

Commissioner Feall
Please consider this letter to AYA Editor, especially as it pertains to Council's suppression of Planning Commission regarding Cannabis dispensary Permit Process.
Sincerely,
Zoe Mann
(and others)

DUE PROCESS IN FORT BRAGG?

Editor:

How many of you are there? No matter what your politics or how you feel about CANNABIS, two long awaited VOTER INITIATIVE PETITIONS are circulating among registered Fort Bragg voters, waiting for your signatures. One of the Petitions preserves the gravely endangered Cannabis Permit Application Review Process itself; an ordinance which included public input, and which the City spent two years and significant tax dollars to fine tune. The companion Petition calls for neighborhood protective Buffer Zones. Once the required number of signatures have been collected, each certified measure will be put to a vote by Public Referendum. As we locals would say, "this is important."

Most of us accept the legal right of Cannabis Dispensaries to locate in the CENTRAL BUSINESS DISTRICT of Fort Bragg. What we do *not* accept – is the current attempt by a bare majority of City Council members to cancel the rights of Fort Bragg businesses, residents, and property owners – to participate in *how* and *where* cannabis dispensaries should be located within the CBD.

At this very moment a small majority of City Council members are attempting to substitute their PERSONAL AGENDA CANNABIS ORDINANCE in place of Fort Bragg's existing Inland Land Use and Development Code. The heavy handed group of politicians have instructed staff to radically trash existing code in favor of cannabis permits by "Right" rather than the more prudent cannabis permit by "Review." This vending machine approach is a reflection of the Mayor and two Council Members' public statements that cannabis dispensaries should be treated like "any other business." Assaults like this on Due Process have the net result of removing Fort Bragg's Planning Commission and everyone else from the sacred right of Neighborhood Impact Review.

Even more disturbing, the same three public officials have indicated they plan to give the many Commercial Cannabis Applicants the expanded right to CULTIVATION, MANUFACTURE, and LARGE SCALE TRUCKING DISTRIBUTION within the Central Business District. Though previously met with large community opposition, it appears (if the Council's new language is approved) that the first applicant in line to receive one of these easy to get permits will locate in the CBD's epicenter (former Floor Store). The site is less than 20 feet from a densely populated residential neighborhood and its children, and around 60 feet from a federal post office, major bank, family restaurant, and popular community grocery store.

CITIZENS TAKE NOTE: By signing these Petitions (there are several floating around town) - YOU THE FORT BRAGG VOTER have the power to stop the City Council from taking away your following rights:

- Right of Notification of Proposed Cannabis Businesses;
- Right to Public Town Hall opportunities for neighborhoods and individuals to raise concerns or objections to case-by-case (rather than rubber stamp approval) of Cannabis dispensary applications;
- Right to have detailed Planning Commission examination of Cannabis applications;
- Right of City to deny cannabis applications or impose special conditions on Cannabis applications; and to publicly address neighborhood concerns regarding those applications or the applicants;
- Right to environmental (organic and human) impact studies, prior to the issuance of Cannabis permits.

CITY OF FORT BRAGG

REC'D FEB 15 2022

The pending loss of our Due Process in this critical matter of *how* and *where* commercial cannabis enterprises are to be allocated, threatens to disrupt rather than offer an inspiring and sustainable City Plan. Please act now. By SIGNING THESE TWO BALLOT MEASURE INITIATIVES - You are helping all Fort Bragg voters to PRESERVE THE ABOVE STATED ENDANGERED RIGHTS. Check it out.

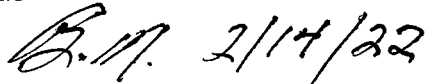
Respectfully,

Jay Koski

Gene Mertle

Dianna Mertle

Bill Mann

Handwritten signature of Bill Mann and the date 2/17/22.

Susanne Rogers

Fort Bragg

From: [O'Neal, Chantell](#)
To: [Peters, Sarah](#)
Subject: FW: Draft Cannabis Amendments for 2/23/22 PC Mtg.
Date: Tuesday, February 22, 2022 12:43:08 PM

Dear Planning Commission [BCC]

Please see the emailed comment below regarding the cannabis amendment.

Thanks,

Chantell O'Neal

Assistant Director, Engineering Division

QSP #26658

QJSP #00914

Public Works

(707) 961-2823 ext. 133



From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]
Sent: Saturday, February 19, 2022 3:16 PM
To: O'Neal, Chantell <coneal@fortbragg.com>
Cc: Smith, John <jsmith@fortbragg.com>
Subject: Draft Cannabis Amendments for 2/23/22 PC Mtg.

Chantell,

I am reviewing the agenda materials for the PC meeting and I found various issues with the proposed revisions. In fact, although the staff report asserts that the changes incorporate the direction provided by the City Council, several changes actually don't do that. Of course, some of the changes were not discussed in detail and it makes sense that staff might make additional suggestions based on their more detailed work. However, a couple of the revisions are inconsistent with the majority direction given thus far, including some of the revisions to the Article 10 definitions. These staff recommendations should be highlighted as their own creations and not the explicit majority direction of the City Council or Community Development Committee because the way they are being presented implies that the particular changes at least had majority direction and aren't just staff recommendations. Also, where is there no proposed ordinance in the packet? I am not sure how the Planning Commission is supposed to make a recommendation on an ordinance they haven't seen, even if changes are discussed in different attached documents rather than a draft ordinance. The Planning Commission is supposed to review an ordinance before making a recommendation to the City Council not these less complete summaries of different revised code sections.

Moreover, some of the attachments appear to portray a "redline" of the existing code but a

detailed comparison of the attachments in the agenda materials and the actual language of the City's existing code provisions shows that some of the content that is proposed as deletions aren't even in the existing code. It is possible Heather had a working draft and included new draft language and then decided to delete it in her final version but the way it is presented looks like a redline of the current code even though it isn't. In short, these meeting materials are a mess, which makes it very difficult to understand.

On a different note, some of the proposed changes to Title 9 are zoning regulations (e.g., the new proposed buffer zones) and cannot be located there without converting that into a zoning code rather than business regulations. Title 9 also applies City-wide, including in the Coastal Zone and Coastal Zone currently does have some cannabis uses that are permitted. Thus, if the zoning-related provisions are added to Title 9 rather than remaining in Title 18, the Coastal Commission will need to certify the changes prior to them going into effect. I doubt that is the intent because it will delay at least that part of this for a significant amount of time. Jones & Mayer explicitly excluded Coastal Act related legal advice from the scope of their proposed services due to a lack of expertise in that area so I don't know if that aspect of these proposed changes were reviewed by appropriate legal counsel.

Regardless, these amendments probably require a significant amount of work before they should actually be considered so I am confused about the agenda materials and why this was considered to be appropriate for the formal public hearing, which is required before moving on to the City Council. This staff report and agenda materials resemble the preliminary discussions about the formula business ordinance when the Planning Commission was discussing that project over a series of meetings but not the actual draft ordinance considered in the formal public hearing for the formula business ordinance. A preliminary commission discussion is probably what should have been agendized for the upcoming Planning Commission meeting rather than trying to present these agenda materials as if they are sufficient for the final version of an ordinance for the consideration of the Planning Commission. I haven't provided them here because it is not my job to do so but there are applicable statutory provisions and interpretive case law that support the concerns I highlighted above, particularly about the process that applies to adopting zoning ordinances.

These issues are very concerning,

--Jacob

Peters, Sarah

From: O'Neal, Chantell
Sent: Tuesday, February 22, 2022 12:44 PM
To: Peters, Sarah
Subject: FW: Draft Cannabis Amendments for 2/23/22 PC Mtg.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission [BCC]

Please see the emailed comment below regarding additional comments on the cannabis amendment.

Thanks,

Chantell O'Neal

Assistant Director, Engineering Division
QSP #26658
QISP #00914
Public Works
(707) 961-2823 ext. 133



From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]
Sent: Monday, February 21, 2022 2:39 PM
To: Spaur, David <Dspaur@fortbragg.com>
Cc: O'Neal, Chantell <coneal@fortbragg.com>
Subject: Re: Draft Cannabis Amendments for 2/23/22 PC Mtg.

What kind of response is this? I would happily rewrite her indefensible work but I don't think that is anything but sarcasm. That said, this isn't even close to acceptable work. There isn't a draft ordinance in a public hearing asking the Planning Commission to review and make recommendations on a draft ordinance! There is nothing for the public or even the Planning Commission to react to other than her incomplete draft notes about what a future ordinance might include, which includes interesting things like internal cross references that don't exist, internal inconsistencies that increase ambiguity rather than resolving it, and moving zoning code provisions out of the appropriate title (the ILUDC) into Title 9 where they make no sense and since Title 9 applies city-wide, would likely trigger Coastal Commission review.

On Mon, Feb 21, 2022, 10:33 AM Spaur, David <Dspaur@fortbragg.com> wrote:

Well, this is a solo submittal from Heather.
Your welcome to rewrite if you would like.

Kindest Regards,
David Spaur, CEcD

916.990.5789

> On Feb 19, 2022, at 3:16 PM, Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:

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>

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Peters, Sarah

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Tuesday, February 22, 2022 2:15 PM
To: cdd
Cc: Peters, Sarah; O'Neal, Chantell
Subject: Public Comment -- 2/23/22 Planning Commission Mtg., Item No. 6A, Cannabis Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

City Staff & Planning Commission,

Please include the following meeting videos for the December 9, 2020 Planning Commission (PC) meeting and January 25, 2021 City Council (CC) meeting as public comments and part of the administrative record for the February 23, 2022 public hearing for the proposed cannabis ordinance. They can be viewed and downloaded from the following hyperlinks and are too large to attach to this email as distinct attachments.

December 9, 2020 PC Meeting Video:

http://archive-media.granicus.com:443/OnDemand/cityfortbragg/cityfortbragg_4456ae94-5160-4f30-a1d2-e9230059a154.mp4

January 25, 2021 CC Meeting Video:

http://archive-media.granicus.com:443/OnDemand/cityfortbragg/cityfortbragg_da60f7cf-47b9-4acd-90c8-e7bc596268af.mp4

City staff has acknowledged they will include the video files in the Administrative record for this public hearing item on the proposed cannabis ordinance. The two prior meetings include the Planning Commission's review and denial of Minor Use Permit 4-20 on December 9, 2020 and the subsequent unsuccessful appeal of Minor Use Permit 4-20 to the City Council on January 25, 2021.

I am submitting these meeting video and the relevant meeting materials (agendas, agenda packet materials, and minutes) to demonstrate that the baseline conditions of the City's current Inland Land Use & Development Code described in the staff report and draft proposed Initial Study/Negative Declaration (IS/ND) is not accurate and the proposed revisions to the City ILUDC and Municipal Code are in fact significant changes from the actual baseline conditions. Staff erroneously bases her "analysis" on the false assertion that the "intent" of the current code is in line with many of the proposed changes and thus there is no effective difference between the code as currently-written and what is proposed after her recommended revisions. This fundamental error is based on her stating that her own (and explicitly rejected) interpretation of the City's code as presented in the context of the CC appeal of the PC's denial of MUP 4-20 provides the baseline conditions rather than the different interpretation of the proper review authority, the PC, which is the actual local precedent that describes the proper baseline conditions. As such, basically the entire IS/ND is faulty because it is based on a flawed assumption and unsupported assertion concerning the content and meaning of the existing code. Staff may disagree with the interpretation and application of the City's code by the body who actually has authority to make those determinations, but staff only ever makes recommendations (other than the CDD Director who sometimes sits as the initial review authority for MUPs or other entitlements) so their personal opinions and disagreement with the PC's interpretation, which was not overturned by the City Council during any appeal, is not relevant or even persuasive authority in the context of CEQA reviews of new proposed ordinances that amend the existing code.

The draft proposed IS/ND for the cannabis ordinance before you during the public hearing is fatally flawed and it would be a reversible abuse of discretion, in my opinion, if the draft IS/ND is adopted by the City Council when they ultimately make their decision about the proposed ordinance based on your recommendations. The IS/ND should be revised to

analyze the actual difference between what is allowed under the current provisions in the City's code based on the only local precedent we have and what will be allowed under the proposed revised code. Our local precedent concerning the existing code is limited to your own interpretation and application of the relevant code provisions within the context of the review of the application for MUP 4-20 and the prior Acting CDD Director's approvals of the other two MUPs for cannabis retail establishments that didn't involve these types of accessory uses. In addition, the PC denied and the applicant successfully appealed the denial of their application to the CC for the currently-permitted cannabis business in the industrial district on North Franklin Street but that application did not involve the issue of accessory versus primary uses and in an industrial rather than commercial zoning district and thus governed by different code provisions.

Regards,

--Jacob

Peters, Sarah

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Tuesday, February 22, 2022 2:34 PM
To: cdd
Cc: Peters, Sarah; O'Neal, Chantell
Subject: [MACRO WARNING] 2/23/22 PC Mtg, 6A: Public Comment on the Fort Bragg water model concerning the cannabis ordinance public hearing
Attachments: Water Model Results with Sea-Level Rise.pdf; Water_Model_May2019_FINALpNew.xlsm

Planning Commission,

Please excuse me resending this complicated water model spreadsheet and results PDF for yet another project that requires an environmental review yet which the City fails to adequately address our extremely limited local water supply--it has actually gotten worse since the prior public hearings and our Public Works Director indicates we may actually run out of water this summer or fall based on abnormally low flows in the Noyo River at this time of year that resemble flows in July and August rather than the rainier winter months. Unfortunately, the nature of administrative records is such that just because the City has a document for another past project or agenda item, doesn't mean it can be included by reference into the administrative record for a current public hearing agenda item. Accordingly, I am submitting these documents again for the 2/23/22 public hearing before the Planning Commission concerning the City's proposed cannabis ordinance updating and amending the existing code, which includes permitting commercial cannabis cultivation in numerous zoning districts where it is not currently permitted.

The attached documents show the graphic results of the scenarios I ran using the City's water model to reflect sea-level rise projections. As you can see, sea-level rise projections indicate the the City of Fort Bragg doesn't even have sufficient water supply to support existing development let alone any new development that could occur on the Mill Site as a result of the ongoing LCP amendment review or for new development in other areas of town, including north of town where the Avalon Hotel is proposed.

