

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

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

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

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

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

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

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

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

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

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

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

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

Paul Clark

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

Planning Commission,

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

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

"18.46.050 Exemptions.

This Chapter shall not apply to:

...

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

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

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

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

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

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

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

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

"18.46.040 Required Findings for Approval.

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

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

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

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

Best regards,

--Jacob