



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY**

Tuesday, October 11, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-405](#) Introduction of Fort Bragg Police Department's New Police Canine, Takoda
- 1B. [16-418](#) Receive Demonstration from Finance Technician Jenny Hanzlik Showing How to Use the City's Website to Review Up to 10 Years of Past Water Usage Data for a Customer Account

2. STAFF COMMENTS

3. MATTERS FROM COUNCILMEMBERS

4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

MANNER OF ADDRESSING THE CITY COUNCIL: Any member of the public desiring to address the City Council shall submit a "Speaker Card" to the City Clerk and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. All remarks and questions shall be addressed to the City Council and no discussion or action shall be taken on any requests, in accordance with Brown Act Requirements. No person shall enter into any discussion without being recognized by the Mayor or acting Mayor.

IF AGENDA PERMITS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period and, if necessary, an additional 30 minutes shall be allotted to public comments prior to action on the Consent Calendar. Any citizen, after being recognized by the Mayor or acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including but not limited to, the number of persons wishing to speak on a particular topic or at a particular meeting, or the complexity of a particular topic. Time limitations shall be set without

regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: Pursuant to the Brown Act the Council cannot discuss issues or take action on any requests during this comment period.

5. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

6. CONDUCT OF BUSINESS

- 6A. [16-407](#)** Receive Annual Report from Mendocino Coast Humane Society Executive Director Chuck Tourtillott Regarding Animal Shelter Operations
- Attachments:** [10112016 Oral Report MC Humane Society Annual Report](#)
[MCHS City Council Presentation](#)
- 6B. [16-410](#)** Receive Report and Consider Adoption of City Council Resolution Endorsing Measures AA and AB to Increase Fort Bragg's Transient Occupancy Tax
- Attachments:** [10112016 Resolution in Support of Measures AA and AB -TOT Increase](#)
[Attachment 1 - RESO Endorsing Measure AA and AB](#)
[Attachment 2 - Ballot Measures and Argument in Support of Measure AA](#)
- 6C. [16-411](#)** Receive Report Regarding Possible Modifications to the Order of City Council Agendas and Provide Direction to Staff
- Attachments:** [10112016 Agenda Order Staff Report](#)
[Attachment 1 - RESO 3556-2012](#)
- 6D. [16-406](#)** Receive Report Regarding Draft Ordinance to Modify Chapter 6.14 [Licensing of Tobacco Sellers] and Chapter 6.18 [Smoking Pollution Control and Health Protection Regulations] of the Fort Bragg Municipal Code and Provide Direction to Staff
- Attachments:** [10112016 Tobacco Ordinance Staff Report](#)
[Attachment 1 - Draft ORD#926 Tobacco Ordinance](#)
[Attachment 2 - TEROC Position on E-Cig Use](#)
[Attachment 3 - Retailer Letter New Tobacco Laws 6-6-16](#)
- 6E. [16-385](#)** Receive Report and Provide Direction to Staff Regarding Proposed Amendments to Article 2 and Article 10 of the Fort Bragg Municipal Code Title 18, Inland Land Use and Development Code (ILUDC)

- Attachments:** [10112016 Inland Land Use and Development Code Update](#)
[Attachment 1 - ILUDC Article 2 - 2016](#)
[Attachment 2 - ILUDC Article 10 - 2016](#)
[Attachment 3 - Zoning Map](#)
[Attachment 4 - Correspondence Received](#)
[Attachment 5 - Disability Rights California Letter re: ADA](#)

4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)

See 4A. above.

7. CONSENT CALENDAR

All items under the consent calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under CONDUCT OF BUSINESS

- 7A. [16-414](#) Adopt City Council Resolution Modifying Authorized Positions in FY 2016/17 Budget to Remove Water Projects Coordinator Position and Add Associate City Engineer Position

Attachments: [RESO Authorizing Hiring Associate City Engineer](#)

- 7B. [16-408](#) Adopt by Title Only and Waive Reading of Ordinance No. 925-2016 Authorizing the Implementation of a Community Choice Aggregation Program

Attachments: [ORD#925 Sonoma Clean Power Ordinance 2016-09-26](#)

- 7C. [16-399](#) Approve Minutes of Special Meeting of September 12, 2016

Attachments: [CCM2016-09-12 Special](#)

- 7D. [16-415](#) Approve Minutes of September 12, 2016

Attachments: [CCM2016-09-12](#)

- 7E. [16-401](#) Approve Minutes of Special Meeting of September 19, 2016

Attachments: [CCM2016-09-19 Special](#)

- 7F. [16-404](#) Approve Minutes of September 26, 2016

Attachments: [CCM2016-09-26](#)

8. CLOSED SESSION

- A. [16-417](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of potential cases: One (1)

ADJOURNMENT



City of Fort Bragg

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Phone: (707) 961-2823
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Text File

File Number: 16-405

Agenda Date: 10/11/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type:
Recognition/Announcements

Agenda Number: 1A.