The current and past Public Works Directors have expressed concern that our local water supply is constrained enough that we shouldn't consider any modest annexations or extra-territorial connections to the City's utility infrastructure to help facilitate housing development. City staff currently acknowledges that they did not factor in any climate change or sea-level rise projections into the water model and indicated they would only do so if CCC staff indicated that it should be factored in. This seems foolish since there is ample evidence that sea-level rise is occurring and will impact existing as well as potential future development.

My method for factoring in sea-level rise scenarios was to alter the model's trigger for a "king tide" scenario, which results in the diversion of water from the Noyo River being suspended because it is too brackish to be treated through the city's water treatment plant. The Noyo River source is one of three existing sources and accounts for 50% of the city's water supply. The model's baseline cutoff trigger is at a two-foot increase in the tidal level. I adjusted that up in one-foot increments to mimic an additional foot of sea-level rise and the result is that after two-feet of sea-level rise, the City of Fort Bragg begins to have water shortages between the months of July and October, including the extra storage capacity that is available from the Summers Lane Reservoir. This aligns with how City Engineering staff suggested they would adjust the water model if one wanted to factor in sea-level rise projections.

I find the results concerning and believe the water supply and utility capacity present a significant constraint on future development that should be properly analyzed as proposed projects are under entitlement review but also

during projects to update what is and is not allowed under our City's code. I believe the proper place to address this is in the analysis of the adequacy of the City's utility infrastructure in the relevant CEQA document, which is currently an Initial Study/Negative Declaration but should likely be an EIR due to the cumulatively considerable impacts to the City's already inadequate water supply and infrastructure due to the new permissible uses of indoor commercial cannabis cultivation.

Note: the attached spreadsheet is too large to upload to the City's agenda software and will likely not be included in the published written comments once staff updates them on the City's online agenda management software. The two attached files are unaltered and identical to those submitted in prior public comments on other projects--I actually just edited a forward of my similar public comment for the Grocery Outlet project.

Regards,

--Jacob

Water Model Incorporating Seven (7) Foot Sea-Level Rise

	A	B	C	D
1				
2	Model Constants:			
3		Existing Newman Reservoir	0.9	acre-feet
4		New Summers Lane Reservoir	44.3	acre-feet
5		Raw Water Storage	9.2	acre-feet
6		Finished Water Storage	10.1	acre-feet
7		Groundwater availability (maximum, non-drought)	0.4	acre-feet per day
8		Water Alert Trigger	Raw water source capacity at least 10% above demand	
9				

	A	B	C	D
12	Model Input Adjustments You Can Make:			
13		Reduce Noyo flow?	100%	<- as percent of measured flow
14		Amount of flow that must remain in Noyo River?	10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
15			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
16		Height of tide that controls pumping?	9.0	<- height of tide that controls pumping (feet)
17				
18		Reduce Newman Gulch flow?	100%	<- percent of historic measured flow
19				
20		Reduce Waterfall Gulch flow?	75%	<- percent of historic measured withdrawal
21		Amount of flow that must remain in Waterfall G.?	0.0	<- enter amount to leave in Waterfall G. (cfs)
22				(enter 0.000001 to ignore factor)
23		Use new Summers Lane Reservoir?	Y	<- enter Y or N
24				
25		Use evaporation on raw water storage?	0.00	<- approximate daily amount in acre-feet
26		Use evaporation reduction device on new reservoir?	0%	<- percent reduction due to device
27				
28		Adjust daily precipitation?	100%	<- percent change from historic values
29				
30		Increase City demand? If answer below is "Y", then 2018 demand; else 2015	100%	<- percent of 2015 or 2018 production
31		Use 2018?	N	<- Y or N
32				
33		Use groundwater from former park site?	N	<- Y or N
34		Groundwater pumpage? (200 gpm original)	100	<- as total gallons per minute from well field
35				
36				

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 Bold typing indicates modified data - Blue fill indicates new data or calculations
 Conditional formatting has been used to highlight certain values with color in some columns

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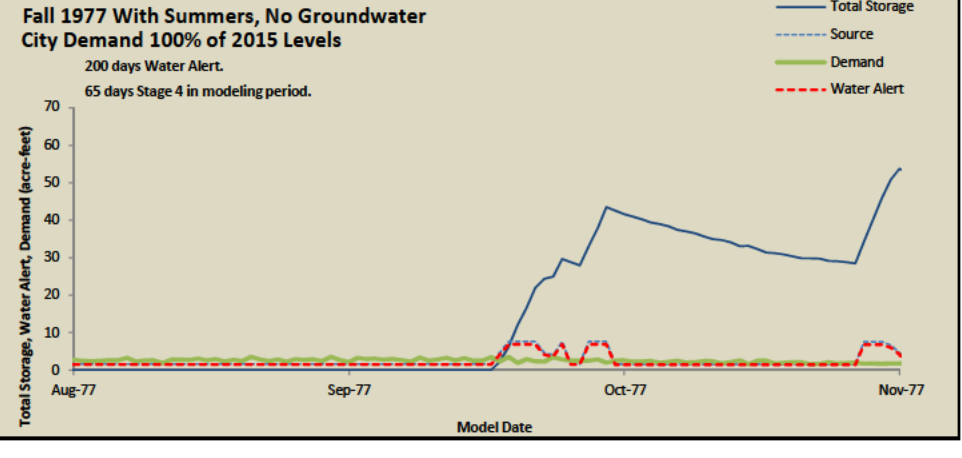
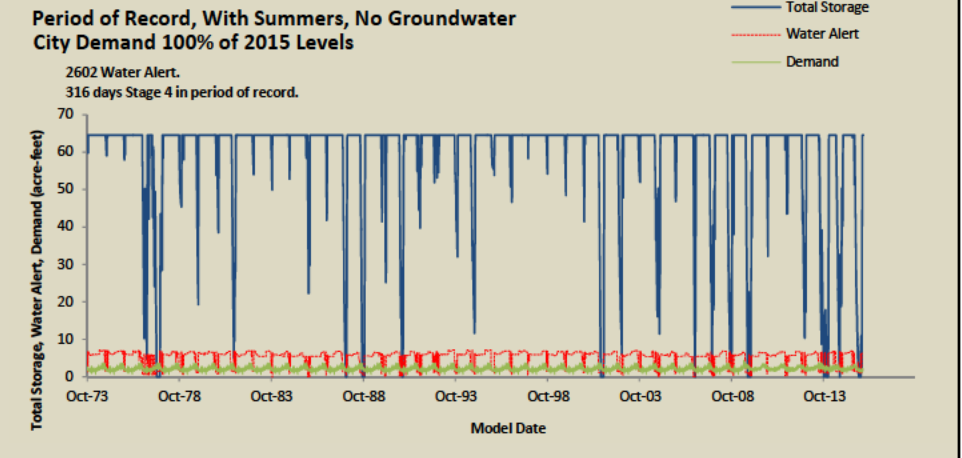
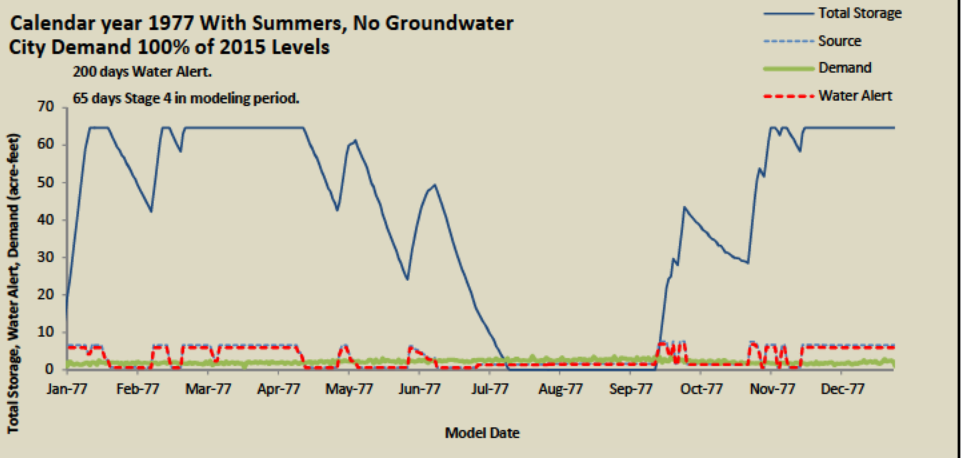
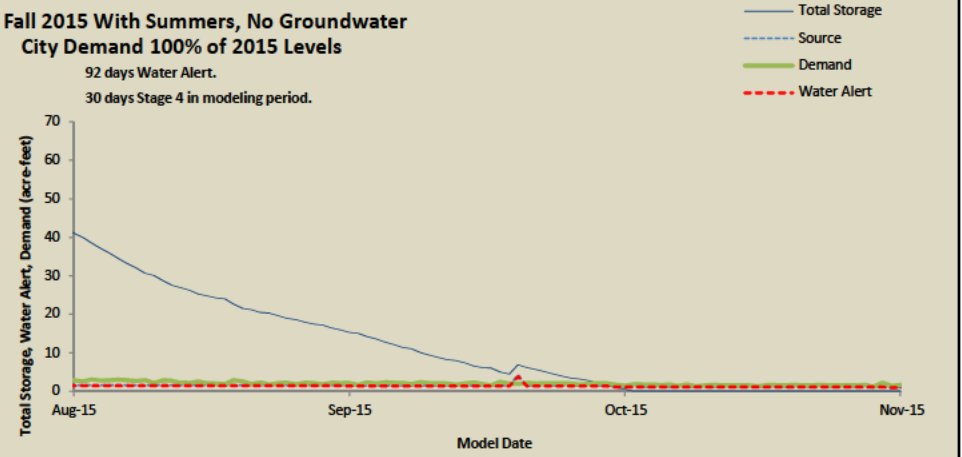
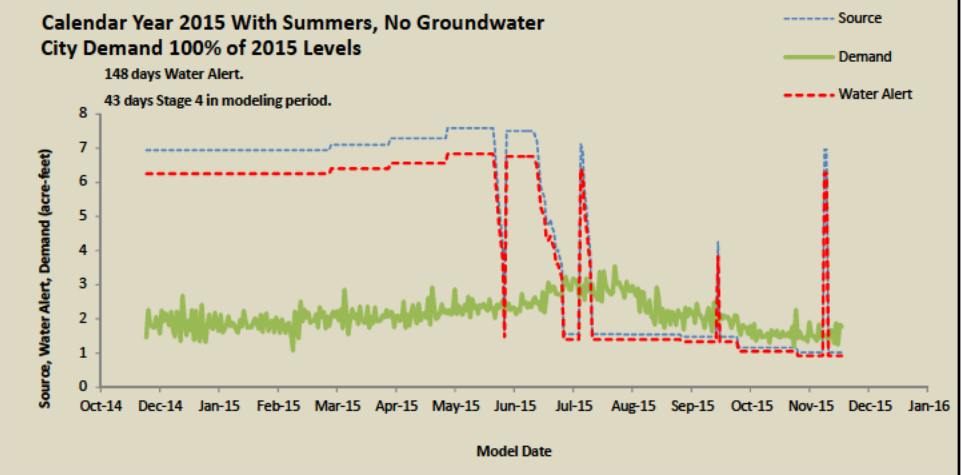
GRAPH LABELS:

Chosen year: 148 days Water Alert.
 Period of record: 2602 Water Alert.
 Calendar year 1977: 200 days Water Alert.
 Fall 2015: 92 days Water Alert.
 Chosen year: 43 days Stage 4 in modeling period.
 Period of record: 316 days Stage 4 in period of record.
 Calendar year 1977: 65 days Stage 4 in modeling period.
 Fall 2015: 30 days Stage 4 in modeling period.

Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels
 Calendar year 1977 With Summers, No Groundwater
 Fall 2015 With Summers, No Groundwater
 Calendar Year 2015 With Summers, No Groundwater
 Fall 1977 With Summers, No Groundwater

SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: 2015



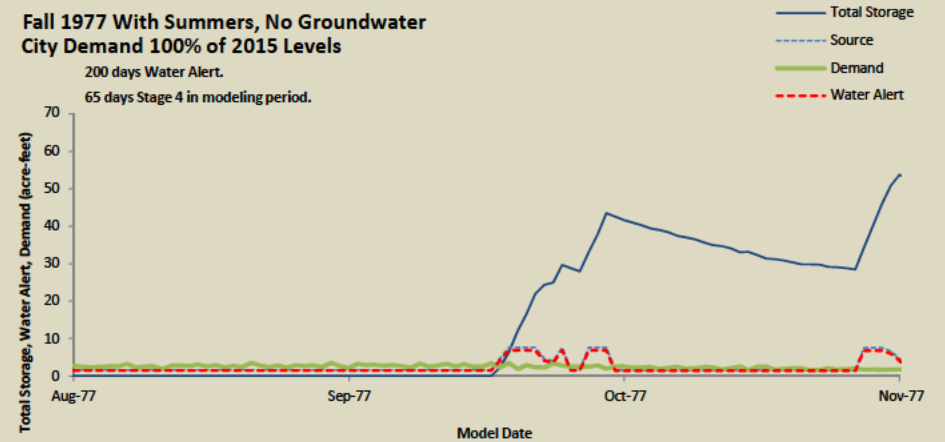
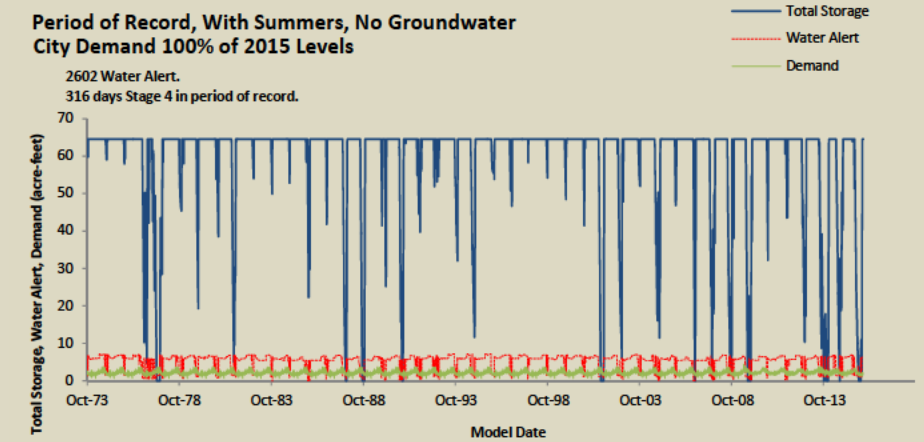
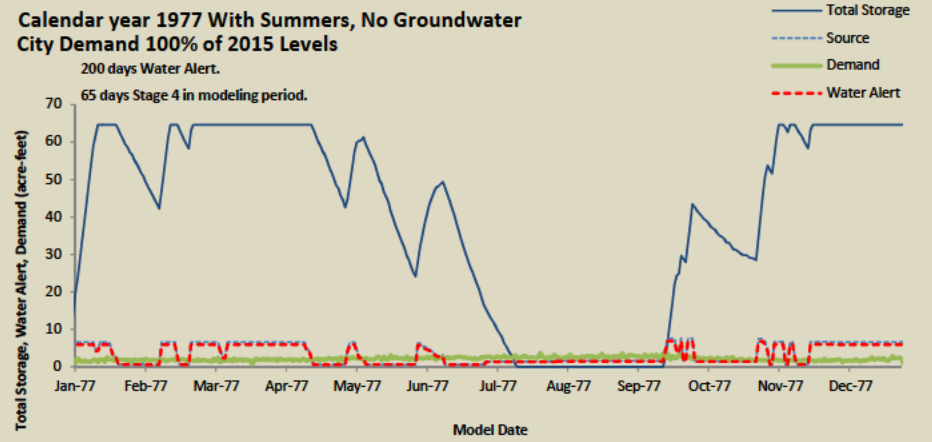
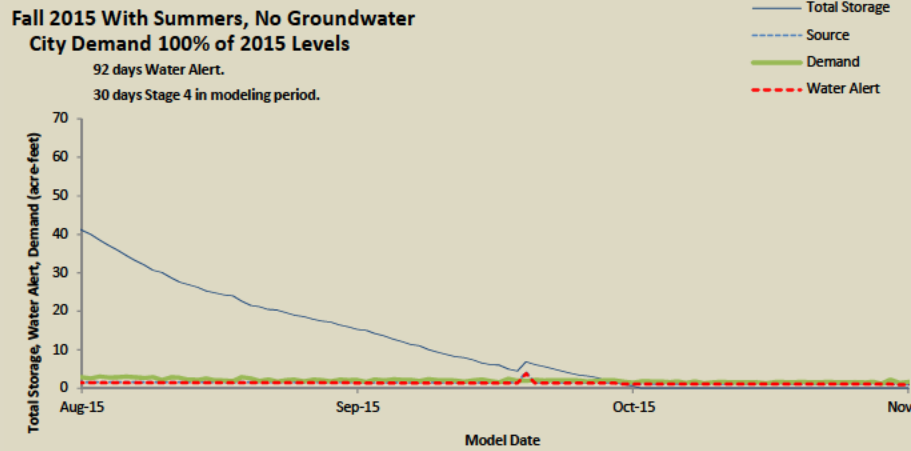
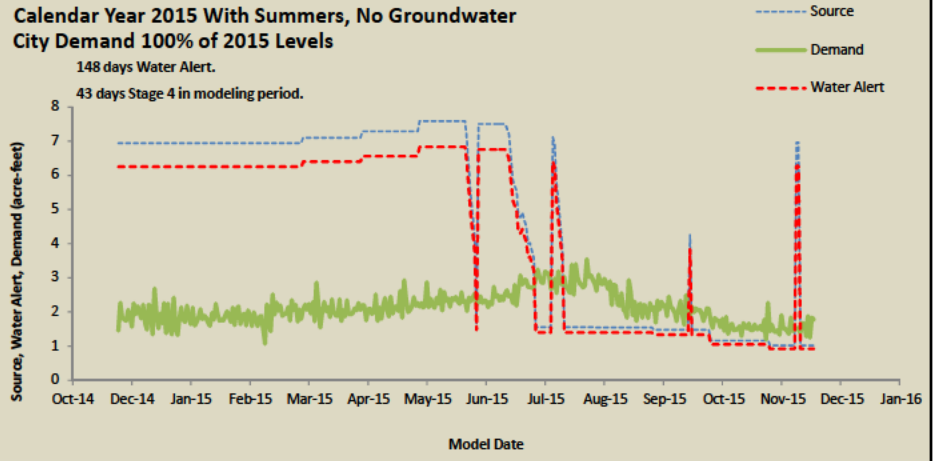
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5		Raw Water Storage	9.2	acre-feet
6		Finished Water Storage	10.1	acre-feet
7		Groundwater availability (maximum, non-drought)	0.4	acre-feet per day
8		Water Alert Trigger	Raw water source capacity at least 10% above demand	
9				

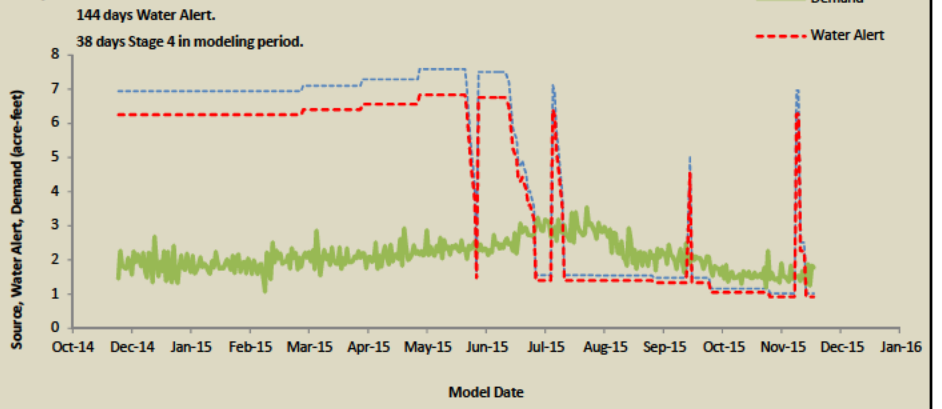
	A	B	C	D
12	Model Input Adjustments You Can Make:			
13		Reduce Noyo flow?	100%	<- as percent of measured flow
14		Amount of flow that must remain in Noyo River?	10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
15			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
16		Height of tide that controls pumping?	7.0	<- height of tide that controls pumping (feet)
17				
18		Reduce Newman Gulch flow?	100%	<- percent of historic measured flow
19				
20		Reduce Waterfall Gulch flow?	75%	<- percent of historic measured withdrawal
21		Amount of flow that must remain in Waterfall G.?	0.0	<- enter amount to leave in Waterfall G. (cfs)
22				(enter 0.000001 to ignore factor)
23		Use new Summers Lane Reservoir?	Y	<- enter Y or N
24				
25		Use evaporation on raw water storage?	0.00	<- approximate daily amount in acre-feet
26		Use evaporation reduction device on new reservoir?	0%	<- percent reduction due to device
27				
28		Adjust daily precipitation?	100%	<- percent change from historic values
29				
30		Increase City demand? If answer below is "Y", then 2018 demand; else 2015	100%	<- percent of 2015 or 2018 production
31		Use 2018?	N	<- Y or N
32				
33		Use groundwater from former park site?	N	<- Y or N
34		Groundwater pumpage? (200 gpm original)	100	<- as total gallons per minute from well field
35				
36				
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Cells in following tabs are inactive or have unmodified data if grayed out
 Bold typing indicates modified data - Blue fill indicates new data or calculations
 Conditional formatting has been used to highlight certain values with color in some columns

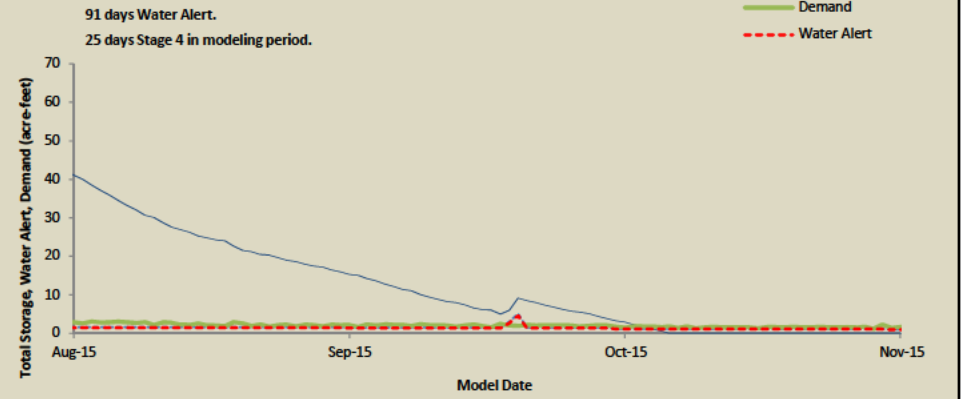
SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: **2015**

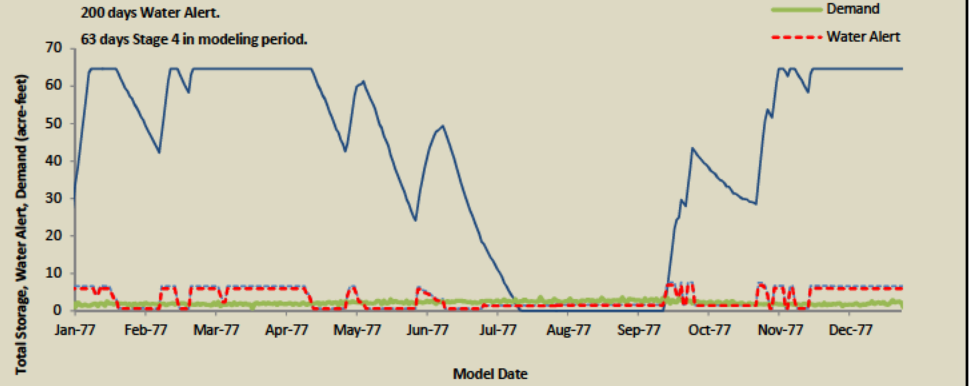
**Calendar Year 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



**Fall 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



**Calendar year 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



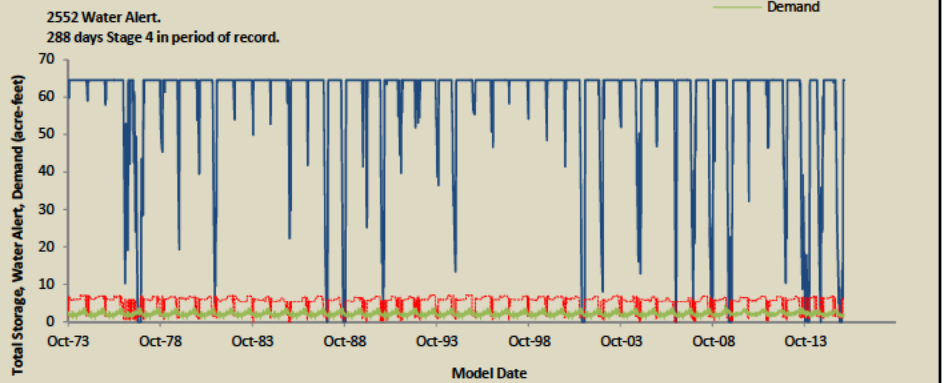
GRAPH LABELS:

Chosen year: 144 days Water Alert.
 Period of record: 2552 Water Alert.
 Calendar year 1977: 200 days Water Alert.
 Fall 2015: 91 days Water Alert.
 Chosen year: 38 days Stage 4 in modeling period.
 Period of record: 288 days Stage 4 in period of record.
 Calendar year 1977: 63 days Stage 4 in modeling period.
 Fall 2015: 25 days Stage 4 in modeling period.

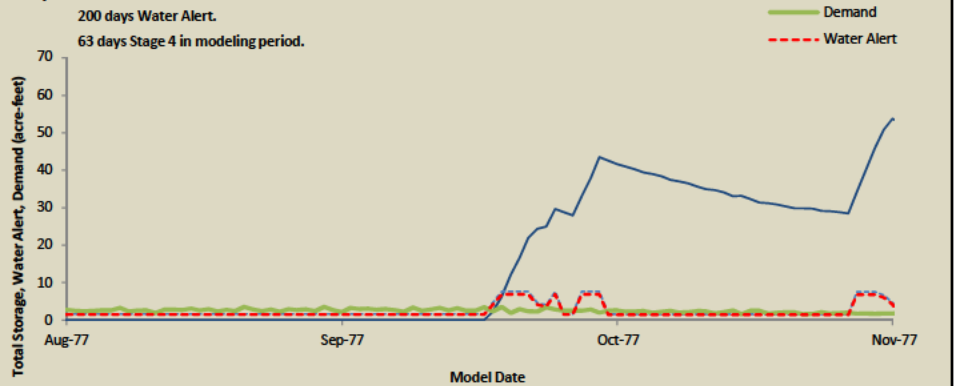
Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels

Calendar year 1977 With Summers, No Groundwater
 Fall 2015 With Summers, No Groundwater
 Calendar Year 2015 With Summers, No Groundwater
 Fall 1977 With Summers, No Groundwater

**Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



**Fall 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



Water Model Incorporating Four (4) Foot Sea-Level Rise

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1																		
2	Model Constants:																	
3	Existing Newman Reservoir 0.9 acre-feet																	
4	New Summers Lane Reservoir 44.3 acre-feet																	
5	Raw Water Storage 9.2 acre-feet																	
6	Finished Water Storage 10.1 acre-feet																	
7	Groundwater availability (maximum, non-drought) 0.4 acre-feet per day																	
8	Water Alert Trigger Raw water source capacity at least 10% above demand																	
9																		
12	Model Input Adjustments You Can Make:																	
13	Reduce Noyo flow? 100% ← as percent of measured flow																	
14	Amount of flow that must remain in Noyo River? 10 ← amount to leave in Noyo, Oct 1 - May 31 (cfs)																	
15	3 ← amount to leave in Noyo, Jun 1 - Sep 30 (cfs)																	
16	Height of tide that controls pumping? 6.0 ← height of tide that controls pumping (feet)																	
17																		
18	Reduce Newman Gulch flow? 100% ← percent of historic measured flow																	
19																		
20	Reduce Waterfall Gulch flow? 75% ← percent of historic measured withdrawal																	
21	Amount of flow that must remain in Waterfall G.? 0.0 ← enter amount to leave in Waterfall G. (cfs)																	
22	(enter 0.000001 to ignore factor)																	
23	Use new Summers Lane Reservoir? Y ← enter Y or N																	
24																		
25	Use evaporation on raw water storage? 0.00 ← approximate daily amount in acre-feet																	
26	Use evaporation reduction device on new reservoir? 0% ← percent reduction due to device																	
27																		
28	Adjust daily precipitation? 100% ← percent change from historic values																	
29																		
30	Increase City demand? If answer below is "Y", then 2018 demand; else 2015 100% ← percent of 2015 or 2018 production																	
31	Use 2018? N ← Y or N																	
32																		
33	Use groundwater from former park site? N ← Y or N																	
34	Groundwater pumpage? (200 gpm original) 100 ← as total gallons per minute from well field																	
35																		
36																		

