

FORMULA BUSINESS ORDINANCE

Planning Commission Special Meeting

January 6, 2021

Proposed Timeline

- Tonight: Collect input and feedback from the Planning Commission
- Next week: Revise working ordinance City Attorney for review
- On January 27, 2021: present Ordinance to Planning Commission for public hearing and recommendation to City Council on action (*assuming City Attorney opines exempt from CEQA*)
- On February 22, 2021: present Ordinance to City Council for public hearing and introduction
- March 8, 2021: adopt Ordinance
- April 7, 2021: effective for Inland Land Use Development Code (ILUDC)

Working Draft Ordinance

1. Legislative Findings
2. Purpose
3. Definitions
4. Required Findings
5. Exemptions
6. Prohibited Formula Business Uses
7. Burden of Proof
8. Transferrable

Legislative Findings – Section 1

- Provides legal foundation modeled after guidance in *Organized v. City of Coronado, 2003*
- Court in *Organized v. Coronado* recognized Coronado's legitimate interest in maintaining its unique ambiance to protect the City's long-term economic viability
- Establish nondiscriminatory reason for Formula Business Regulation
- Does the Planning Commission have feedback on additions to or edits to Section 1?

Purpose – Section 2

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 Fort Bragg's 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.

Definitions – Section 3

“Formula Business” means a Retail 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, Façade, Color scheme, Signage, Trademark, or Service mark.

Uses to include as “Retail Establishment”?

Defined Land Uses Per ILUDC

1. Auto parts sales	9. Convenience store	17. Personal services
2. Bar/tavern	10. Drive-through retail or service	18. Printing & publishing
3. Bank, financial services	11. Farm supply & feed store	19. Restaurant, café, coffee shop
4. Big box retail	12. Fuel dealer	20. Retail, general – 10,000 sf or larger
5. Brewery/Restaurant	13. Groceries, specialty foods	21. Retail, general - 5,000 sf - 9,999 sf
6. Building & landscape materials sales	14. Health/fitness facility	22. Retail, general – less than 5,000 sf
7. Business support services	15. Lodging – Hotel or motel	23. Service station
8. Cannabis Dispensary	16. Medical Services – Clinic, lab, urgent care	24. Vehicle Services

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Section 4 – Required Findings

1. The Retail Establishment will provide needed goods or services which add to the retail offerings in Fort Bragg, will promote Fort Bragg's economic vitality and will be compatible with existing and planned uses; and
2. The Retail Establishment will not result in an over-concentration of formula business establishments in its immediate vicinity or in the City as a whole; and
3. The Retail Establishment will complement existing businesses and promote diversity and variety to assure a balanced and appropriate mix of commercial uses to serve both resident and visitor populations; and
4. The Retail 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.

Use Permits, Minor Use Permits or by Right?

1. The draft ordinance presumes that UP are required for all Formula Businesses, regardless of location. Which means the Planning Commission must find in the affirmative on Special Findings.
2. Does the Planning Commission want to reduce that requirement to MUP for some uses or locations in the City?
3. Is there any location where Formula Businesses should be allowed by Right?

Section 5 - Exemptions

1. Those land use applications which were deemed complete prior to the adoption of the ordinance codified in this chapter;
2. Business license approved prior to the adoption of the ordinance codified in this chapter;
3. Construction required to comply with fire and/or life safety requirements;
4. Disability accessibility work;
5. Renovation of existing Formula Businesses; and
6. 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.

Section 6 – Prohibited Formula Business Uses

- Is there any district/area where certain Formula Business uses shouldn't be allowed or should be restricted in space or location?
 - For example, should certain Formula Businesses not be allowed in the Central Business District?
 - Should Formula Businesses in the CBD be limited in square footage?
 - Should there be a limit on how many Formula Businesses per block?

