, and there is a lack of younger folks to take over, for a number of reasons, so when leases come up they try to sell and then ultimately close. It just makes sense.

Very few have the money to open businesses, and very few have the desire. What built this town and all of the US has changed dramatically, but few seem to face reality and as mentioned click online for most of their purchases.

We can thank the pandemic reaction for much of the recent decline. Poor decisions have decimated most businesses, and continues with restrictions.

Most that have or have owned a business know what it is to make payroll, keep inventory, clean up around your business, keep it nice. And hope to make a profit. With luck and hard work you MAY make a

good living, but the risk and reward equation has changed.

What about the study (there was none) on the last big business entry into Fort Bragg? Tesla charging stations popping up all over, taking parking from others and business will pay more of a price. I we hear they are only for Tesla cars, then Katie bar the door time.

You don't know what impact this fairytale effort will have. I have seen already the lack of interest in commercial investing in the area. Fort Bragg is not the only place in the world companies can invest, note the pot stores, I don't think any are locals, but that is another story.

Fort Bragg has not been what seems to be the vision in the staff report for a long time. We rely on tourist dollars, and the golden goose has long been dead.

Retail as we know it is gone. Remember that when you click and buy on Amazon and remember the good old days in Fort Bragg, or go over the hill to the big box stores. That is all that is left for the most part. We live in a nice place for sure, but short sighted views will not help.

Paul Clark

**From:** [Jacob Patterson](#)  
**To:** [CDD User](#); [Gonzalez, Joanna](#)  
**Cc:** [Miller, Tabatha](#)  
**Subject:** Public Comment -- 5/5/21 PC Mtg., Item No. 7A  
**Date:** Tuesday, May 04, 2021 2:31:43 PM

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Planning Commission,

This draft ordinance will be fairly effective as written, in my opinion, but I think there are a couple of areas that I think should be addressed and language clarified. In particular, I recommend you revise or direct staff to revise the following draft provisions in this proposed ordinance. The revisions I suggest are relatively minor in nature but I believe they are prudent and necessary to capture the community intent behind why we are considering adopting this ordinance in the first place.

**(1) Formula Business Use Permit Exemptions (E) & (F)**

**"18.46.050 Exemptions.**

This Chapter shall not apply to:

...

E. Formula Business, which if approved, would not result in Formula Business(es) occupying more than twenty-five percent of the total gross floor area of a Retail Complex or Mixed Use Project, subject to the prohibited uses in Section 18.46.060;

F. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than thirty-five percent of the total gross floor area of a Mixed Use Project in which at least thirty-five percent of total gross floor area is a residential component, subject to the prohibited uses in Section 18.46.060;"

These two provisions in section 18.46.050(E) and (F) provide too big of an exception to these formula business rules and would likely lead to inequitable treatment of different projects. It is important to note that the exceptions to the applicability of the formula business regulations would mean that such projects that are deemed "exempt" are not restricted in any way other than our existing general plan policies or subject to the special findings in this ordinance. I fail to see a legitimate reason to exempt a formula business from our thoughtful regulations just because it is proposed as a sub-component of a larger project. Why is a formula business that is part of a shopping center or mixed use development exempt from our formula business regulations but a formula business of exactly the same size and characteristics that is proposed as a stand-alone project would be subject to the regulations? That makes no sense to me and provides an obvious loophole for any savvy developer to exploit.

Moreover, I like the size limitation in section 18.46.050(D) that no formula business less than 2000 square feet is subject to the restrictions but I believe that should be a sufficient exemption without the next two exemptions--I recommend considering 1500 square feet instead so the CBD isn't the only place where formula businesses can easily locate because the buildings are smaller than stores that could be built in other commercial areas. A store that is greater than 2000 square feet but is only 25% of a new shopping center or only 35% of a mixed use development would be permitted and not subject to even the anti-formulaic design review finding that these regulations add to our current general findings for use permits.

(Actually, if a project is deemed exempt, it wouldn't necessarily even require a use permit review so no findings may apply to such projects.)

## **(2) Formula Business Use Permit Exemption (H) and Formula Business Design Review Permits**

I also question the exemption for remodels of existing formula businesses in 18.46.050(H). What is the purpose of this exemption? We obviously can't shut down existing formula businesses that predate this ordinance but I see no reason that at least the Design review for the remodel should have to meet the requirements of proposed special formula business finding #D, "The Commercial Establishment has been designed to preserve and enhance the City's small town character, has an exterior design, which appropriately limits "formula" architectural, sign and other components, and integrates existing community architectural and design features, which will preserve such character for the City's residents and visitors." By making remodels exempt, the design review wouldn't have to incorporate those findings and remodelled formula businesses could still end up looking too formulaic and detract from our unique small town character. For this reason, I believe that formula business remodels should be exempt for the requirement to obtain a Formula Business Use Permit simply because they are remodelling their business but the Design Review process for formula businesses should still be subject to an additional special formula business-related finding that is the same as the proposed finding #D for formula business-related use permits.

The City can accomplish that objective one of two ways. First, you could add "Design Review Permit" to the introductory sentence of the proposed required findings as follows:

### **"18.46.040 Required Findings for Approval.**

Required findings. In addition to the findings required by 18.71.060(F) as prerequisite to the issuance of a use permit, the Planning Commission shall make all of the following findings prior to the issuance of a Use Permit *or Design Review Permit* for a Formula Business, unless in conformance with Section 18.46.050:"

In this approach, the City would also need to remove exemption #H from 18.46.050 or make clear that the exemptions only apply to the requirement for a Use Permit but the special formula business-related findings, or at least special finding #D, still apply or applies to the Design Review for a formula business.

Second, the other approach the City could also employ to accomplish this objective is by adding another section to the draft ordinance that replicates the Use Permit section but applies the requirement for a special formula business Design Review Permit finding for a Design Review involving a formula business and not providing any exceptions for different types of formula business as are proposed for section 18.46.050. The City could simply use the proposed section 18.46.040(D) finding but apply it to the Formula Business Design Review Permit review process in addition to the Formula Business Use Permit review process. This particular proposed finding is appropriate for all Design Reviews involving a formula business (e.g., if Denny's, McDonald's, Starbucks, or Taco Bell proposed to remodel their existing buildings) not just as part of the Formula Business Use Permit review process, including future remodels of formula businesses that get approved under these new formula business regulations. Without that protection and required finding incorporated into future formula business-related Design Reviews, we could end up with a situation where a formula business originally has an initial design that meets our local requirement to avoid architectural details

that are too formulaic and detract from our unique small town character but future remodels are treated as exempt from this restriction and the formula business is eventually remodelled into exactly the kind of formulaic design that we worked to avoid when it was initially approved because we did decide to exempt remodels of formula businesses from the formula business regulations.

Best regards,

--Jacob