Cells in following tabs are inactive or have unmodified data if grayed out
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GRAPH LABELS:

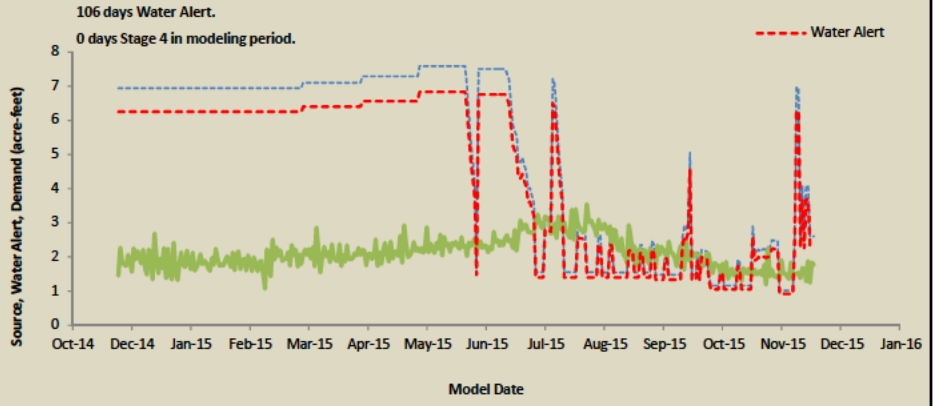
Chosen year: 106 days Water Alert.	
Period of record: 2036 Water Alert.	
Calendar year 1977: 172 days Water Alert.	
Fall 2015: 69 days Water Alert.	
Chosen year: 0 days Stage 4 in modeling period.	
Period of record: 78 days Stage 4 in period of record.	
Calendar year 1977: 38 days Stage 4 in modeling period.	
Fall 2015: 0 days Stage 4 in modeling period.	

Period of Record, With Summers, No Groundwater	Calendar year 1977 With Summers, No Groundwater
City Demand 100% of 2015 Levels	Fall 2015 With Summers, No Groundwater
	Calendar Year 2015 With Summers, No Groundwater
	Fall 1977 With Summers, No Groundwater

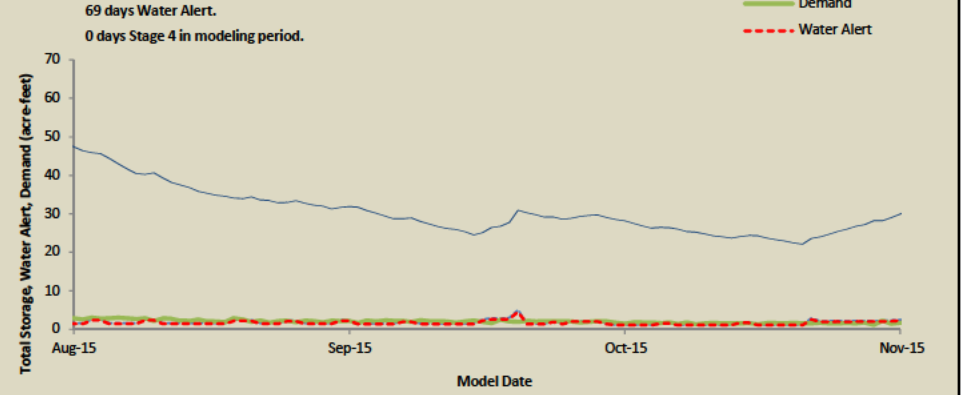
SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: 2015

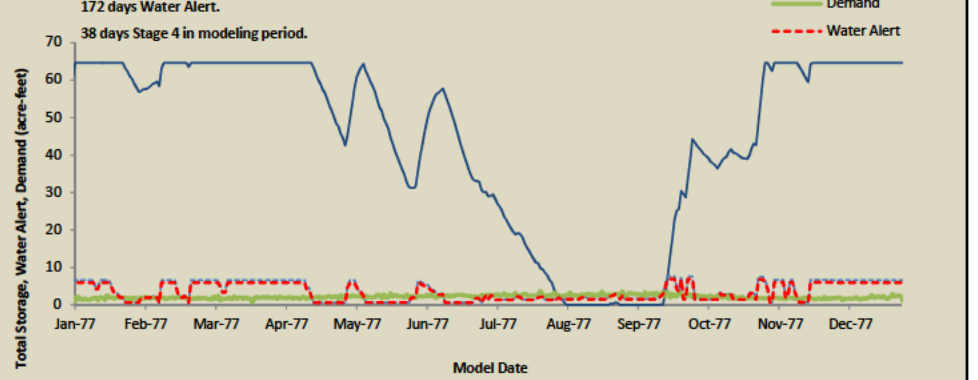
Calendar Year 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels



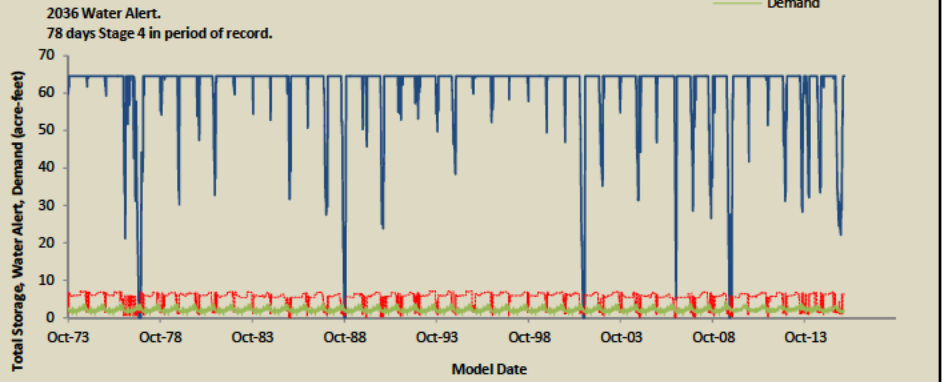
Fall 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels



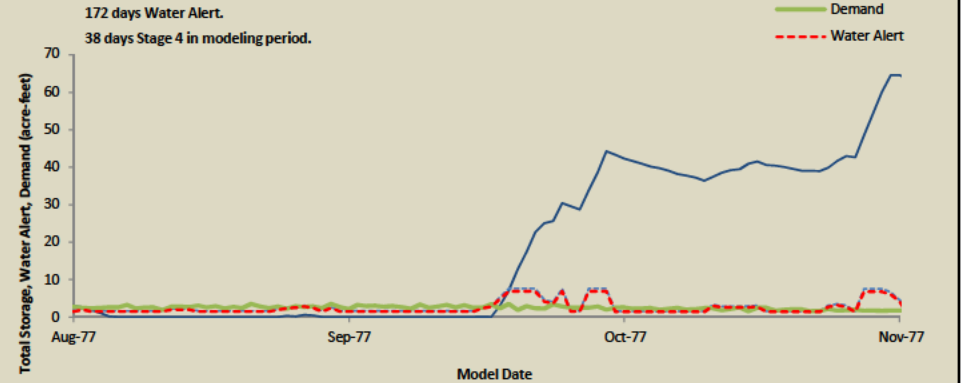
Calendar year 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels



Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels



Fall 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels



Water Model Incorporating Three (3) Foot Sea-Level Rise

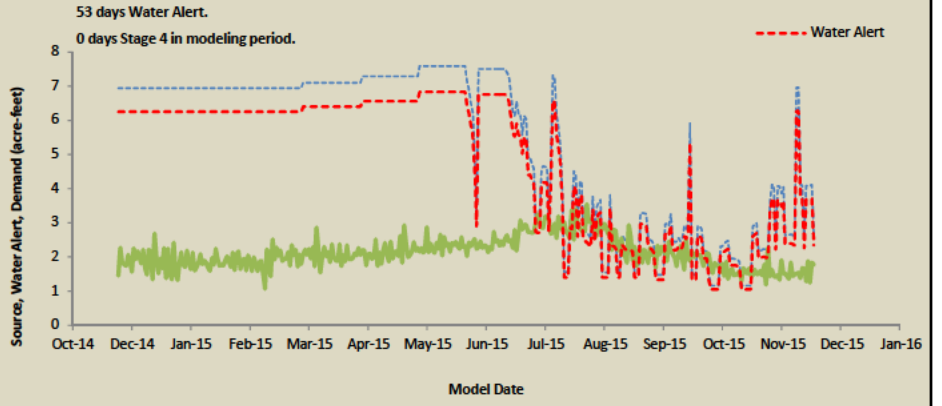
	A	B	C	D
1				
2	Model Constants:			
3		Existing Newman Reservoir	0.9	acre-feet
4		New Summers Lane Reservoir	44.3	acre-feet
5		Raw Water Storage	9.2	acre-feet
6		Finished Water Storage	10.1	acre-feet
7		Groundwater availability (maximum, non-drought)	0.4	acre-feet per day
8		Water Alert Trigger	Raw water source capacity at least 10% above demand	
9				
10				
11				
12	Model Input Adjustments You Can Make:			
13		Reduce Noyo flow?	100%	<- as percent of measured flow
14		Amount of flow that must remain in Noyo River?	10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
15			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
16		Height of tide that controls pumping?	5.0	<- height of tide that controls pumping (feet)
17				
18		Reduce Newman Gulch flow?	100%	<- percent of historic measured flow
19				
20		Reduce Waterfall Gulch flow?	75%	<- percent of historic measured withdrawal
21		Amount of flow that must remain in Waterfall G.?	0.0	<- enter amount to leave in Waterfall G. (cfs)
22				(enter 0.000001 to ignore factor)
23		Use new Summers Lane Reservoir?	Y	<- enter Y or N
24				
25		Use evaporation on raw water storage?	0.00	<- approximate daily amount in acre-feet
26		Use evaporation reduction device on new reservoir?	0%	<- percent reduction due to device
27				
28		Adjust daily precipitation?	100%	<- percent change from historic values
29				
30		Increase City demand? If answer below is "Y", then 2018 demand; else 2015	100%	<- percent of 2015 or 2018 production
31		Use 2018?	N	<- Y or N
32				
33		Use groundwater from former park site?	N	<- Y or N
34		Groundwater pumpage? (200 gpm original)	100	<- as total gallons per minute from well field
35				
36				
37				

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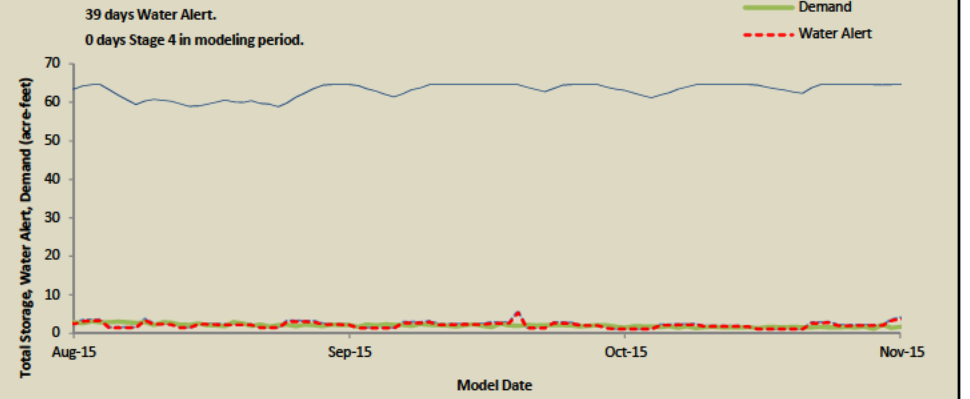
SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: **2015**

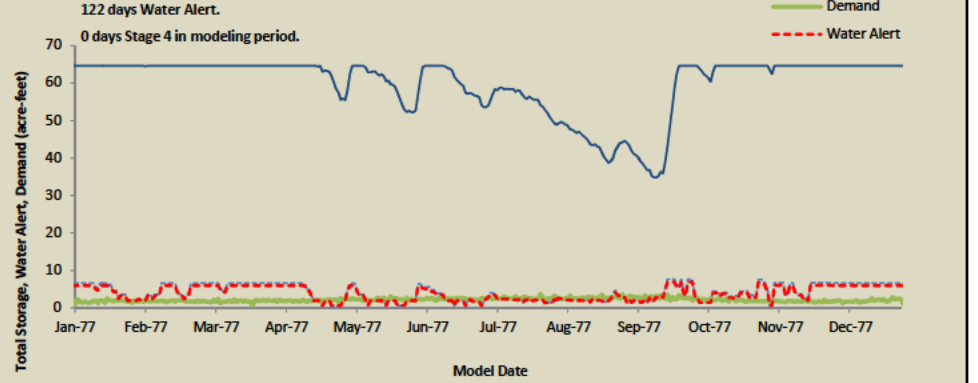
**Calendar Year 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



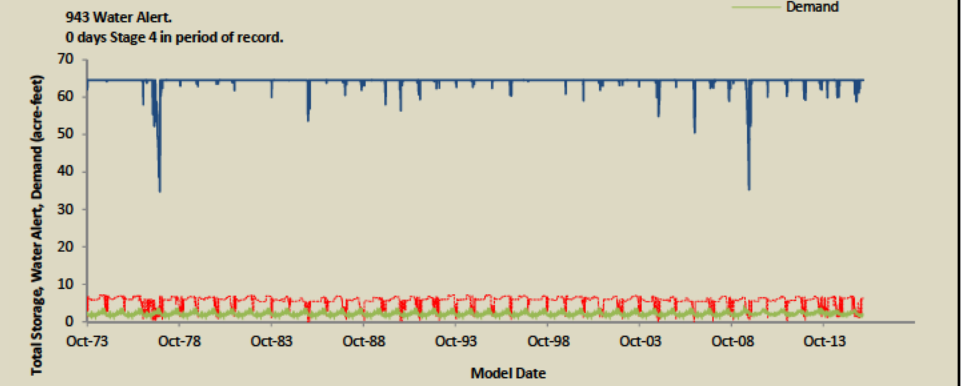
**Fall 2015 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



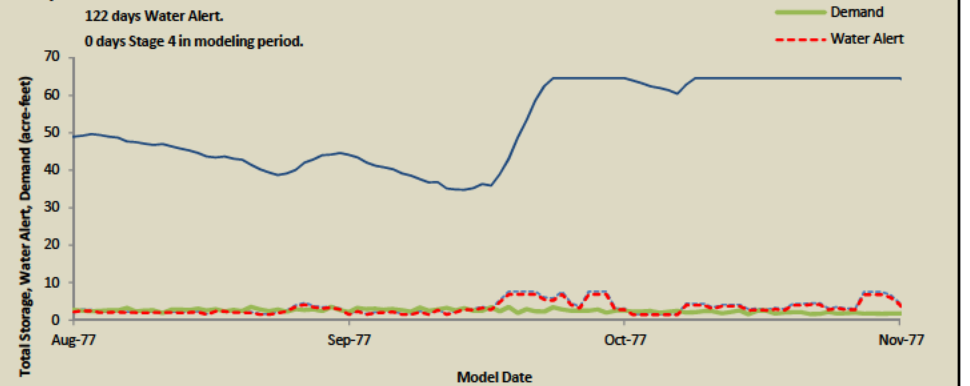
**Calendar year 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



**Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



**Fall 1977 With Summers, No Groundwater
 City Demand 100% of 2015 Levels**



GRAPH LABELS:

Chosen year: 53 days Water Alert.
 Period of record: 943 Water Alert.
 Calendar year 1977: 122 days Water Alert.
 Fall 2015: 39 days Water Alert.
 Chosen year: 0 days Stage 4 in modeling period.
 Period of record: 0 days Stage 4 in period of record.
 Calendar year 1977: 0 days Stage 4 in modeling period.
 Fall 2015: 0 days Stage 4 in modeling period.

Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels
 Calendar year 1977 With Summers, No Groundwater
 Fall 2015 With Summers, No Groundwater
 Calendar Year 2015 With Summers, No Groundwater
 Fall 1977 With Summers, No Groundwater

Water Model Incorporating Two (2) Foot Sea-Level Rise

	A	B	C	D
1				
2	Model Constants:			
3		Existing Newman Reservoir	0.9	acre-feet
4		New Summers Lane Reservoir	44.3	acre-feet
5		Raw Water Storage	9.2	acre-feet
6		Finished Water Storage	10.1	acre-feet
7		Groundwater availability (maximum, non-drought)	0.4	acre-feet per day
8		Water Alert Trigger	Raw water source capacity at least 10% above demand	
9				
10				
11				
12	Model Input Adjustments You Can Make:			
13		Reduce Noyo flow?	100%	<- as percent of measured flow
14		Amount of flow that must remain in Noyo River?	10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
15			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
16		Height of tide that controls pumping?	4.0	<- height of tide that controls pumping (feet)
17				
18		Reduce Newman Gulch flow?	100%	<- percent of historic measured flow
19				
20		Reduce Waterfall Gulch flow?	75%	<- percent of historic measured withdrawal
21		Amount of flow that must remain in Waterfall G.?	0.0	<- enter amount to leave in Waterfall G. (cfs)
22				(enter 0.000001 to ignore factor)
23		Use new Summers Lane Reservoir?	Y	<- enter Y or N
24				
25		Use evaporation on raw water storage?	0.00	<- approximate daily amount in acre-feet
26		Use evaporation reduction device on new reservoir?	0%	<- percent reduction due to device
27				
28		Adjust daily precipitation?	100%	<- percent change from historic values
29				
30		Increase City demand? If answer below is "Y", then 2018 demand; else 2015	100%	<- percent of 2015 or 2018 production
31		Use 2018?	N	<- Y or N
32				
33		Use groundwater from former park site?	N	<- Y or N
34		Groundwater pumpage? (200 gpm original)	100	<- as total gallons per minute from well field
35				
36				
37				

Cells in following tabs are inactive or have unmodified data if grayed out
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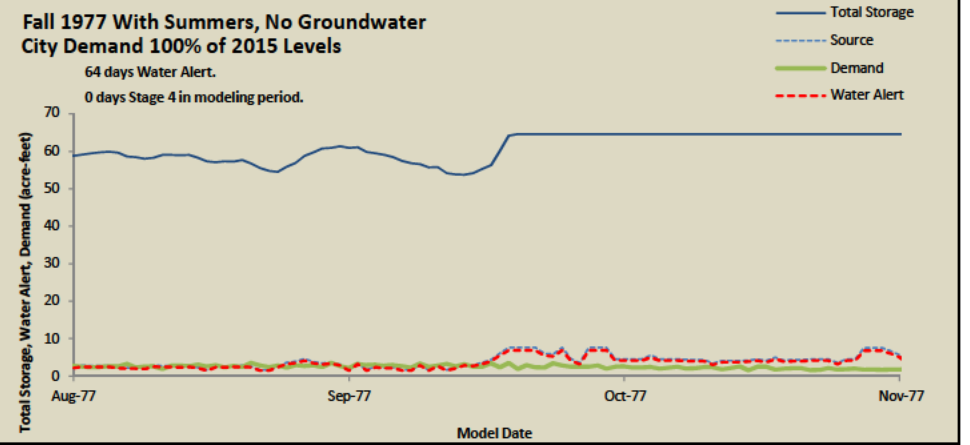
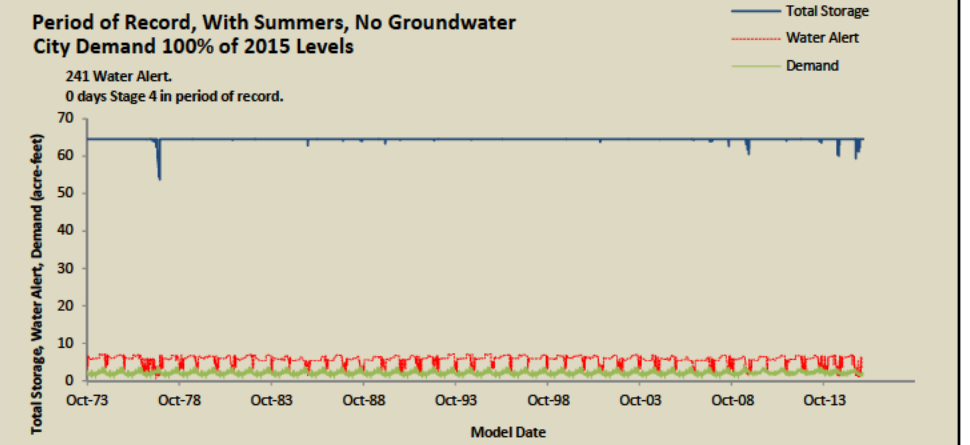
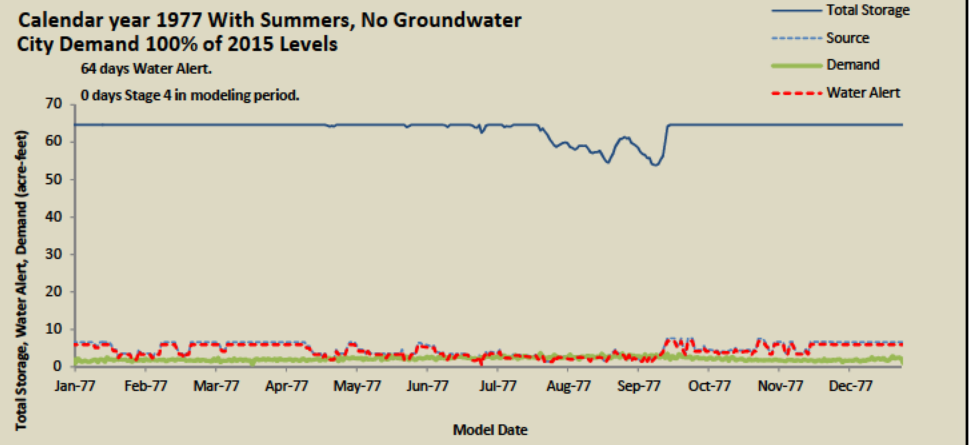
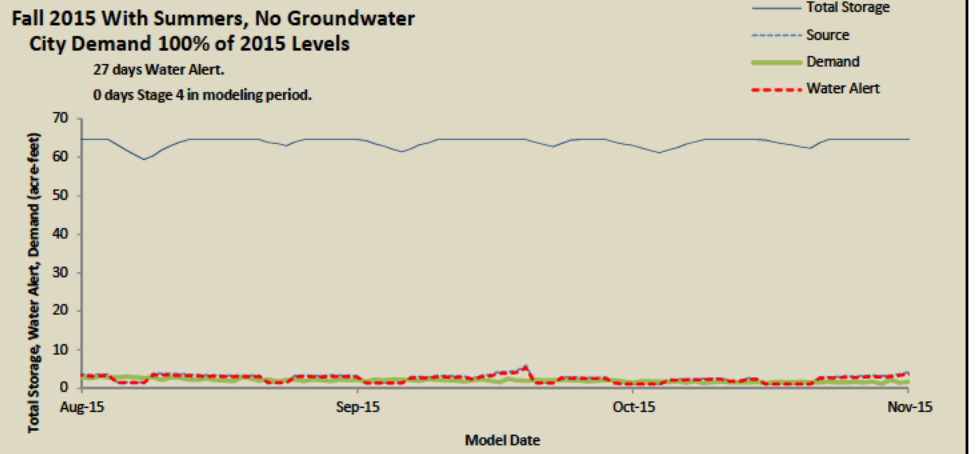
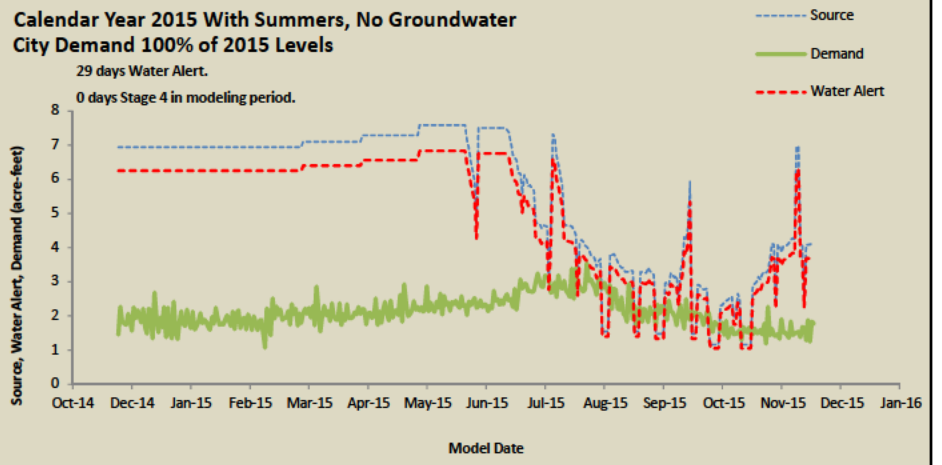
GRAPH LABELS:

Chosen year:	29 days Water Alert.
Period of record:	241 Water Alert.
Calendar year 1977:	64 days Water Alert.
Fall 2015:	27 days Water Alert.
Chosen year:	0 days Stage 4 in modeling period.
Period of record:	0 days Stage 4 in period of record.
Calendar year 1977:	0 days Stage 4 in modeling period.
Fall 2015:	0 days Stage 4 in modeling period.

Period of Record, With Summers, No Groundwater	Calendar year 1977 With Summers, No Groundwater
City Demand 100% of 2015 Levels	Fall 2015 With Summers, No Groundwater
	Calendar Year 2015 With Summers, No Groundwater
	Fall 1977 With Summers, No Groundwater

SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: 2015



Water Model Incorporating One (1) Foot Sea-Level Rise

	A	B	C	D
1				
2		Model Constants:		
3		Existing Newman Reservoir	0.9	acre-feet
4		New Summers Lane Reservoir	44.3	acre-feet
5		Raw Water Storage	9.2	acre-feet
6		Finished Water Storage	10.1	acre-feet
7		Groundwater availability (maximum, non-drought)	0.4	acre-feet per day
8		Water Alert Trigger	Raw water source capacity at least 10% above demand	
9				

	A	B	C	D
13		Model Input Adjustments You Can Make:		
14		Reduce Noyo flow?	100%	<- as percent of measured flow
15		Amount of flow that must remain in Noyo River?	10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
16			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
17		Height of tide that controls pumping?	3.0	<- height of tide that controls pumping (feet)
18				
19		Reduce Newman Gulch flow?	100%	<- percent of historic measured flow
20				
21		Reduce Waterfall Gulch flow?	75%	<- percent of historic measured withdrawal
22		Amount of flow that must remain in Waterfall G.?	0.0	<- enter amount to leave in Waterfall G. (cfs)
23				(enter 0.000001 to ignore factor)
24		Use new Summers Lane Reservoir?	Y	<- enter Y or N
25				
26		Use evaporation on raw water storage?	0.00	<- approximate daily amount in acre-feet
27		Use evaporation reduction device on new reservoir?	0%	<- percent reduction due to device
28				
29		Adjust daily precipitation?	100%	<- percent change from historic values
30				
31		Increase City demand? If answer below is "Y", then 2018 demand; else 2015	100%	<- percent of 2015 or 2018 production
32		Use 2018?	N	<- Y or N
33				
34		Use groundwater from former park site?	N	<- Y or N
35		Groundwater pumpage? (200 gpm original)	100	<- as total gallons per minute from well field
36				