Section 7 - Burden of Proof

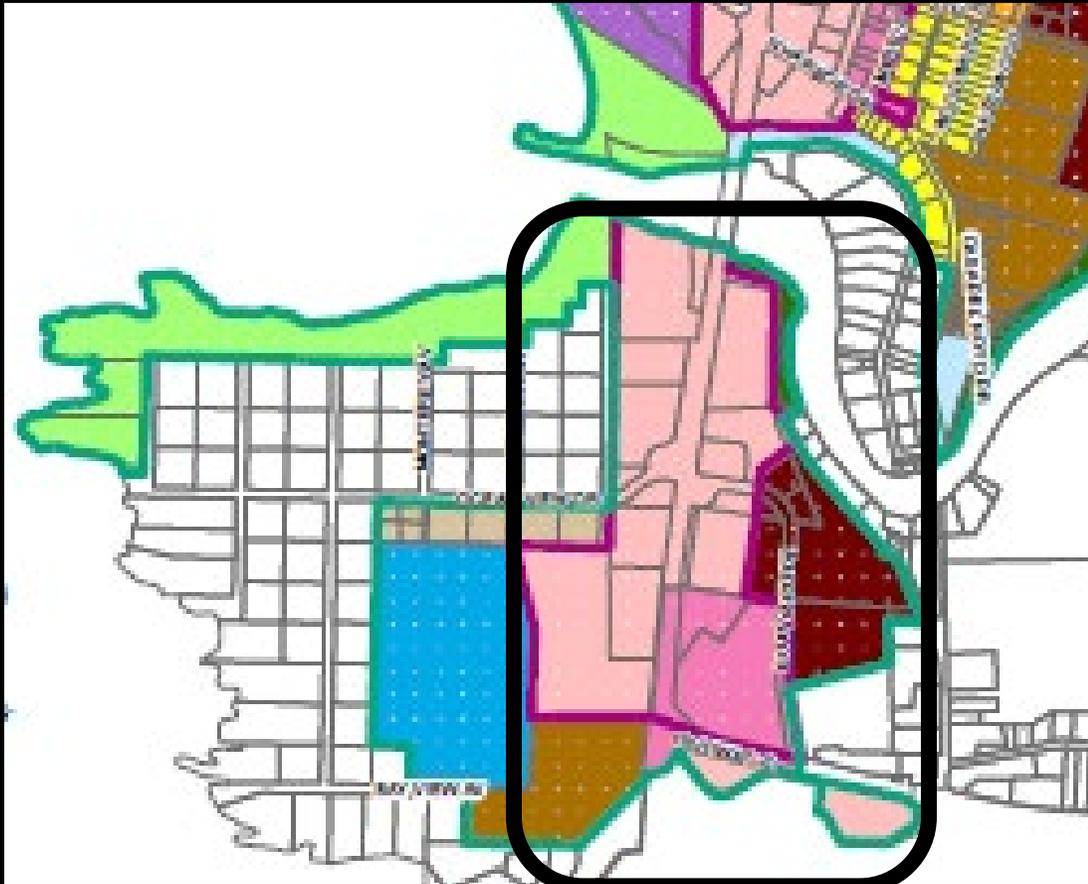
- Applicant bears the burden of proofing that business does not meet the definition of a Formula Business.

Section 8 - Transferrable

- To meet legal requirements, allow Use Permits to be transferrable to new owner so long as the land use category, location and gross floor space remain the same.

