

Lemos, June

From: McCormick, Sarah
Sent: Tuesday, October 22, 2019 1:36 PM
To: Miller, Tabatha
Cc: Lemos, June
Subject: FW: Big Box discussion Oct 24 2019

See public comment below.

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

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Sunday, October 20, 2019 7:50 AM
To: Paul Clark <pclark@fortbraggrealty.co>
Cc: McCormick, Sarah <SMcCormick@fortbragg.com>; CMAR (CMAR@MCN.ORG) <CMAR@MCN.ORG>
Subject: Big Box discussion Oct 24 2019

Sorry I will not be able to make this meeting, however a few comments below for the record please. When this plan was done, there was much discussion as to big box stores, I wont get into the politics at this time, but am available to anyone that wants to know more about the process this went through, and was quite effective in limiting City Councils in the future in many ways.

This is for General Commercial that portion of the LUDC to follow

Maximum floor area allowed for individual commercial buildings in the locations noted.

- a. Between the Noyo River and Pudding Creek bridges - 50,000 sf.
- b. East of Highway 1 and north of Pudding Creek bridge, and south of the Noyo River bridge - 40,000 sf.
- c. West of Highway 1 and north of Pudding Creek bridge and south of the Noyo River bridge - 15,000 sf.

Please ask staff to point to any existing parcels where something like a Harvest Market, Safeway, or other large building could be built, or say, something off the wall like some visitor serving structure like a brewery, a marine science center.

I will tell the short version of how Longs, now CVS came to me when I had the Sprouts Reitz store listed. They were uncomfortable with the price around 700,000 if I recall. They were back within a few days to purchase the property, tore down the existing building and built the now CVS. They also had to put up some funds for a potential traffic light at Franklin and Oak, but that is another story for later.

Point being the plan was to allow but not allow such construction. We see what has happened to Fort Bragg with no "Big Boxes". Don't forget to factor in the internet. Amazon and others have had a huge impact on all markets, and it is not over yet. Mom and Pop stores are under huge pressures locally, and sadly it is not over. There are a number of business's for sale, owners want to retire, but the demographics are changing daily. The exodus from California is a part of it. The fact that the GP mill is gone, and few "kids" are here. Some have stayed, and come home, but many have left and will not be back in the near future.

What will become of the CBD? When more commercial property opens up on the Mill Site? We all know. Change to residential maybe, hard to do a restaurant with the impact fees in place for water and sewer.

Take a few hours, it will take every bit of that to walk through the LUDC then look at the additional burden in the Coastal Zone for development and ask yourself. Who would go through this process? Do you see any local folks doing any development? The Patton and Carlson family tried with the Hare Creek project. We see how that turned out. Would they have done that if they did not own the property? Short answer of course is NO.

That is the other point to the already ominous LUDC inland and especially Coastal.

Tom Vargas had some interesting thoughts on the Mill Site property development potential, I hope he can share some. It came up in the out of area services public works meeting not too long ago. Related to the raising sea levels and sewer capacity discussion.

This LUDC was designed to keep sitting councils from making important changes to keep our town viable. It works almost every change requires a general plan amendment, which in the old days were frequent. Not so any more.

Harvest market started with 30,000 feet. Added another 10,000. Safeway has to be at least 40,000. Grocery Outlet has been stifled for years trying to come to town. They had looked at the afore mentioned Sprouts Reitz building. Will most likely end up in a less desirable location I would guess. They could not go on the Hare Creek site as it is on hold, nor the "Auto Zone" Site. They could have if there could have been 20,000 feet. LUDC wont allow that. 15,000 max. IF YOU CAN BUILD AT ALL.

I think of a big box in those ranges. Not 5000 7500 or 10000. Trying to discourage business. Formula or chain stores from looking to invest in our town are already quite restrictive. Look at what happened in Ukiah and Costco. The board of supervisors would not vote to rezone the Masonite Mill site from industrial. Costco was ready to go in. Now it finally made it and the City of Ukiah gets the sales tax. Perhaps with Costco taxes going to the County coffers they would not be trying to reduce the employee rosters?

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TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS sorry I could not get a decent copy from the city website. This is the design standards for GC and CH zoning.

