



AGENCY: City Council
MEETING DATE: October 25, 2021
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 974-2021 Rescinding Interim Ordinance No. 964-2021 Placing a Moratorium on the Approval of Applications for Formula Businesses

ISSUE:

The City Council discussed regulating formula businesses on October 24, 2019 and February 24, 2020. After the second discussion, the City Council directed staff to bring the matter to the Planning Commission to draft an ordinance that would apply to the Inland area of the City and then bring back to City Council for adoption. After delays related to the COVID-19 pandemic, staffing reductions and staff turnover in the Community Development Department, the Planning Commission began working on developing a complete Ordinance in October 2020.

On April 12, 2021, the City Council adopted Urgency Ordinance No. 964-2021, which placed a 45-day moratorium on the approval of applications and permits for Formula businesses. The 45-day moratorium was to expire on May 27, 2021 and the Council extended it for ten months and fifteen days to allow ample time for the City Council to approve a Formula Business Ordinance and time for the Ordinance to become effective. The City Council adopted the Formula Business Ordinance on September 13 and it became effective on October 13, 2021.

Staff recommends that in addition to adopting the urgency ordinance to rescind the Formula Business Moratorium, the City Council introduce the attached second ordinance which will perform the same task of rescinding the Formula Business Moratorium but will follow normal ordinance adoption timetables. As discussed in the prior staff report, adoption of the second ordinance is a best practice for urgency ordinances by ensuring that if an urgency ordinance is challenged and found inconsistent with [California Government Code Section 65858](#), the second ordinance following standard adoption process may be adopted by City Council on November 8, 2021 and become effective on December 8, 2021. Without the adoption of the second standard ordinance, rescinding of the Formula Business Ordinance would be further delayed by a successful challenge to the City's Urgency Ordinance.

ANALYSIS:

The City's Formula Business moratorium impacted the Dollar General application. In late summer 2020, a completed application was received for a Dollar General to be located at 251 S. Franklin Street, which is regulated by the City's Inland Code. The Dollar General Project is currently undergoing environmental review. No entitlements have been issued for this project and extension of the moratorium on approving applications and permits for

formula businesses could delay action on the Dollar General application and subject it to formula business regulation.

The City has also received an application for improvements to the existing Ebb Tide Inn at 250 S. Main Street. The current application does not include a Formula Business use but the new owner of the property has shared its plans for a Baymont Franchise at that location. Staff anticipates that an application for a formula business use for the Baymont Franchise will be submitted soon after the moratorium is lifted.

RECOMMENDED ACTION(S):

1. Receive report and consider introducing by title only and waiving the first reading of Ordinance No. 974-2021 rescinding Interim Ordinance No. 964-2021 which placed a moratorium on the approval of applications for Formula Businesses in the Inland Zoning District of Fort Bragg.

ALTERNATIVE ACTION(S):

1. Do not introduce by title only Ordinance No. 974-2021 rescinding Interim Ordinance No. 964-2021 which placed a moratorium on the approval of applications for Formula Businesses in the Inland Zoning District of Fort Bragg.
2. Provide staff alternative direction.

FISCAL IMPACT:

The impact of rescinding the temporary moratorium on formula businesses to the City's revenue is likely minimal.

GREENHOUSE GAS EMISSIONS IMPACT:

Adoption of the ordinance rescinding the moratorium on formula businesses will have little if any impact on greenhouse gas emissions.

CONSISTENCY:

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

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

Goal LU-3 Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.

Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).

Policy LU-3.6 Re-Use of Existing Buildings: Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

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

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

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

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

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

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

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

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

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

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

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

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

Central Business District Frontage and Façade Standards

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

The following policy regulates formula design:

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

Rescinding the Formula Business moratorium is consistent with the above listed policies which support application of regulations on formula business uses. Rescinding the moratorium allows those developments to be processed under the new regulations.

IMPLEMENTATION/TIMEFRAMES:

If introduced on October 25, 2021 and adopted by the City Council on November 8, 2021, the moratorium on Formula Businesses will be effective December 8, 2021.

ATTACHMENTS:

1. Proposed Ordinance

NOTIFICATION:

1. Economic Development Planning, **Notify Me subscriber list**
2. Tourism and Marketing, **Notify Me subscriber list**
3. Fort Bragg Downtown Businesses, **Notify Me subscriber list**
4. Mike Bhatt
5. Dollar General
6. Chelsea Haskins