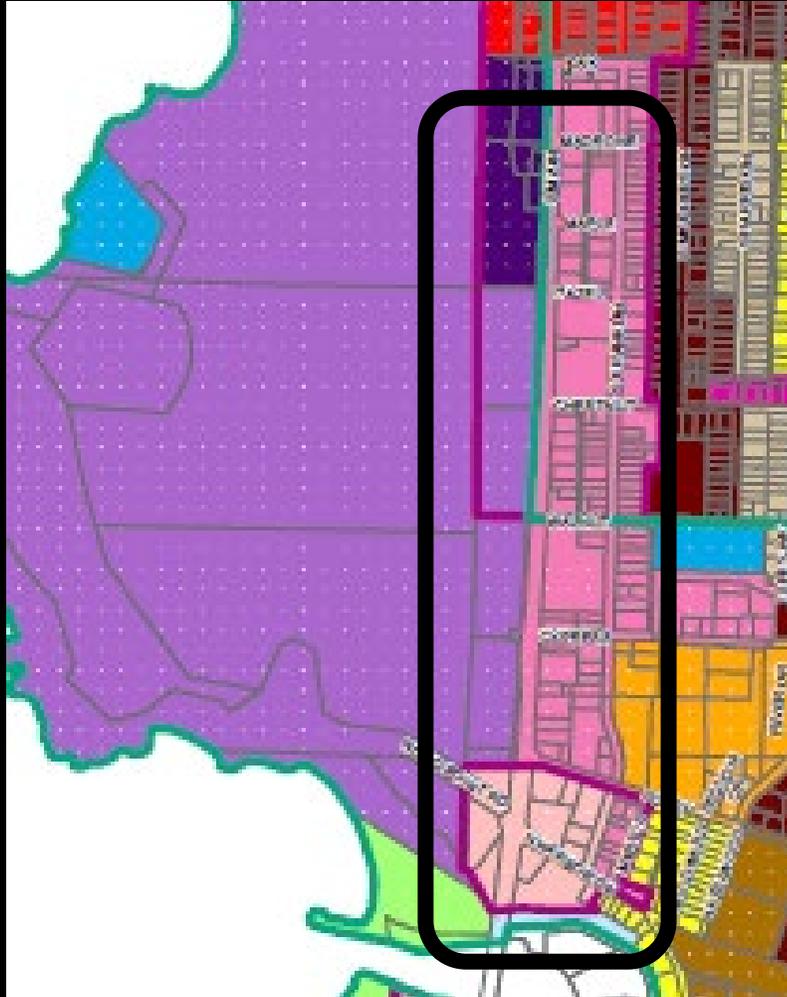
Questions

SOUTHERN GATEWAY



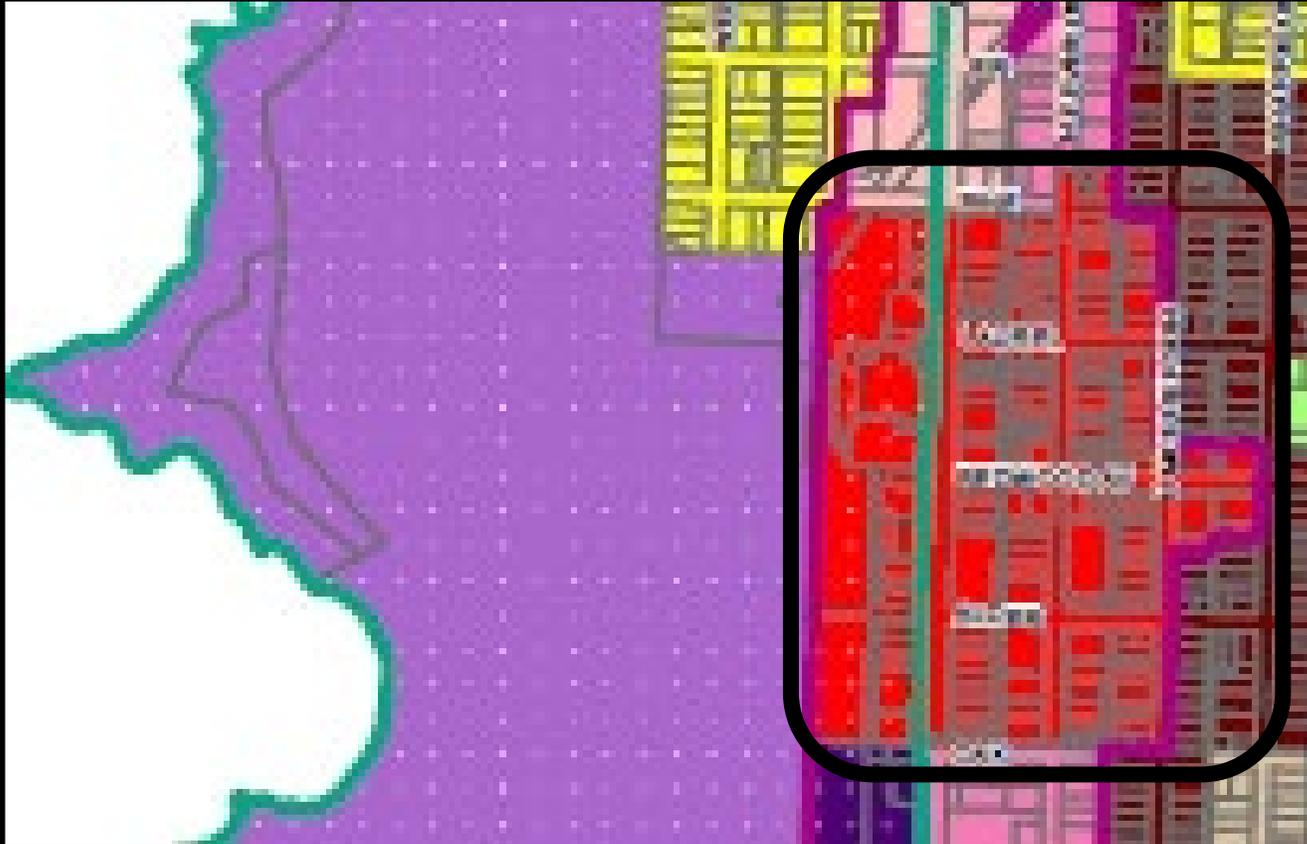
- Entirely Coastal Zone
- Highway Visitor & General Commercial
- Preserve Character
- Higher Quality of Development Desired
- *Council direction was to require UP*