Lemos, June

From: Jean Whipple <jlwhipple33@gmail.com>
Sent: Monday, October 21, 2019 9:29 PM
To: Lemos, June
Subject: 2020 Maple St. Storm Drain Project

From: Jean Whipple
340 Park St.
Fort Bragg, CA 95437
Oct. 20, 2019

To: Fort Bragg City Council

Re: 2020 Maple Street Storm Drain and Alley Rehabilitation Project

Dear City Council Members,

In the summer of 2018, the City of Fort Bragg replaced the storm drain that runs through my neighbor's property at 315 S. Lincoln St. That property is directly uphill from my property at 340 Park St., and our backyards adjoin. I was told that my neighbor's existing but deteriorated 6 inch pipe was replaced with a 12 inch pipe. That same deteriorated storm drain continues through my property. Rainwater from Redwood Elementary School and S. Lincoln St. drains directly into my neighbors property, and then continues downhill into mine. Starting in March of 2018, I had multiple discussions with Public Works employees about repairing the part of the storm drain that goes through my property. The discussions were very positive, and I believed that we were moving towards setting a date to repair the storm drain on my property. City employees even came out to view my property in April, and talked to me about how the repair would proceed.

In July, 2018, however, I was told that the city would not be replacing the storm drain on my property at that time, despite the fact that my uphill neighbor had just had their drain replaced. The reason given was that my property's repair was on hold because a larger storm drain project was being considered within a couple of years. Until that project happened, I was told that there was nowhere for the water from a working storm drain through my property to go. No explanation was given for why the repair on my neighbor's property was allowed to go forward, even though the water draining through their repaired storm drain would not have anywhere to go other than my yard. The Public Works employee I talked to said that when the larger project happened, my property would be included in that consideration.

Last winter, with my neighbor's new 12" storm drain presumably working efficiently, my yard had a much larger than normal amount of water flooding it during rainstorms. There was a visible "river" of water moving through my yard whenever it rained, and I even had problems with water pooling under my house. I believe that the storm drain on my property needs to be replaced, as my uphill neighbors pipe was, in order for the water from S. Lincoln St. to drain through my property without causing flooding in my yard and under my house.

I assume that the 2020 Maple St. project is the larger project that the City employees were referring to when they told me in July, 2018 that the repair of the storm drain in my yard would have to wait. I am respectfully requesting that repairing the storm drain through my property be included in that project. Given the history and the increased water issues since my neighbor's drain was repaired that I have described, I hope that you will agree that including the drain repair through my property is a logical and necessary outcome.

Thank you,
Jean Whipple

From: Rick Sacks <rixax@mcn.org>
Date: October 24, 2019 at 2:51:55 AM PDT

Subject: Letter for tonight

Bernie, I'm in North Carolina and can't be there to express myself, so please include my comment where appropriate.

Probably the first question posed to the community when the Main Street USA program was in Fort Bragg, was asking what was special about Fort Bragg? How are we unique? The direction that was indicated had to do with our history, which is somewhat defined in our architecture.

When McDonald's first first wanting to build here they wanted to build a box that looked like their stores everywhere else and I showed some photos presenting how they had deviated from those plans in other locations to blend in with local architecture. They added the pitched roof and dormers to try to blend more.

Whether we allow or not, the influx of the chain stores, please, make it a requirement that they look like Fort Bragg. Hold on to that part of our identity. If we look like everyplace else, soon we'll become everyplace else.

Rick Sacks

ORDINANCE NO. 4390

ORDINANCE AMENDING THE MENDOCINO COUNTY INLAND ZONING CODE (DIVISION 1, TITLE 20) TO ADD CHAPTER 20.147, COMMUNITY CHARACTER (CC) COMBINING DISTRICT, AND REZONE CERTAIN PARCELS WITHIN THE C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) ZONING DISTRICTS TO APPLY THE CC COMBINING DISTRICT

WHEREAS, Mendocino County contains many rural communities with a small-town environment and unique character, each of which attracts residents and visitors because of their eclectic and diverse mix of businesses, and each of which must be protected and enhanced so that the unique character of the rural communities of Mendocino County can flourish without inappropriate changes; and