Introduction of Fort Bragg Police Department's New Police Canine, Takoda

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Text File

File Number: 16-418

Agenda Date: 10/11/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type:
Recognition/Announcements

Agenda Number: 1B.

Receive Demonstration from Finance Technician Jenny Hanzlik Showing How to Use the City's Website to Review Up to 10 Years of Past Water Usage Data for a Customer Account

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Phone: (707) 961-2823
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Text File

File Number: 16-407

Agenda Date: 10/11/2016

Version: 1

Status: Business

In Control: City Council

File Type: Report

Agenda Number: 6A.

Receive Annual Report from Mendocino Coast Humane Society Executive Director Chuck Tourillott Regarding Animal Shelter Operations



AGENCY: City Council
MEETING DATE: October 11, 2016

AGENDA ITEM SUMMARY

TITLE:

**RECEIVE ANNUAL REPORT FROM MENDOCINO COAST HUMANE SOCIETY
EXECUTIVE DIRECTOR CHUCK TOURTILLOTT REGARDING REPORT OF ANIMAL
SHELTER OPERATIONS**

THIS WILL BE AN ORAL PRESENTATION



**Presentation to the Fort Bragg City
Council**

October 11, 2016

Chuck Tourtillott, Executive Director

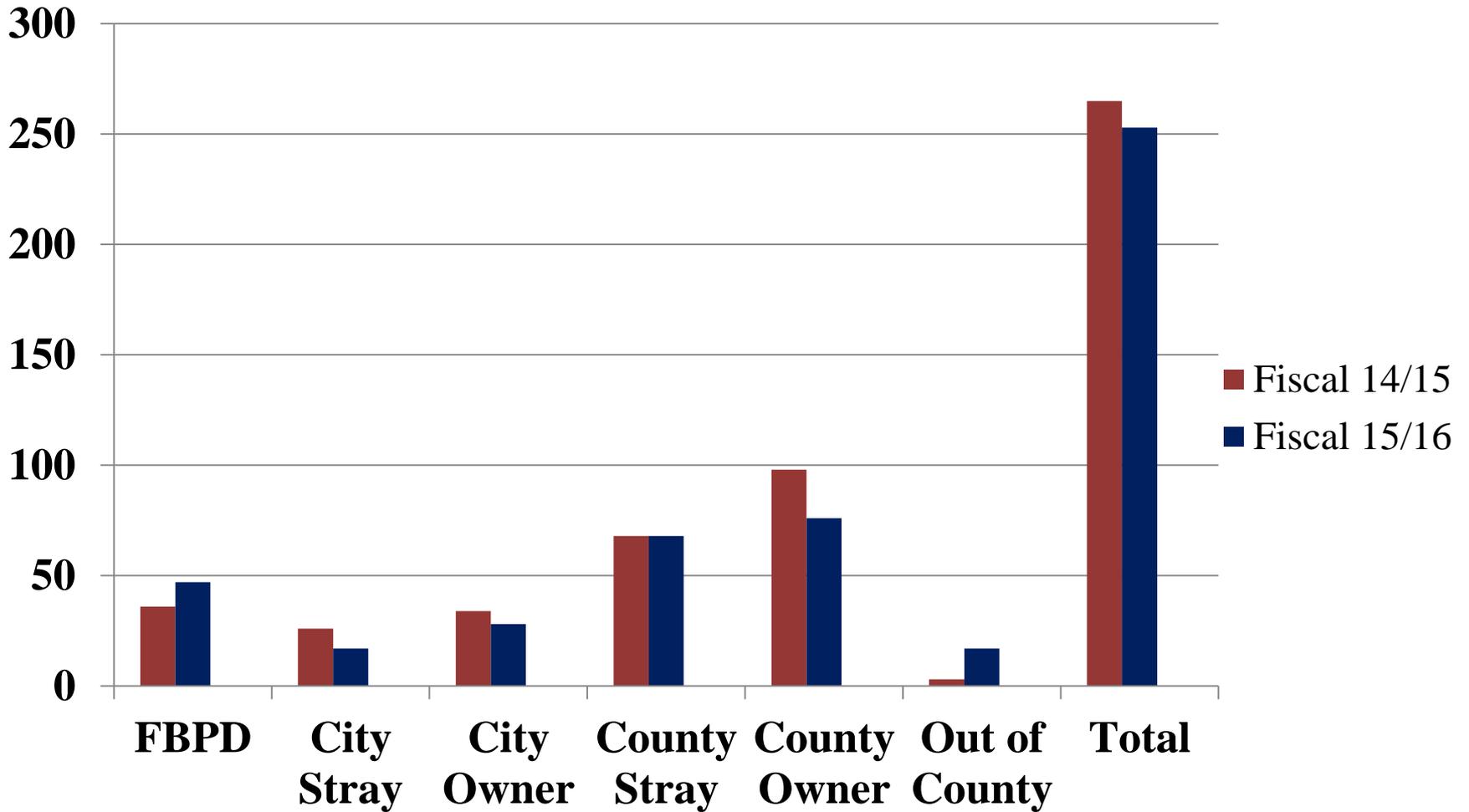
OUR MISSION

*is to contribute to a better life for animals and
to inspire public awareness of animal's needs.*