GENERAL COMMERCIAL CORRIDOR



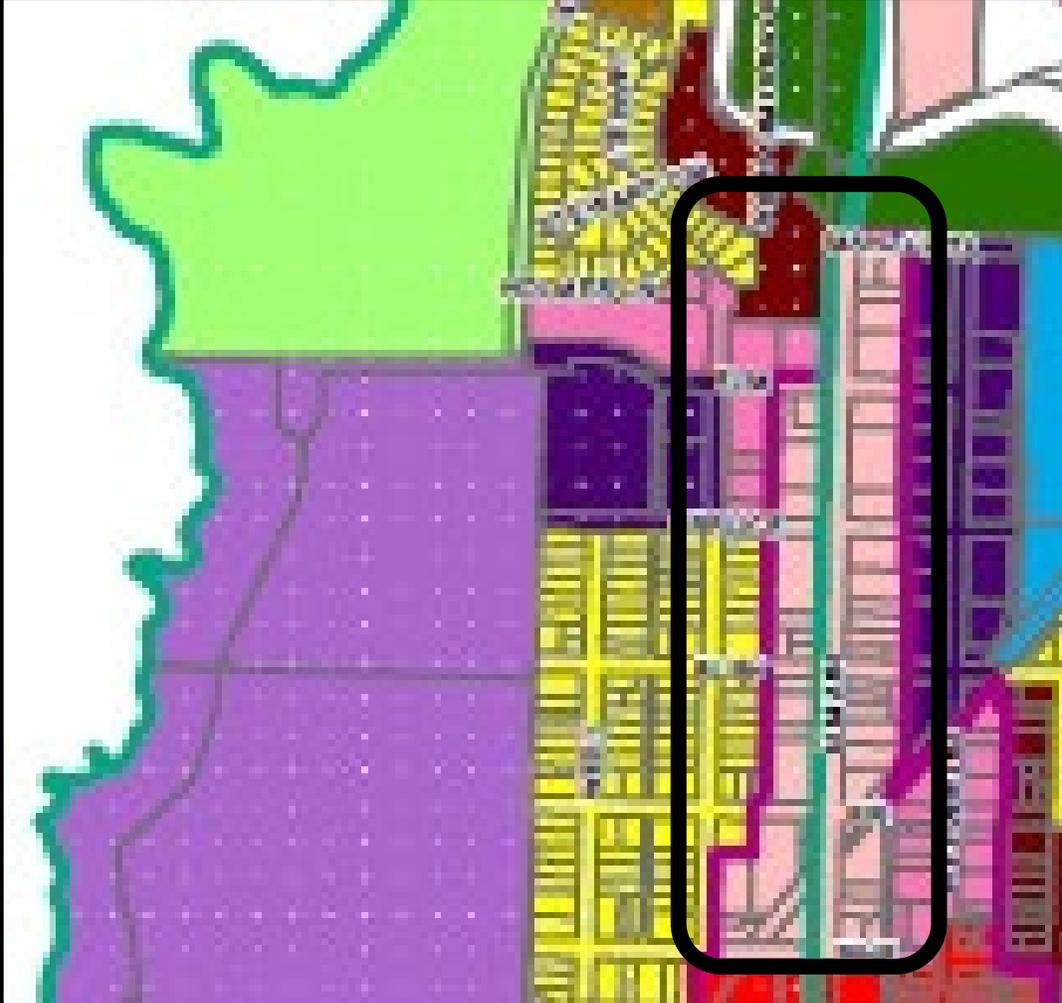
- Allow some Types of Formula Businesses by Right?
- General Commercial & Highway Visitor Commercial
- Much of Area is in the Coastal Zone
- *Council direction UP only in Coastal Zone*