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	A	B	C	D
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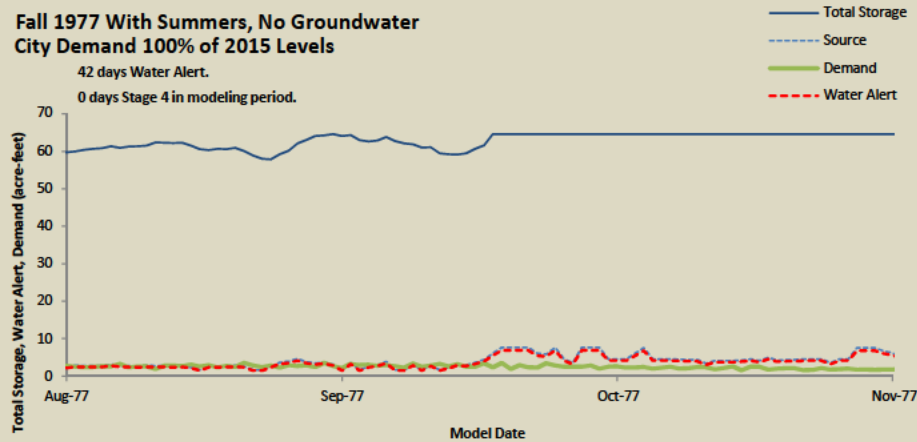
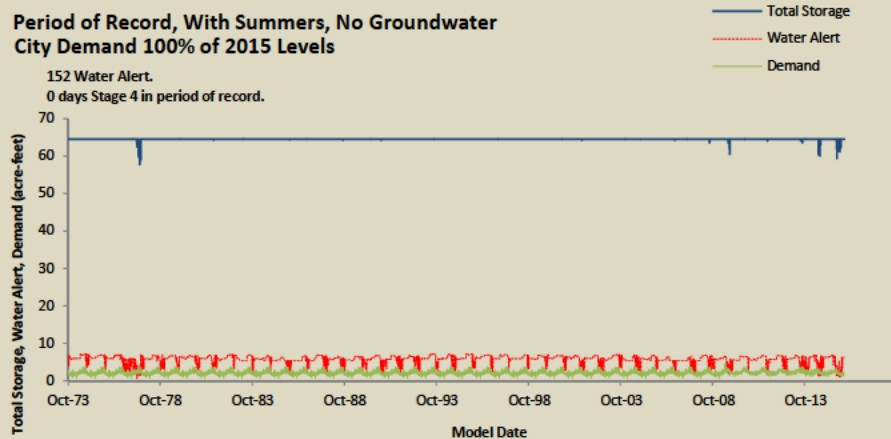
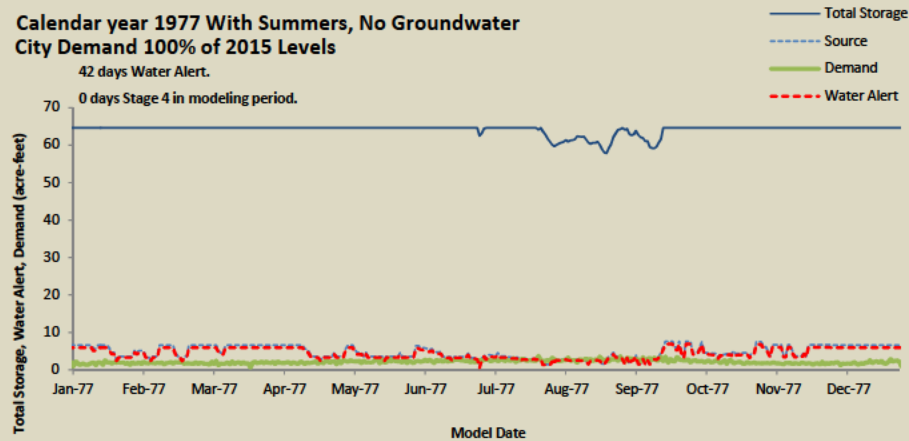
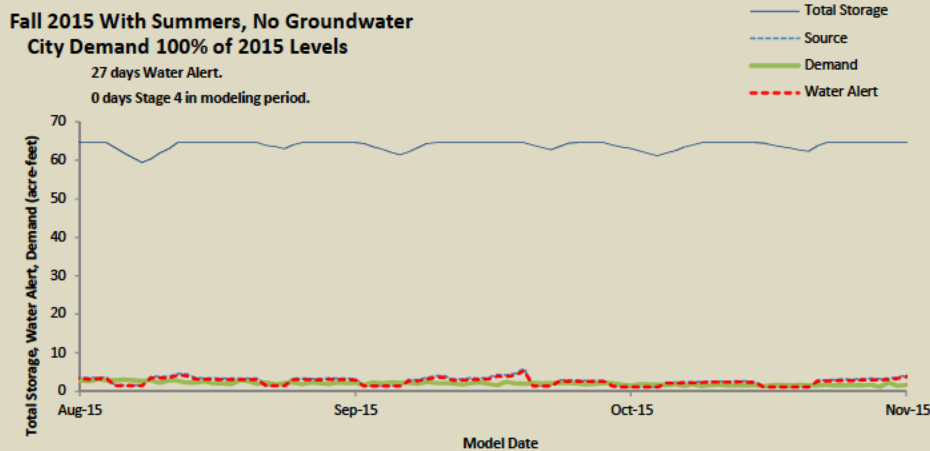
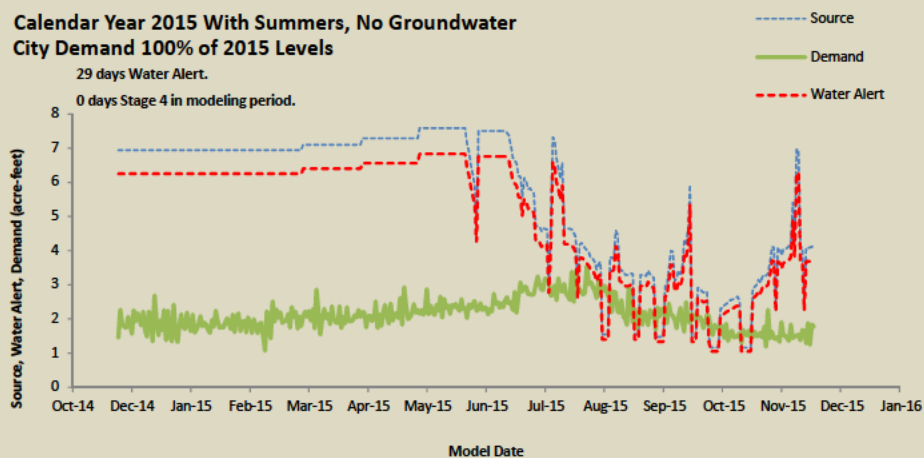
GRAPH LABELS:

Chosen year: 29 days Water Alert.
 Period of record: 152 Water Alert.
 Calendar year 1977: 42 days Water Alert.
 Fall 2015: 27 days Water Alert.
 Chosen year: 0 days Stage 4 in modeling period.
 Period of record: 0 days Stage 4 in period of record.
 Calendar year 1977: 0 days Stage 4 in modeling period.
 Fall 2015: 0 days Stage 4 in modeling period.

Period of Record, With Summers, No Groundwater
 City Demand 100% of 2015 Levels
 Calendar year 1977 With Summers, No Groundwater
 Fall 2015 With Summers, No Groundwater
 Calendar Year 2015 With Summers, No Groundwater
 Fall 1977 With Summers, No Groundwater

SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: 2015



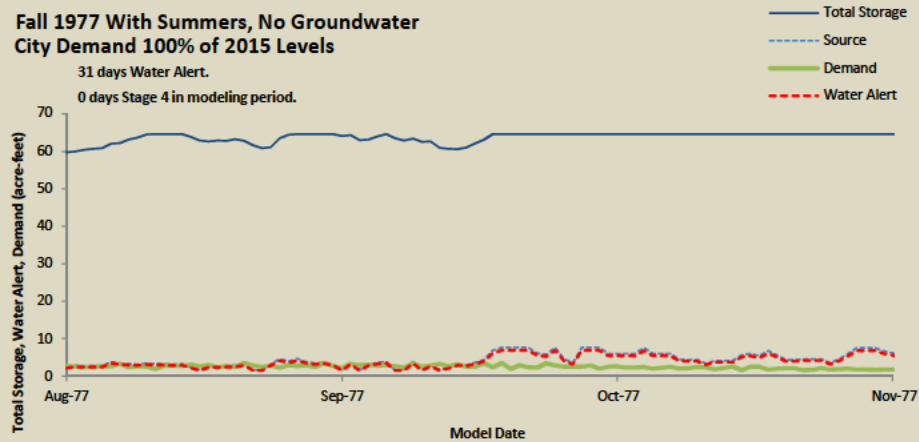
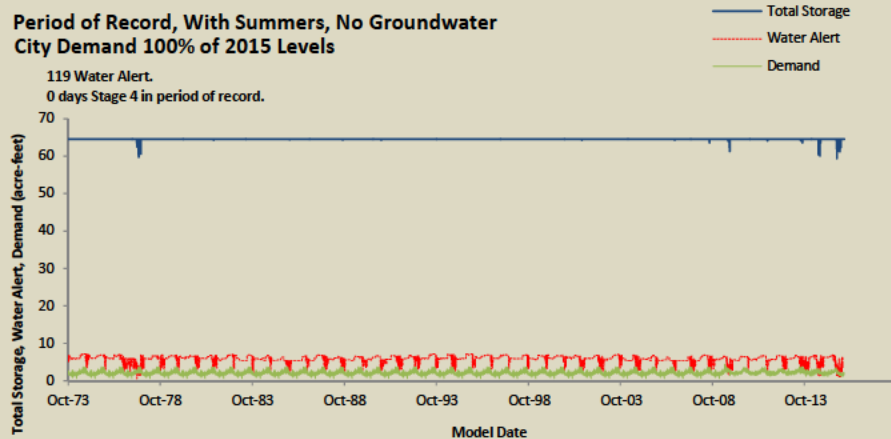
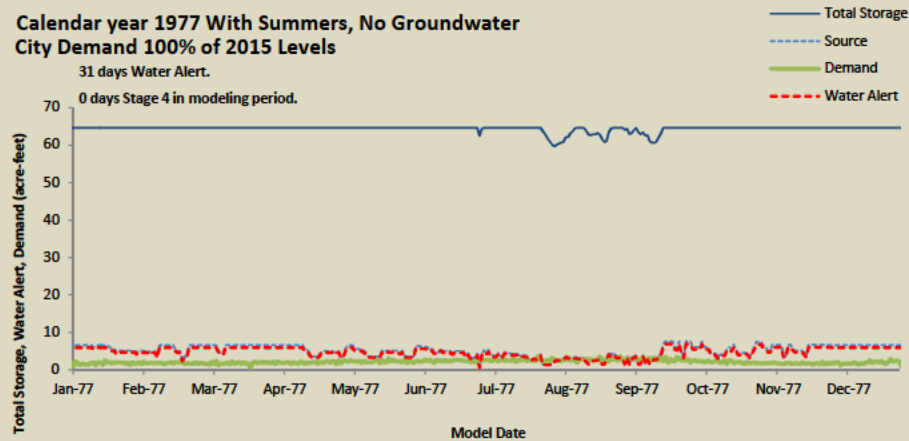
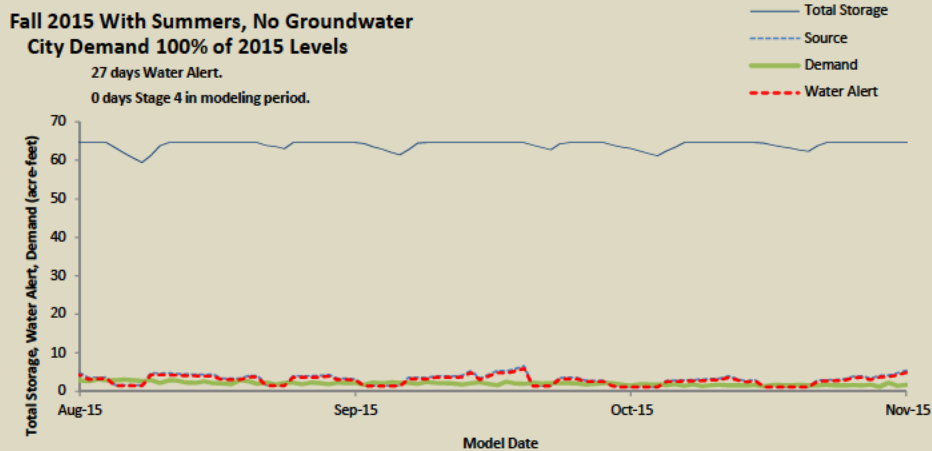
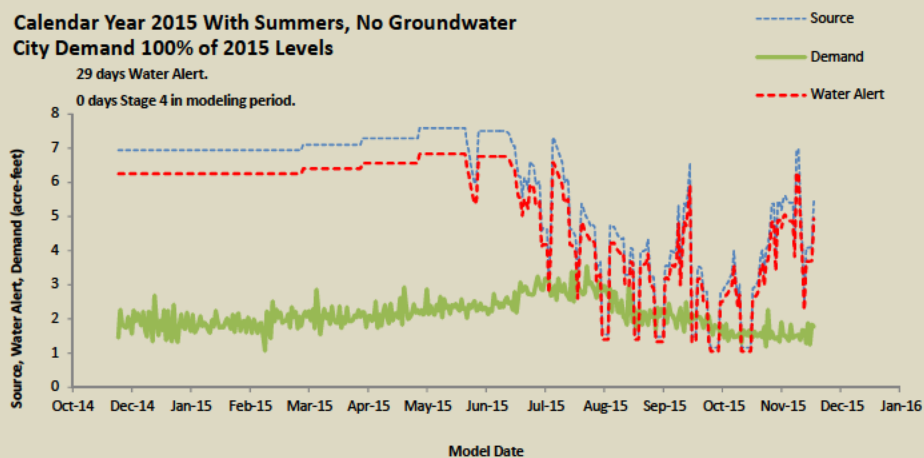
Water Model Without Sea-Level Rise

	A	B	C	D
1				
2	Model Constants:			
3	Existing Newman Reservoir		0.9	acre-feet
4	New Summers Lane Reservoir		44.3	acre-feet
5	Raw Water Storage		9.2	acre-feet
6	Finished Water Storage		10.1	acre-feet
7	Groundwater availability (maximum, non-drought)		0.4	acre-feet per day
8	Water Alert Trigger		Raw water source capacity at least 10% above demand	
9				
10				
11				
12	Model Input Adjustments You Can Make:			
13	Reduce Noyo flow?		100%	<- as percent of measured flow
14	Amount of flow that must remain in Noyo River?		10	<- amount to leave in Noyo, Oct 1 - May 31 (cfs)
15			3	<- amount to leave in Noyo, Jun 1 - Sep 30 (cfs)
16	Height of tide that controls pumping?		2.0	<- height of tide that controls pumping (feet)
17				
18	Reduce Newman Gulch flow?		100%	<- percent of historic measured flow
19				
20	Reduce Waterfall Gulch flow?		75%	<- percent of historic measured withdrawal
21	Amount of flow that must remain in Waterfall G.?		0.0	<- enter amount to leave in Waterfall G. (cfs)
22				(enter 0.000001 to ignore factor)
23	Use new Summers Lane Reservoir?		Y	<- enter Y or N
24				
25	Use evaporation on raw water storage?		0.00	<- approximate daily amount in acre-feet
26	Use evaporation reduction device on new reservoir?		0%	<- percent reduction due to device
27				
28	Adjust daily precipitation?		100%	<- percent change from historic values
29				
30	Increase City demand? If answer below is "Y", then 2018 demand; else 2015		100%	<- percent of 2015 or 2018 production
31	Use 2018?		N	<- Y or N
32				
33	Use groundwater from former park site?		N	<- Y or N
34	Groundwater pumpage? (200 gpm original)		100	<- as total gallons per minute from well field
35				
36				
37				

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SCROLL DOWN FOR MORE GRAPHS - THESE GRAPHS ARE UNLOCKED

USER-CHOSEN GRAPH
 ENTER CALENDAR YEAR: **2015**



GRAPH LABELS:

Chosen year: 29 days Water Alert.
 Period of record: 119 Water Alert.
 Calendar year 1977: 31 days Water Alert.
 Fall 2015: 27 days Water Alert.
 Chosen year: 0 days Stage 4 in modeling period.
 Period of record: 0 days Stage 4 in period of record.
 Calendar year 1977: 0 days Stage 4 in modeling period.
 Fall 2015: 0 days Stage 4 in modeling period.