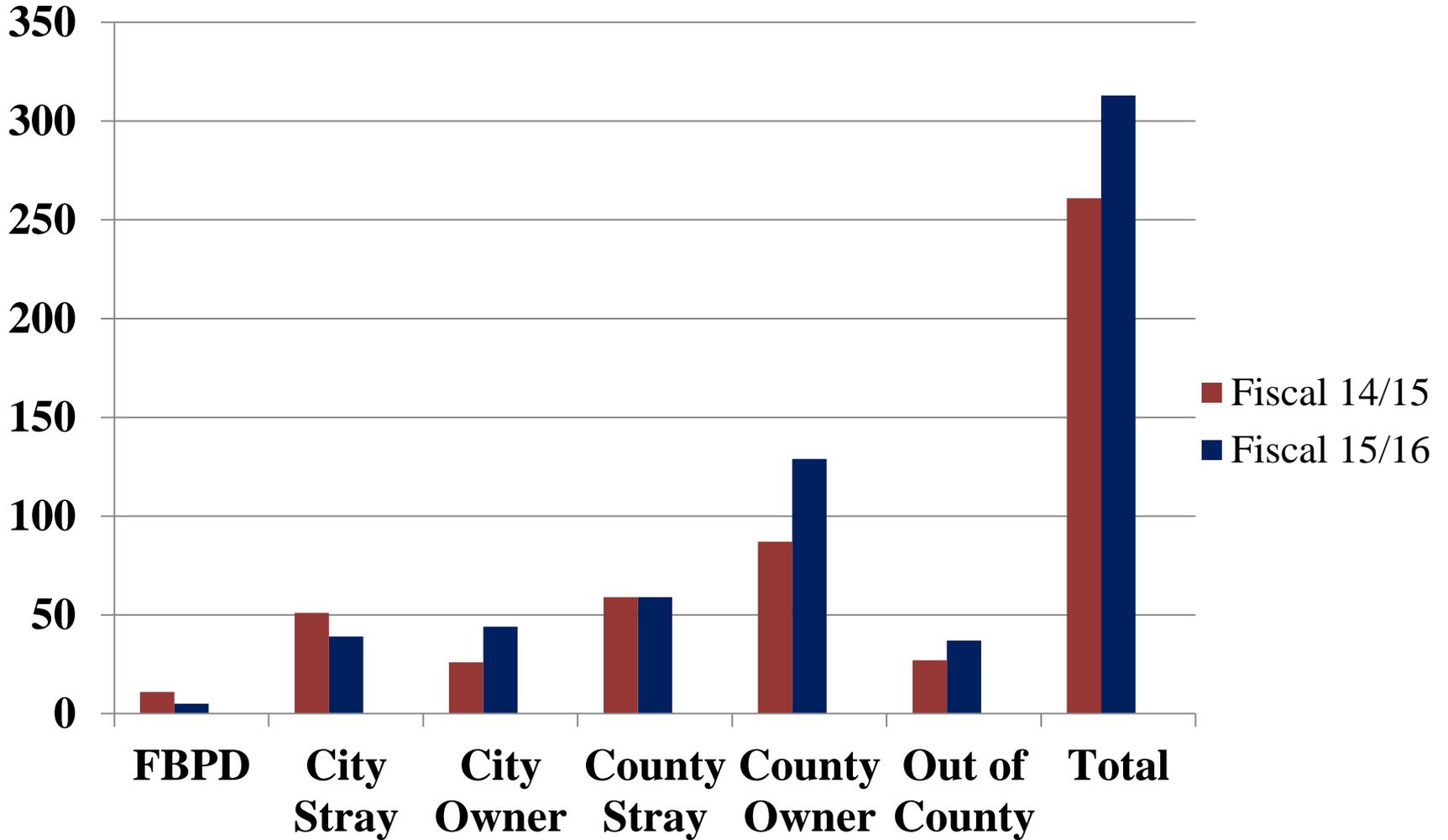
OUR SERVICES INCLUDE

- Accepting and providing shelter and care for all cats and dogs impounded by FBPD.
- Accepting and providing shelter and care for stray cats and dogs found within Fort Bragg city limits.
- Accepting and providing shelter and care for cats and dogs that are surrendered by Fort Bragg residents.
- Accepting and providing shelter and care for cats and dogs that are surrendered or found stray by Coastal County residents.
- Issue Dog Licenses for Fort Bragg residents.