CENTRAL BUSINESS DISTRICT (CBD)



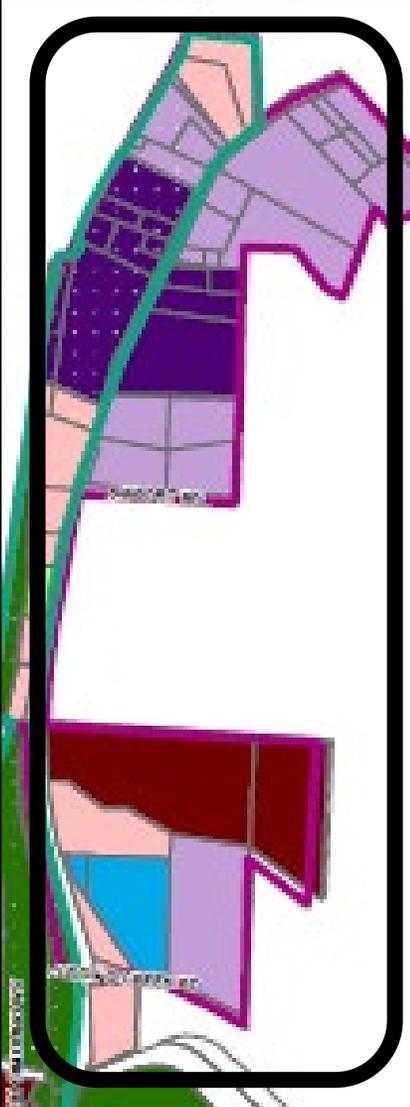
- Zoned Central Business District
- Essentially, no existing Formula Businesses
- Highlights Fort Bragg character and charm
- West of Hwy 1 – Coastal Zone
- *Council direction require UP*

SOUTH OF PUDDING CREEK



- Primarily Zoned Visitor Commercial
- Formula Businesses Located in Area
- Extend Character from CBD?
- *Council direction require UP*

NORTH OF PUDDING CREEK



- Northern Gateway
- Highway Commercial in South End
- Highway Commercial mostly Lodging
- Industrial or Light Industrial in North End
- Close to MacKerricher State Park
- Good Ocean Views
- West Side is Coastal Zone
- *Council direction require UP only in Coastal Zone*