

RESOLUTION NO. *PC XX-2021*

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING [APPROVAL OF, APPROVAL WITH MODIFICATION, OR DISAPPROVAL OF] THE FORMULA BUSINESS ORDINANCE TO THE FORT BRAGG CITY COUNCIL.

WHEREAS, the 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 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, on February 24, 2020, the City of Fort Bragg (“City”) City Council directed the staff to work with the Planning Commission to develop an Ordinance to regulate Formula Business; and

WHEREAS, the Planning Commission discussed and provided guidance on an Ordinance to regulate Formula Business on October 14, 2020; November 12, 2020; January 6, 2021; February 10, 2021 and May 5, 2021; and

WHEREAS, on April 12, 2021, 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 Project is exempt pursuant to the California Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations (“CEQA Guidelines”) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the City of Fort Bragg Planning Commission held a public hearing on June 2, 2021, which included evidence establishing the following:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

NOW, THEREFORE, the Fort Bragg Planning Commission of the City of Fort Bragg resolves as follows:

Based on the evidence presented, both oral and documentary, the Planning Commission finds the following required findings regarding the proposed Formulas Business Ordinance:

- a. The proposed amendment is consistent with a number of Goals and Policies in the Inland General Plan that focus on preserving and enhancing Fort Bragg's small town and historic character, with expanded focus on the Central Business District. The proposed amendment is also consistent with those Goals and Policies that promote economic vitality and highlight the importance of ensuring that Formula Businesses and Big Box Retail do not detract from economic vitality. Those goals and policies include: Goal LU-3, Policy LU 3.1, Policy LU-3.6, Goal LU-4, Policy LU-4.1, Policy LU-4.2, Policy LU 4.3, C-5.1, Policy CD-1.5, Goal CD-2, Policy CD-2.3, Policy CD-2.5, Policy CD-3.2, and Policy CD-6.1. Further, the proposed amendment is consistent with the intent of Community Design Element of the Inland General Plan, which is to preserve and enhance Fort Bragg's authentic, small town character and visual quality; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. To the contrary, the proposed amendment regulates formula businesses in order to reduce potentially detrimental impact to the public health, safety, and welfare. Unregulated establishment of 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 results in decreasing the diversity of goods and services available to residents and visitors; and
- c. The proposed amendment is consistent with other applicable provisions of the Development Code because it addresses development in existing commercial zones within the City of Fort Bragg and provides additional guidelines and regulations for these areas. This includes policies that prohibit and discourage formula design elements that are similar to those found in other communities occupied by corporate or franchise entities, and those that maintain a sense of place and enhancing the attractiveness of the Central Business District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend [Approval of, Approval of with modification, or Disapproval of] the Formula Business Regulation Ordinance by the Fort Bragg City Council.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a special meeting of the Planning Commission of the City of Fort Bragg held on the 2nd day of June, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Office Assistant