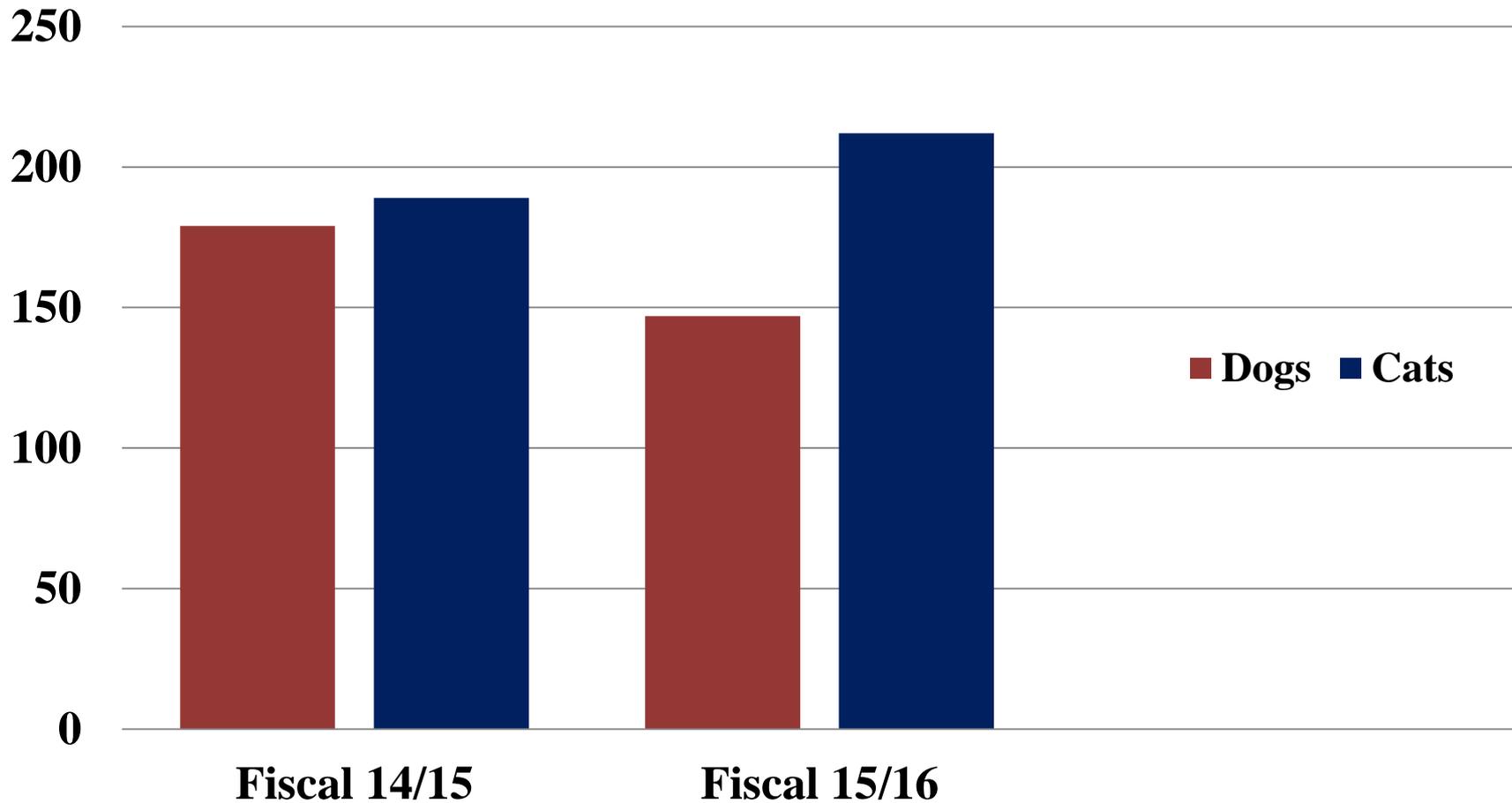
Dog Intake



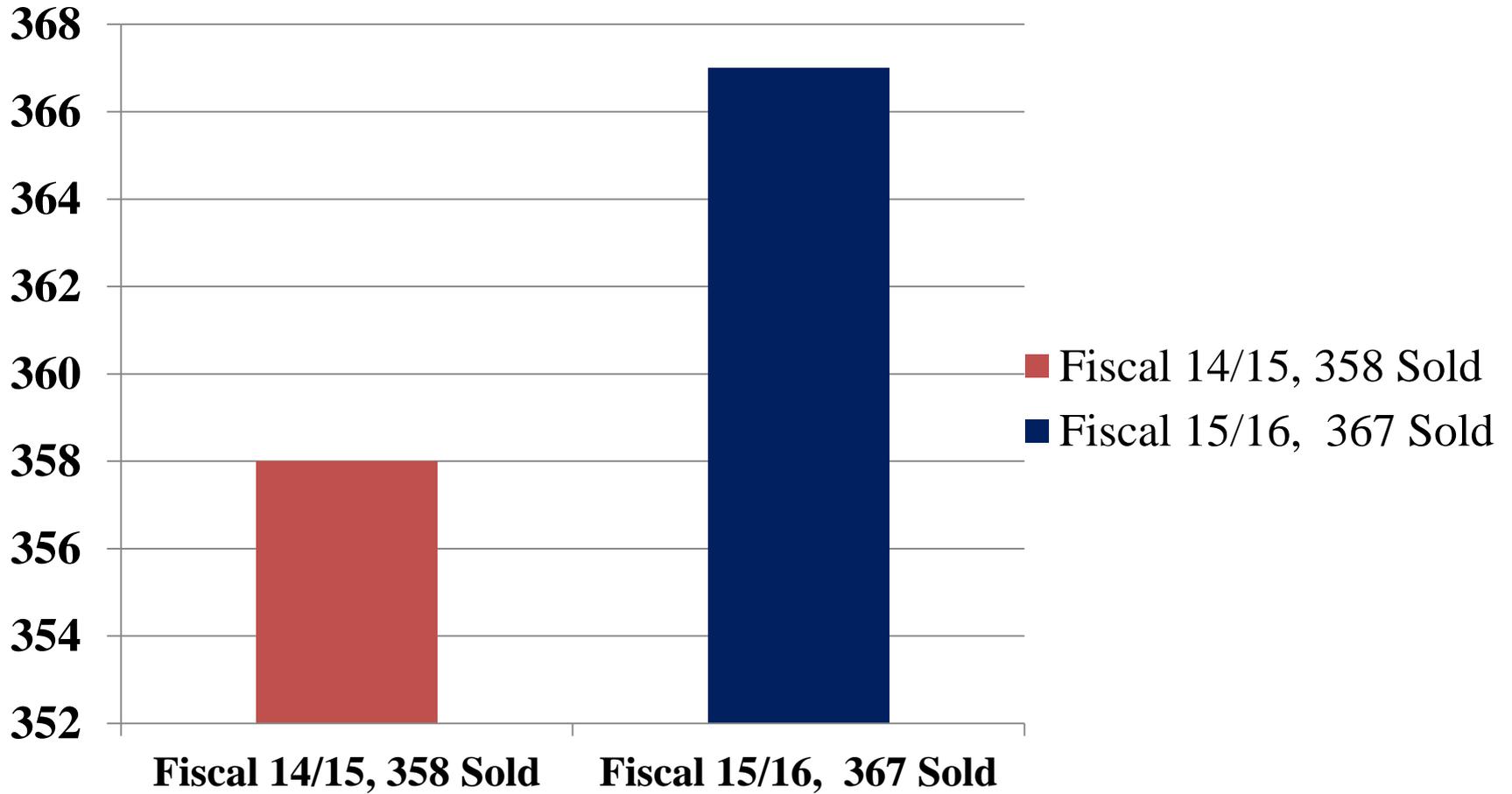
Cat Intake



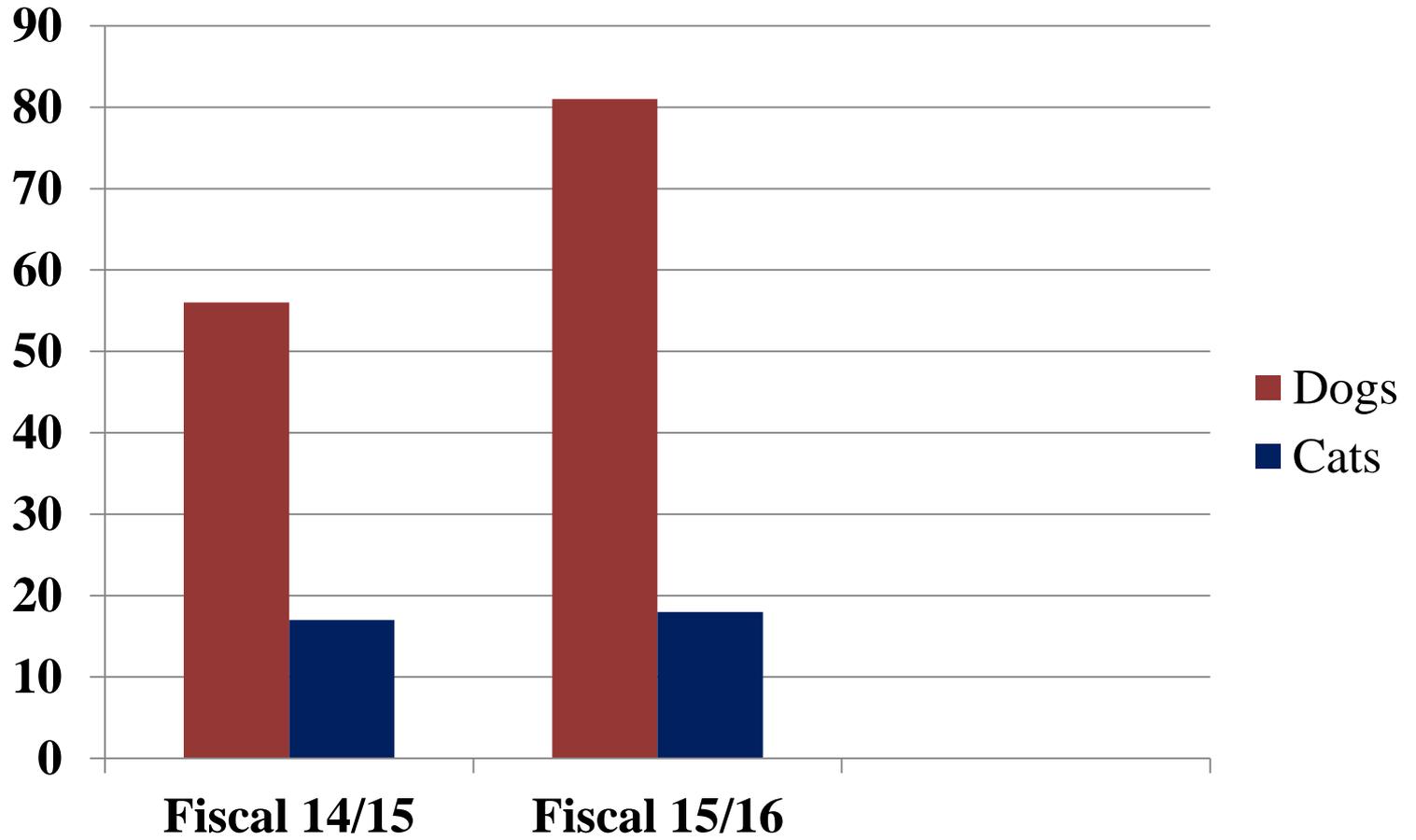
Adoptions



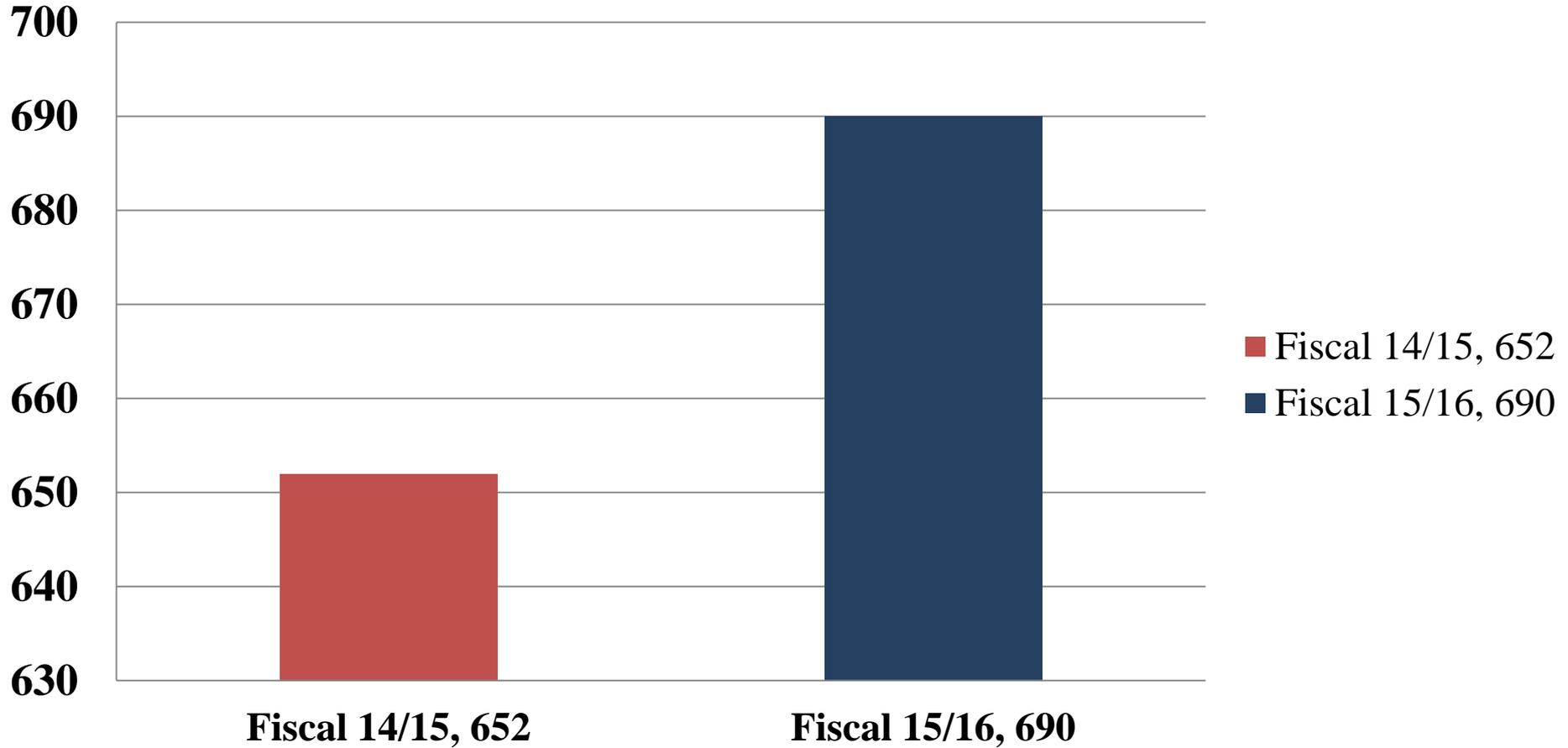
Dog Licenses Issued



Return To Owner



Spay/Neuter



County Animal Shelter Access

- Anticipating Contract in January 2017
- MCHS would provide adoptions, redemptions, receive strays and owner surrendered animals.
- 24 hour access for County Animal Control.
- Issue County Dog Licenses.



**QUESTIONS
and
DISCUSSION**



THANK YOU!



City of Fort Bragg

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Text File

File Number: 16-410

Agenda Date: 10/11/2016

Version: 1

Status: Business

In Control: City Council

