
Re: Public Comment -- 5/20/26 PC mtg., Item No. 6B, ED Code Updates

From Jacob Patterson <jacob.patterson.esq@gmail.com>

Date Wed 6/3/2026 2:17 PM

To cdd <cdd@fortbraggca.gov>

Cc Whippy, Isaac <iwhippy@fortbraggca.gov>; Peters, Sarah <speters@fortbraggca.gov>; Stump, Valerie <VStump@fortbraggca.gov>

Planning Commission,

I have a follow-up comment for this continued public hearing. I spoke with a downtown property owner (300 block of N. Franklin) whose building is vacant but under reconstruction. His plans originally included three residential units (two upstairs and one in the rear of the first floor) but CDD staff interpreted this as meeting the multi-family residential use definition because it involved more than two residential units. Multifamily housing developments require a Use Permit and an expensive formal hearing with the Planning Commission so instead of going that route, he opted to delete the third residential unit.

Personally, I think that interpretation is incorrect and a residential component of a mixed use project, which is a separate and more specific use type in our use tables, should be applied to these situations. IMO, a multi-family residential project is a three or more unit **fully residential** development in the CBD. This distinction is critical because one is permitted by right and one requires a use permit. I think a commercial building in the CBD that has street-level storefront commercial uses should be treated as a permitted use not requiring a use permit no matter the number of residential units as long as the units are on upper floors and/or the rear half of the ground floor. You might want to make that explicit as part of this use table update discussion since the item is still before you. That can be through a more specific footnote to the use table or simply as interpretive direction to planning staff. I see no reason to subject downtown property owners to an expensive use permit process to add more than two residential units to their remodelled buildings as long as the residential units meet the placement and area requirements that apply to the residential component of a mixed use project (i.e., only upstairs or the back half of the first floor with commercial on the street frontage).

Best,

--Jacob

On Tue, May 19, 2026 at 1:39 PM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:

Planning Commission & Staff,

Now that the proposed ILUDC update shows all the different uses that were previously omitted, I noticed a few currently-prohibited uses that you might want to allow. I encourage you all to scan through the updated tables and identify uses that don't make sense for us to prohibit, particularly in the commercial zoning districts.

Here is a list to consider:

- I don't see why we would prohibit Accessory retail/services in commercial zoning districts when retail is already permitted as a primary use. If I have a salon, for example, is it a problem if I also have a clothing rack selling branded merch? I don't think so but if the use tables are taken literally, this wouldn't be permitted. I would allow this use as a permitted use in all commercial districts--the only possible exception would be Neighborhood Commercial.
- We should probably consider allowing for Agricultural Accessory Structures in more zoning districts, including all industrial districts, because Crop Production is a permitted use in all zoning districts throughout the City. I see no reason to limit these structures, even in the residential districts where they are currently prohibited.
- Why are Restaurants allowed but Brewery/Restaurants prohibited in Neighborhood Commercial? A small microbrewery/restaurant isn't significantly different from a restaurant that also sells beer (e.g., La Palapa), provided it has the proper odor-eliminating measures that we required for Tall Guy, for example.
- Shouldn't Neighborhood Market be allowed in Neighborhood Commercial? We already have several of these, one in CN and the other as a legal non-conforming use in a residential district.
- Neighborhood Commercial should allow for all residential uses that are permitted in Medium Density Residential. These are small areas in town surrounded by residential areas and we need housing as much, if not more than small neighborhood markets, etc. The tables currently prohibit many residential uses that wouldn't have any negative impacts on a neighboring residential area right next door.
- Why is Day care, adult – 6 or fewer clients prohibited in all commercial districts when the same use with 7 or more clients is prohibited? That distinction makes sense in residential zones but not commercial zones.
- I would consider allowing Contractors base in industrial zoning districts, perhaps with an MUP or UP. There is already one in light industrial and it isn't incompatible with any uses around it.
- Cottage food production is not listed as permitted or prohibited in the draft ordinance (the fields are blank). it should be permitted in both Industrial zoning districts. Cottage food production already happens in our industrial zone as well. We need to support small businesses like this and industrial zones are ideal production sites for any type of industry, including food and drink.

Making any of the above changes will not impact the CEQA analysis at all because other uses of the same or more intensity of potential impacts are already permitted by right in each of the relevant zoning districts. The agenda description and public hearing notice are certainly broad enough to allow for these additional use table refinements.

Best,

--Jacob