WHEREAS, the Mendocino County Board of Supervisors desires to protect the unique character of the rural communities of the County and create a supportive environment for new and unique small businesses; and

WHEREAS, Mendocino County General Plan Policy DE-69 provides that the County should emphasize local community character and culture in community planning and development; and

WHEREAS, Mendocino County General Plan Policy DE-71 provides that the County should create attractive and economically viable community 'core' areas; and

WHEREAS, Mendocino County General Plan Policy DE-79 provides that compatibility with desired architectural character in established neighborhoods and communities shall be evaluated when considering new development; and

WHEREAS, the Mendocino County Board of Supervisors is concerned that 'chain' or 'formula' businesses, whose objectives of standardization and brand identity may be in conflict with emphasizing local community character, will proliferate throughout the rural communities of the County and detract from the unique character of the County by displacing unique local or other small businesses or introducing standardized, non-unique establishments that will lessen the uniqueness and character prized by County residents; and

WHEREAS, income earned by independent small businesses is more likely to circulate within the local economy than the money earned by formula businesses, which often have corporate offices and vendors located outside of Mendocino County, resulting in less local economic benefit and vitality, adversely affecting the County; and

WHEREAS, notwithstanding the visual attractiveness of a storefront or other business structure, the standardized architecture, color schemes, décor and signage (which said signage almost universally includes the display of registered service marks which, under federal law, cannot be modified or changed through the application of local land use regulations) of many formula businesses can detract from the distinctive character of the rural communities of the County; and

WHEREAS, the location of formula business establishments in the County, if not regulated, will hamper and irreparably impede the County's goal of a diverse business base with specific attention to the small town character of the County's rural communities. Specifically, the unregulated and unmonitored establishment of formula businesses may change the character of

the rural communities of the County and unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique and which complement the small town character of the County's rural communities; and

WHEREAS, the Mendocino County Board of Supervisors adopted an interim prohibition on the establishment of formula businesses in most of the County to allow time for preparation of potential formula business regulations by County staff; and

WHEREAS, draft versions of a proposed ordinance were made available to the public for review and referred to the County's Municipal Advisory Councils; and

WHEREAS, the absence of regulations and procedures governing formula businesses poses a threat to the health, safety and welfare of the citizens of Mendocino County, which, if unaddressed, could affect business diversity, the local economy, and the unique character of the County and its rural communities; and

WHEREAS, the purpose of this ordinance is to create an overlay district which would provide regulations for the establishment of certain types of formula businesses in commercial zones and community areas within Mendocino County; and

WHEREAS, on June 16, 2016, the Planning Commission opened a duly-noticed public hearing regarding proposed regulations on formula businesses, which was continued first to August 18, 2016, and second to November 17, 2016, during which the Planning Commission accepted numerous public comments and deliberated regarding the proposed ordinance, and on November 17, 2016, the Planning Commission provided its report and recommendation on the proposed ordinance to the Board of Supervisors; and

WHEREAS, on August 1, 2017, the Board of Supervisors conducted a duly-noticed public hearing on the ordinance, accepted public comment, and introduced the ordinance for first reading.

NOW, THEREFORE, the Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. The above recitals are incorporated herein by this reference.

Section 2. Chapter 20.147 is hereby added to the Mendocino County Code to read as follows:

Chapter 20.147 – Community Character Combining District

- Sec. 20.147.010 Intent
- Sec. 20.147.020 Applicability
- Sec. 20.147.030 Definitions
- Sec. 20.147.040 Prohibitions
- Sec. 20.147.050 Requirements
- Sec. 20.147.060 Exceptions

Sec. 20.147.010 Intent

The Community Character Combining District ("CC Combining District") is intended to establish special requirements and regulations to retain and enhance the special features of community areas and commercial places within Mendocino County by:

(A) Enhancing the visual attractiveness of commercial structures by restricting standardized features that would detract from the distinctive character of the community areas and commercial places in the County.

(B) Protecting diverse commercial activities of each community area and commercial places by encouraging a variety of commercial land uses that serve the needs of the community.