File Type: Resolution

Agenda Number: 6B.

Receive Report and Consider Adoption of City Council Resolution Endorsing Measures AA and AB to Increase Fort Bragg's Transient Occupancy Tax



AGENCY: City Council
MEETING DATE: October 11, 2016
DEPARTMENT: Administration
PRESENTED BY: L. Ruffing

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION ENDORSING MEASURES AA AND AB TO INCREASE FORT BRAGG'S TRANSIENT OCCUPANCY TAX

ISSUE:

On November 8, 2016, the voters of Fort Bragg will cast ballots in the General Election. The Fort Bragg City Council has placed two measures on the ballot for voter consideration. Measure AA would increase the Transient Occupancy Tax (TOT) rate paid by visitors staying at lodging facilities in Fort Bragg from 10% to 12%. Measure AB is a companion advisory measure that informs the Council, if the voters approve the general tax measure, about how the revenues generated by the TOT increase should be used. The Council's ad hoc committee that has been working on this measure recommended that a resolution be brought forward for Council consideration to let the voters know that the Fort Bragg City Council endorses Measure AA and AB.

RECOMMENDED ACTION:

Approve Resolution Endorsing Measures AA and AB to Increase Fort Bragg's Transient Occupancy Tax

ALTERNATIVE ACTION(S):

1. No action.
2. Revise the resolution prior to adoption.

ANALYSIS:

Earlier this year, the Council established an ad hoc committee comprised of Mayor Dave Turner and Vice Mayor Lindy Peters to explore the possibility of a ballot measure to increase the Transient Occupancy Tax (TOT) rate to generate revenue for activities that will help expand Fort Bragg's slice of the California tourism business. TOT is a tax imposed on visitors staying at lodging facilities. In late February and early March, the ad hoc committee met with owners and/or operators of nearly all of Fort Bragg's 24 lodging establishments to receive feedback on the possibility of a TOT increase. The feedback was surprisingly supportive and a considerable amount of advice was provided regarding how the City could use the new funds to support our tourism industry.