Period of Record, With Summers, No Groundwater City Demand 100% of 2015 Levels
 Calendar year 1977 With Summers, No Groundwater
 Fall 2015 With Summers, No Groundwater
 Calendar Year 2015 With Summers, No Groundwater
 Fall 1977 With Summers, No Groundwater

Peters, Sarah

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Tuesday, February 22, 2022 6:42 PM
To: cdd
Cc: Peters, Sarah; O'Neal, Chantell; Lemos, June
Subject: Public Comment -- 2/23/23 PC Mtg, Item No. 6A, agenda materials from 1/25/21 CC Mtg.
Attachments: 20210125 CC Minutes.pdf; 20201209 PC Minutes.pdf; 20210125 CC Mtg. - City of Fort Bragg - File #_21-009.pdf; 20210125 CC Agenda Item 7A Action Details.pdf; 20201209 PC Agenda Item 5A Action Details.pdf

Planning Commission,

I am submitting the agenda materials for the 1/25/2021 City Council meeting for the appeal of your denial of MUP 4-20 at the 12/9/2020 Planning Commission meeting. Rather than downloading and attaching the agenda materials, I am providing a hyperlink to the City's legislative record for that agenda item, which contains the actual documents in electronic format. I have also attached the meeting minutes for the two meetings and generated two associated PDFs showing the legislative file with the document names of the agenda packet contents for the 1/25/2021 meeting as well as a cut-and-paste of the action details showing the action taken by the City Council at the January 2021 meeting and by the Planning Commission at the December 2020 meeting.

I am submitting these documents into the administrative record for the 2/23/22 public hearing about the proposed cannabis ordinance to serve the same purpose as the meeting videos for the two meetings I submitted in a separate public comment. Namely, to demonstrate that the description of the existing regulatory framework for commercial cannabis is not as it is described in the staff report and draft IS/ND. The result is that the IS/ND should be revised and likely replaced with a full EIR for this project based on a significant change between the actual baseline conditions as the code has been interpreted and applied by the City for the prior commercial cannabis land use reviews (including UP 4-20) compared to the recommended amended code provisions. I will provide more specific public comments about the proposed ordinance and draft IS/ND prior to and/or at the actual public hearing on the 23rd.

<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4758428&GUID=A1F8F9C9-BE3F-4BDF-B1B9-53DD6FE24585>

City staff has graciously agreed to include the individual agenda materials for Item No. 7A, the public hearing before the City Council on the appeal of the Planning Commission's denial of MUP 4-20, in the administrative record for your public hearing on the proposed cannabis ordinance so you don't need to receive a series of messages with the attached documents number well over 1500 pages. You can access the individual documents that I am submitting for your consideration by following the above hyperlink.

Regards,

--Jacob



City of Fort Bragg

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

Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY*

Monday, January 25, 2021

6:00 PM

Via Video Conference

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing by video conference.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 4 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith and Councilmember Lindy Peters

AGENDA REVIEW

Mayor Norvell moved Item 8C to the top of the Conduct of Business agenda, stating he will recuse himself from hearing Items 8A and 8B due to a conflict of interest.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Norvell announced that three ad hoc committees are expiring next month. He extended the Broadband committee by one year, and will replace former Councilmember Lee with a new committee member once the vacant Council seat has been filled. He extended the Revenue committee by six months. The Mayor also extended Council Goal #2 ad hoc committee by six months and will appoint someone to replace former Councilmember Lee after the new Councilmember is seated.

The Mayor reported on a recent meeting regarding the winter shelter. Trinity Lutheran Church has agreed to house the Winter Shelter until March 15. The Mendocino Coast Jewish Community shul in Caspar has offered to house the shelter for the last two weeks in March. Mayor Norvell continues to work with the Mendocino Coast Hospitality Center to confirm these arrangements.

1A. [21-005](#) Introduction of New Employees: Heather Gurewitz, Associate Planner, George Leinen, Police Services Transporter, Maxwell (Max) Sallas, Maintenance Worker II, and John Smelser, Part-Time Laborer

Chief Naulty and Public Works Director Smith introduced their new employees to the City Council. Mayor Norvell extended a warm welcome to all the new City of Fort Bragg employees.

- 1B. [21-004](#)** Presentation of Proclamation Declaring February 2021 as Black History Month

Mayor Norvell read a Proclamation declaring the month of February 2021 as Black History Month.

- 1C. [21-019](#)** Presentation by Diann Simmons of the Economic Development & Financing Corporation (EDFC) Regarding EDFC's Fiscal Year 2019-2020 Report

Diann Simmons, Phoenix Trent, and Robert Gernert of the Economic Development and Financing Corporation (EDFC) made a presentation to Council about the vital services provided by EDFC.

2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS

(1) Comments from Judith Valadao and Jay Rosenquist were read into the record by the City Clerk. (2) Jenny Shattuck and Jacob Patterson commented on Item 5D via Zoom. (3) N/A.

3. STAFF COMMENTS

City Manager Miller noted that Covid surveillance testing is available at Veteran's Hall tomorrow. Applications for the open City Council seat are due by 4:00 PM on January 29. Wiggly Giggly Park was opened this week on a limited basis with volunteer monitors. Governor Newsom has lifted regional stay at home orders and extended the eviction moratorium to June 30, 2021. Public Works Director Smith reported that a weather front is coming with flooding expected over the next 18-hour period. A free sandbag station has been set up at the Fire Department. Smith exhibited photos of the new vector truck recently purchased by the City.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Albin-Smith thanked the Mayor and Vice Mayor for the press release denouncing violence, stating that she also denounces all violence, racism and prejudice. She also spoke about mask wearing and mentioned a Mendocino High School program in honor of Martin Luther King Day. Councilmember Peters also spoke in support of the Mayor and Vice Mayor's press release. Vice Mayor Morsell-Haye recommended people visit a new website called hubsandrouten.net for tools that help people find alternative routes off the coast if the roads are out.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Mayor Norvell, Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

- 5A.** [21-011](#) Adopt City Council Resolution Adopting an Electronic Records and Signature Use Policy and Authorizing the Use of Electronic Records and Signatures
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4346-2021
- 5B.** [21-012](#) Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4347-2021
- 5C.** [21-013](#) Adopt City Council Resolution Appointing Representatives to Represent and Vote on Behalf of the City at the League of California Cities Redwood Empire Division Business Meeting and Legislative Committee Meetings
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4348-2021
- 5D.** [21-015](#) Receive and File Minutes of the February 19, 2020 Public Safety Committee Meeting
These Committee Minutes were received and filed on the Consent Calendar.
- 5E.** [21-016](#) Receive and File Minutes of the March 25, 2020 Public Safety Committee Special Meeting
These Committee Minutes were received and filed on the Consent Calendar.
- 5F.** [21-014](#) Approve Minutes of January 11, 2021
These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Mayor Norvell disclosed that he had conversations via text and email with a member of the public regarding Item 7A and also reached out to someone in the cannabis industry to get clarity on the issue. He noted that he received a phone call from Simeon Evans who inquired about the process before the permit application was filed.

7. PUBLIC HEARING

- 7A.** Receive Report, Conduct Public Hearing on Appeal of Brandy Moulton of the Fort Bragg Planning Commission Denial of Minor Use Permit 4-20 (MUP 4-20) for the Proposed Sunshine Holistic Microbusiness at 144 N. Franklin Street (APN 008-164-39), and Consider Adoption of City Council Resolution Upholding or Overturning the Planning Commission Decision

Councilmember Morsell-Haye disclosed that she had a business conflict of interest and recused herself from hearing this matter. She left the video conference at 6:59 PM.

Mayor Norvell opened the public hearing at 6:59 PM.

Associate Planner Gurewitz presented the staff report on this agenda item and responded to questions from Councilmembers regarding accessory uses, security, and odors.

Applicant/appellant Brandy Moulton spoke to the Council regarding her application for a minor use permit and responded to their questions.

Public Comment was received via Zoom from:

- Michelle Roberts, Planning Commissioner, stated that she made the motion to deny the use permit. She wanted to clarify that the staff report doesn't adequately represent the discussion of the Planning Commission. She referred the Council back to Article 10 of the Municipal Code, which defines accessory use. The applicant noted that plants would be started in the nursery, some would be sold in retail, but some taken off site to another location. She stated that these uses are not permitted in the Central Business District.
- Jacob Patterson said the plants won't just be for a retail component; they are going off site and serving other sites. He stated that the ex parte disclosures did not disclose who the Councilmember spoke to, and claimed that there was a failure to recuse from Councilmember Peters and Mayor Norvell.
- Jen Brown spoke in support of the use permit, stating that applicant Brandy Moulton knows what she is talking about and is very well versed in codes and regulations. She has a successful business already and having a business in the city would be more accessible to people.
- Public Comments from Jacob Patterson, John Smith and Jay Rosenquist regarding the minor use permit were read into the record by the City Clerk.

The applicant briefly responded to questions raised by members of the public and stated that if using clones at her farm is the issue, she would gladly give up that part of the application.

Councilmember Albin-Smith disclosed that she had a phone conversation with Planning Commissioner Roberts the morning of the hearing.

Mayor Norvell closed the public hearing at 8:05 PM.

Mayor Norvell recessed the meeting at 8:07 PM; the meeting reconvened at 8:14 PM.

After lengthy deliberations, mostly about accessory uses, the following motions were made:

A motion was made by Councilmember Peters, seconded by Mayor Norvell, that the Applicant's appeal be upheld with the following special conditions: (1) Any clones or starter plants grown in the nursery warehouse be retailed on site; and 2) Any odor discernable at the property line will require the business to mitigate the problem or the permit will be revoked. The motion failed by the following vote:

Aye: 2 - Mayor Norvell and Councilmember Peters

No: 1 - Councilmember Albin-Smith

Recuse: 1 - Vice Mayor Morsell-Haye

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that the Applicant's appeal be denied and the Planning

Commission's decision be upheld. The motion failed by the following vote:

Aye: 2 - Councilmember Albin-Smith and Councilmember Peters

No: 1 - Mayor Norvell

Recuse: 1 - Vice Mayor Morsell-Haye

8. CONDUCT OF BUSINESS

8C. [21-021](#) Receive Report and Consider Adoption of the FY 20/21 Water and Wastewater Rate Increase

Vice Mayor Morsell-Haye rejoined the video conference at 8:30 PM.

Senior Government Accountant Whippy presented the staff report on this agenda item.

Public Comment via Zoom was received from Jacob Patterson; the City Clerk read a comment from Jay Rosenquist into the record.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the utility rate increases be deferred until after a Utility Rate Study has been completed and the matter brought back before Council for further discussion. The motion carried by the following vote:

Aye: 4 - Mayor Norvell, Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

8A. [20-980](#) Receive Report and Consider Adoption of City Council Resolution Approving Contract Amendment with Metropolitan Planning Group, DBA M-Group for Adjunct Planning Services for Multiple Planning Projects and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$46,146.00; Multiple Account Numbers)

Mayor Norvell disclosed a conflict of interest for both Items 8A and 8B and recused himself from hearing these matters. He appointed Vice Mayor Morsell-Haye as Acting Mayor for the remainder of the meeting and left the video conference at 9:00 PM.

Assistant Director - Engineering Division O'Neal presented the staff report on this agenda item.

Public Comment: None.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

Recuse: 1 - Mayor Norvell

Enactment No: RES 4349-2021

8B. [20-981](#) Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Fehr & Peers for the Preparation of a Transportation Impact Assessment (TIA) for the Dollar

General Project and Authorizing City Manager to Execute Contract
(Amount Not to Exceed \$ 49,935; Account No. 119-0000-2691)

Assistant Director - Engineering Division O'Neal presented the staff report on this agenda item.

Public Comment was received via Zoom from Jacob Patterson and Andrew Jordan.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

Recuse: 1 - Mayor Norvell

Enactment No: RES 4350-2021

9. CLOSED SESSION

ADJOURNMENT

Acting Mayor Morsell-Haye adjourned the meeting at 9:24 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)



City of Fort Bragg

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

Meeting Minutes Planning Commission

Wednesday, December 9, 2020

6:00 PM

Via Video Conference

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Commissioner Nancy Rogers, Commissioner Stan Miklose, Vice Chair Jay Andreis, Commissioner Michelle Roberts, and Chair Jeremy Logan

PLEASE TAKE NOTICE

ZOOM WEBINAR INVITATION

1. APPROVAL OF MINUTES

The minutes were approved as amended to show Commissioner Rogers as recused.