(C) Preserve and enhance the established historic character of each of the communities, including the retention and restoration of historic building sites.

(D) Establish places and facilities that create a sense of community, and encourage building designs that reflect and incorporate historic character of each community.

(E) Encourage locally owned businesses, and support the creation of economic opportunity, places and facilities that support a sense of community, as well as promoting economic opportunities that support infill development and improve the aesthetic character of core downtown community areas.

Sec. 20.147.020 Applicability

The CC Combining District may be applied over C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts in the unincorporated areas of the County including but not limited to the following Community Areas or Commercial Places:

- Anderson Valley
 - Boonville
 - Navarro
 - Philo
- Covelo
- Fort Bragg
 - Cleone
- Hopland
- Laytonville
- Potter Valley
- Redwood Valley
- Willits
 - Brooktrails
 - Ridgewood
- Calpella
- Ukiah
 - Lake Mendocino Drive

24 October, 2019

Dear City Council Members,

I am glad to see that City staff prepared an initial study of franchise and formula businesses on the character, economy, and well-being of our small coastal community. We already have quite a few such businesses in our small town, with a proposal for another one in the pipeline (note: the AutoZone proposal was denied by the Planning Commission but that decision will likely be appealed). The staff report considers a number of different aspects of these types of businesses and showed how other communities have defined them. In addition, staff asked for further guidance in developing a policy.

Here is my take: By their very nature, franchise and formula stores replicate a business that is available in more than one community. Allowing franchise and formula stores to set up shop in Fort Bragg runs the risk of turning our community into anywhere USA, so impact on community character is a very important consideration. It is also important to acknowledge that franchise and formula stores, backed by large central corporations, may be able to better afford the costs of buying land, building (or renovating an existing building) than local businesses. That gives them an unfair advantage in setting up business in our community. In the absence of providing incentives for local businesses, I would prefer to ban franchise and formula stores, but I recognize that some people disagree with this point of view. Perhaps there could be a policy that does not allow franchise or formula stores unless certain criteria are met. These are the types of questions that could be asked:

Does the proposed store meet a retail or commercial need that is not met by a locally-owned business, either currently or in the foreseeable future?

If the proposed store competes with an existing business, what will be the impact on that business? What is the potential for the existing business to fold?

What is the potential revenue gain for the city? Will the franchise/formula store generate new revenues or pull revenues from an existing business, such that there is no net revenue gain?

What kinds and numbers of jobs will the franchise/formula store provide? What are the salaries and benefits for the various job positions? Will these jobs provide a living wage or add mostly minimum wage and/or part time positions without benefits to the detriment of the employees and the community?

How will the franchise/formula store give back to the community?

What kind of corporate culture backs the franchise/formula store? Does the corporation follow state and local laws? Does the corporation show respect for all people and the earth? Does it encourage movement towards reducing its carbon footprint?

What is the location of the proposed franchise/formula store? Businesses on either side of Highway 1 (Main Street), but especially to the west, can have a much larger visual impact than elsewhere in town. Some of the staff report discusses the appearance of franchise/formula stores. It seems to me that there are a variety of policies in place that address appearance, but perhaps some of these need to be further developed.

Some of the concerns I mention above are included in the staff report, but some are not. I would encourage the City Council to develop a comprehensive policy as quickly as possible so that these types of businesses do not become a blight to our local economy and small-town character.

Leslie Kashiwada, Ph.D
kashiwa@mcn.org

From: [Annemarie](#)
To: [Lee, Will](#); [Peters, Lindy](#); [Morsell-Haye, Jessica](#); [Albin-Smith, Tess](#); [Norvell, Bernie](#); [Miller, Tabatha](#); [Lemos, June](#)
Subject: link to the Mendocino County ordinance # 4390 signed 8-1-17 & zoning code in regards to community character (franchise/formula businesses)
Date: Thursday, October 24, 2019 4:27:54 PM

Hi,
Please place under records.

Here is the link to the Mendocino County ordinance # 4390 signed 8-1-17
& zoning code in regards to community character (franchise/formula
businesses).

https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.147COHCODI

I already shared this with the city manager.

Thanks, Annemarie