- 1a. [20-929](#) Approve the Planning Commission Minutes of November 12, 2020

4. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Assistant Director O'Neal introduced the new Associate Planner Heather Gurewitz. Chair Logan opted to participate in the meeting being that he has no financial conflict. Commissioner Miklose and Vice Chair Andreis recused themselves due to their proximity to the proposed project.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Commissioner Miklose disclosed that he was approached by a gentleman who identified himself as a business owner regarding the proposed project being heard tonight.

5. PUBLIC HEARINGS

- 5a. [20-946](#) Receive Report, Conduct Public Hearing and Consider Approval of Minor Use Permit 4-20 to Establish a Storefront Cannabis Dispensary With Delivery and Accessory Micro Business in Distribution, Processing, Nursery, and Non-Volatile Manufacturing, and a Residential Unit Within Two Existing Commercial Buildings

Chair Logan opened the Public Hearing at 6:13 PM. Administrative Assistant Gonzalez presented the prepared report. Assistant Director O'Neal and Administrative Assistant Gonzalez answered clarifying questions from the Planning Commissioners. The applicant addressed the Planning Commissioners via webinar and provided further application clarity.

Public Comment received from:

- * Jude Tillman
- *Jacob Patterson
- *Jay Koski
- *Cassandra Roberts
- *Simeone Evans
- *John Smith
- *Jacob Patterson
- *Jamie Peters
- *Jacob Patterson
- *John Smith
- *John N
- *Brandy Moulton
- *Jen Brown

Chair Logan closed the Public Hearing at 8:10 PM.

Discussion:

The Commission deliberated extensively regarding accessory uses and how the definition states that accessory use is a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. . The Planning Commission would like clarity from the City Council regarding the proposed accessory uses being subordinate , and verification on if the City can regulate the legal carrying of a concealed weapon when entering the proposed project

A motion was made by Commissioner Roberts, seconded by Commissioner Rogers, Minor Use Permit (MUP 4-20) be denied. The motion carried by the following vote:

Aye: 3 - Commissioner Roberts, Chair Logan and Commissioner Rogers

Recuse: 2 - Commissioner Miklose and Vice Chair Andreis

6. CONDUCT OF BUSINESS

None.

ADJOURNMENT

Chair Logan closed the meeting at 8:15 PM.

Jeremy Logan, Chair

Joanna Gonzalez, Administrative Assistant

IMAGED (_____)



[Details](#) [Reports](#)

File #: **Version:** 1 **Name:**
Type: Appeal **Status:** Filed
File created: 1/13/2021 **In control:** [City Council](#)
On agenda: 1/25/2021 **Final action:** 1/25/2021

Title: Receive Report, Conduct Public Hearing on Appeal of Brandy Moulton of the Fort Bragg Planning Commission Denial of Minor Use Permit 4-20 (MUP 4-20) for the Proposed Sunshine Holistic Microbusiness at 144 N. Franklin Street (APN 008-164-39), and Consider Adoption of City Council Resolution Upholding or Overturning the Planning Commission Decision

Indexes: Community Development

Attachments: 1. [01132021 MUP 4-20 Cannabis Business Appeal Report](#), 2. [ATT 1 - Appeal Letter MUP 4-20](#), 3. [ATT 2 - Planning Commission Agenda Packet](#), 4. [ATT 3 - APPROVE Resolution](#), 5. [ATT 4 - DENY Resolution](#), 6. [ATT 5 - Exhibit A Findings and Conditons](#), 7. [ATT 6 - PH Notice - Sunshine Holistic Appeal](#), 8. [Public Comment 7A](#)

[History \(2\)](#) [Text](#)

2 records		Group	Export					
Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video	
1/25/2021	1	City Council	denied	Pass	Action details	Meeting details	Not available	
1/25/2021	1	City Council	denied	Pass	Action details	Meeting details	Not available	

The applicant briefly responded to questions raised by members of the public and stated that if using clones at her farm is the issue, she would gladly give up that part of the application. Councilmember Albin-Smith disclosed that she had a phone conversation with Planning Commissioner Roberts the morning of the hearing.

Mayor Norvell closed the public hearing at 8:05 PM.

Mayor Norvell recessed the meeting at 8:07 PM; the meeting reconvened at 8:14 PM.

After lengthy deliberations, mostly about accessory uses, the following motions were made:

Action:

denied

Action text:

A motion was made by Councilmember Peters, seconded by Mayor Norvell, that the Applicant's appeal be upheld with the following special conditions: (1) Any clones or starter plants grown in the nursery warehouse be retailed on site; and 2) Any odor discernable at the property line will require the business to mitigate the problem or the permit will be revoked. The motion failed by the following vote:

- Votes (3:1)

- 4 records

- Group

- Export

<u>Person Name</u>	<u>Vote</u>
Bernie Norvell	Aye
Jessica Morsell-Haye	Recuse
Tess Albin-Smith	No
Lindy Peters	Aye

- Details

File #: 20946 **Version:** 1
Type: Planning Staff Report
Title: Receive Report, Conduct Public Hearing and Consider Approval of Minor Use Permit 4-20 to Establish a Storefront Cannabis Dispensary With Delivery and Accessory Micro Business in Distribution, Processing, Nursery, and Non-Volatile Manufacturing, and a Residential Unit Within Two Existing Commercial Buildings
Mover: [Michelle Roberts](#) **Seconded:** [Nancy Rogers](#)
Result: Pass
Agenda note:
Minutes note:

Commissioner Miklose recused himself from the hearing due to the proximity of his business to the project.

Vice Chair Andreis recused himself from the hearing due to the proximity of his home to the project.

Chair Logan opened the Public Hearing at 6:13 PM. Administrative Assistant Gonzalez presented the prepared report. Assistant Director O'Neal and Administrative Assistant Gonzalez answered clarifying questions from the Planning Commissioners. The applicant addressed the Planning Commissioners via webinar and provided further application clarity.

Public Comment received from:

- * Jude Tillman
- * Jacob Patterson
- * Jay Koski
- * Cassandra Roberts
- * Simeone Evans
- * John Smith
- * Jacob Patterson
- * Jamie Peters
- * Jacob Patterson
- * John Smith
- * John N
- * Brandy Moulton
- * Jen Brown

Chair Logan closed the Public Hearing at 8:10 PM.

Discussion:

The Commission deliberated extensively regarding accessory uses and how the definition

states that accessory use is a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. . The Planning Commission would like clarity from the City Council regarding the proposed accessory uses being subordinate, and verification on if the City can regulate the legal carrying of a concealed weapon when entering the proposed project

Action: denied

Action text: A motion was made by Commissioner Roberts, seconded by Commissioner Rogers, Minor Use Permit (MUP 4-20) be denied. The motion carried by the following vote:

- Votes (5:0)
- 5 records
- Group
- Export

Person Name	Vote
Stan Miklose	Recuse
Jay Andreis	Recuse
Michelle Roberts	Aye
Jeremy Logan	Aye
Nancy Rogers	Aye

Peters, Sarah

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Wednesday, February 23, 2022 4:37 PM
To: cdd
Cc: Peters, Sarah
Subject: Public Comment -- 2/23/22 PC Mtg., Item No. 6A
Attachments: ATT 1 - Proposed Ordinance.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Planning Commission,

I thought you might like a reminder of what an actual draft ordinance looks like since staff appears to have decided to omit an actual draft ordinance from your meeting materials, instead including confusing working drafts of potential revisions to different code sections. Of course, you can't actually make a recommendation on something that isn't before you and the public also doesn't have sufficient notice of what is being considered without an actual ordinance. That is odd and definitely procedurally objectionable since the Planning Commission is required to review and then recommend a draft land use ordinance to the City Council prior to their consideration but we are where we are...

Here is what you considered for the formula business ordinance. There are also actual proposed cannabis ordinances you can read associated with the two ballot initiative petitions currently in circulation. You might want to consider those as well as part of your review and recommendations of the staff-initiated ordinance project.

Regards,

--Jacob

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 315 days on May 24, 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 June 2, 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 finds that the project is exempt from the California Environmental Quality Act ("CEQA") because 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. This Ordinance will have the net effect of reducing, rather than increasing the amount of change in the City in that does not authorize any additional uses as permitted or conditionally permitted uses nor does it change the uses allowed in the City or their intensity or density.
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. INLAND LAND USE AND DEVELOPMENT CODE

The current definition in Section 18.100.020 (F) **Definitions of Specialized Terms and Phrases** for **“Formula Business”** is here by removed and replaced as follows:

“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, Facade, Color scheme, exterior Signage including a Trademark or Service mark as Signage.

The definitions set forth below are hereby amended to Section 18.100.020 (F) entitled **Definitions of Specialized Terms and Phrases** as follows:

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

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

“Color scheme” means a 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” means the style of interior finishings, which may include but is not limited to style of furniture, wallcoverings or permanent fixtures.

“Facade” means 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” See definition of “Formula Business” § 18.100.020 (F).

“Payday or Check Cashing Commercial Establishment” means a person or company that 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 facilities this process.

"Service mark" means a 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.

"Signage". See definition of **"sign"** § 18.100.020 (S).

"Standardized" means substantially the same, but not necessarily identical.

"Trademark" means 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" means 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 3. INLAND LAND USE AND DEVELOPMENT CODE

Chapter 18.46, entitled "Formula Business Regulations" is hereby added to the Inland Land Use and Development Code to provide as follows:

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 its 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 and technical terms and phrases used in this chapter are defined in Article 10 (Definitions), under "Formula Business Regulations."

18.46.030 Regulations.

- A. A Formula Business Establishment may be allowed in the Commercial Zoning Districts with a Use Permit (UP).
- B. Establishment of or exterior alteration of a Formula Business is subject to Design Review as set forth in Section 18.71.050.

18.46.040 Required Findings for Approval.

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 the project is exempt in conformance with Section 18.46.050:

- A. The Commercial Establishment will add to, rather than detract from, the overall economic and cultural vitality of the City; 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
- D. The Commercial Establishment will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
- E. The Commercial Establishment has been designed to preserve and enhance the City's small town character; and
- F. The Commercial Establishment's exterior design limits "formula" architectural, sign and other components; and
- G. The Commercial Establishment's exterior design integrates existing community architectural design features.

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, 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 (25%) of the total gross floor area of a Retail Complex or Mixed Use Project, except those uses prohibited by Section 18.46.060;
- F. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than thirty-five percent (35%) of the total gross floor area of a Mixed Use

Project in which at least thirty-five percent (35%) of total gross floor area is a residential component, except those uses prohibited by Section 18.46.060; or

- G. 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.

Proposed development that qualifies as an Exemption pursuant to D, E, F, or G of this Section is subject to Design Review as provided in Section 18.71.050.

18.46.060 Prohibited Formula Business Uses.

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

18.46.070 Burden of Proof.

If 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.

Section 4. INLAND LAND USE AND DEVELOPMENT CODE

Table 2-6 of Section 18.22.030 of the Inland Land Use and Development Code, entitled “**Allowed Land Uses and Permit Requirements for Commercial Zoning Districts**” is hereby amended as follows:

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

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	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations - Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
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	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business - Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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
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 exceptions set forth in 18.46.050.

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

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	

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

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:**

**Bernie Norvell
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

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

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 315 days on May 24, 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 June 2, 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 finds that the project is exempt from the California Environmental Quality Act ("CEQA") because 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. This Ordinance will have the net effect of reducing, rather than increasing the amount of change in the City in that does not authorize any additional uses as permitted or conditionally permitted uses nor does it change the uses allowed in the City or their intensity or density.
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. INLAND LAND USE AND DEVELOPMENT CODE

The current definition in Section 18.100.020 (F) **Definitions of Specialized Terms and Phrases** for **“Formula Business”** is here by removed and replaced as follows:

“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, Facade, Color scheme, exterior Signage including a Trademark or Service mark as Signage.

The definitions set forth below are hereby amended to Section 18.100.020 (F) entitled **Definitions of Specialized Terms and Phrases** as follows:

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

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

“Color scheme” means a 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” means the style of interior finishings, which may include but is not limited to style of furniture, wallcoverings or permanent fixtures.

“Facade” means 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” See definition of “Formula Business” § 18.100.020 (F).

“Payday or Check Cashing Commercial Establishment” means a person or company that 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 facilities this process.

"Service mark" means a 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.

"Signage". See definition of **"sign"** § 18.100.020 (S).

"Standardized" means substantially the same, but not necessarily identical.

"Trademark" means 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" means 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 3. INLAND LAND USE AND DEVELOPMENT CODE

Chapter 18.46, entitled "Formula Business Regulations" is hereby added to the Inland Land Use and Development Code to provide as follows:

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 its 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 and technical terms and phrases used in this chapter are defined in Article 10 (Definitions), under "Formula Business Regulations."

18.46.030 Regulations.

- A. A Formula Business Establishment may be allowed in the Commercial Zoning Districts with a Use Permit (UP).
- B. Establishment of or exterior alteration of a Formula Business is subject to Design Review as set forth in Section 18.71.050.

18.46.040 Required Findings for Approval.

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 the project is exempt in conformance with Section 18.46.050:

- A. The Commercial Establishment will add to, rather than detract from, the overall economic and cultural vitality of the City; 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
- D. The Commercial Establishment will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
- E. The Commercial Establishment has been designed to preserve and enhance the City's small town character; and
- F. The Commercial Establishment's exterior design limits "formula" architectural, sign and other components; and
- G. The Commercial Establishment's exterior design integrates existing community architectural design features.

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, 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 (25%) of the total gross floor area of a Retail Complex or Mixed Use Project, except those uses prohibited by Section 18.46.060;
- F. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than thirty-five percent (35%) of the total gross floor area of a Mixed Use

Project in which at least thirty-five percent (35%) of total gross floor area is a residential component, except those uses prohibited by Section 18.46.060; or

- G. 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.

Proposed development that qualifies as an Exemption pursuant to D, E, F, or G of this Section is subject to Design Review as provided in Section 18.71.050.

18.46.060 Prohibited Formula Business Uses.

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

18.46.070 Burden of Proof.

If 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.

Section 4. INLAND LAND USE AND DEVELOPMENT CODE

Table 2-6 of Section 18.22.030 of the Inland Land Use and Development Code, entitled “**Allowed Land Uses and Permit Requirements for Commercial Zoning Districts**” is hereby amended as follows:

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

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	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
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	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business - Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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
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 exceptions set forth in 18.46.050.

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

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – Less than 2,001 sf	—	P	P	P	P	Chapter 18.46
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	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	

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

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:**

**Bernie Norvell
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

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