At the March 28, 2016 City Council meeting, the ad hoc committee recommended that the Council place two measures on the November 8, 2016 general election ballot: (1) a general tax measure that increases the TOT rate in the City of Fort Bragg from 10% to 12% effective April 1, 2017, and (2) a companion non-binding advisory measure that informs the Council, if the voters approve the general tax measure, about how the revenues generated by the TOT increase should be used.

Subsequently, the City Council introduced and adopted Ordinance No. 924-2016 amending Fort Bragg Municipal Code Chapter 3.12 to increase the City's TOT from 10% to 12% subject to voter approval. The Council also adopted Resolution No. 3912-2016 calling and giving notice of the holding of an election to submit the TOT measure to the voters along with a non-binding advisory measure that indicates how the revenues generated by the TOT increase should be used.

AGENDA ITEM NO. 6B

The attached Resolution (Attachment 1) explains the rationale for the ballot measures. The ballot measures and the Argument in Support of Measure AA and the companion Advisory Measure are presented in Attachment 2.

FISCAL IMPACT:

A 2% increase in the TOT rate will generate nearly \$400,000 per year in additional revenue collected from visitors to Fort Bragg. If used for the purposes and in the amounts specified in the advisory measure, this would mean an additional \$200,000 per year for marketing, special events and promotion, \$100,000 to enhance Coastal Trail maintenance and security, \$50,000 to support establishment of the Noyo Center as a premiere visitor destination, and \$50,000 for special projects that support tourism and benefit the community, including, but not limited to, repair and maintenance of the school district's athletic fields.

IMPLEMENTATION/TIMEFRAMES:

Measure AA will be on the November 8, 2016 General Election ballot for voters in the City of Fort Bragg. If it passes, the TOT increase will take effect on April 1, 2017.

ATTACHMENTS:

1. Resolution
2. Ballot Measures and Argument in Support of Measure A

NOTIFICATION:

None.

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

RESOLUTION NO. ____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ENDORSING MEASURES AA AND AB TO INCREASE FORT BRAGG'S TRANSIENT OCCUPANCY TAX

WHEREAS, the Fort Bragg City Council adopted Ordinance No. 924-2016 to increase the City's existing Transient Occupancy Tax (a tax paid when overnight visitors rent a room) from ten percent (10%) to twelve percent (12%) to fund public services and maintain public areas, effective April 1, 2017, and subject to voter approval; and

WHEREAS, the City Council placed Measure AA on the November 8, 2016 General Election ballot to allow Fort Bragg voters to either approve or disapprove of the TOT increase; and

WHEREAS, if Measure AA is approved by voters and Measure AB is approved, Measure AB would advise the City Council to use the additional funds generated by the TOT increase in the following manner: (i) One-half of the revenues to substantially increase promotions, events and marketing for Fort Bragg; (ii) One-quarter of the revenues to enhance Coastal Trail maintenance and security; (iii) One-eighth of the revenues to support establishment of the Noyo Center for Marine Science as a premiere visitor attraction; and (iv) One-eighth of the revenues to undertake special projects that support tourism and benefit the community including, but not limited to, repair and enhancement of local athletic fields; and

WHEREAS, tourism is a vital part of Fort Bragg's economy and Measure AA will generate an additional \$400,000 per year in TOT to invest in activities that support year-round tourism; and

WHEREAS, the City Council's intended uses of the revenues generated by Measure AA are identified in Measure AB and include: a robust promotional and marketing campaign (including special events and festivals); improved maintenance and security for the Coastal Trail; support for development of the Noyo Center for Marine Sciences as a premiere visitor attraction; rehabilitation of the School District's athletic fields, and funding for other special projects that support tourism and our community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby endorse Measures AA and AB to increase Fort Bragg's Transient Occupancy Tax rate; and

BE IT FURTHER RESOLVED that the City Council encourages the voters of Fort Bragg to cast their ballots in the General Election on Tuesday, November 8th.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of October, 2016, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

RECUSED:

**DAVE TURNER,
Mayor**

ATTEST:

**June Lemos
City Clerk**

**MEASURES AA & AB
CITY OF FORT BRAGG**

**MEASURE "AA" APPROVAL OF INCREASE TO THE
TRANSIENT OCCUPANCY TAX**

Shall Ordinance No. 924-2016 amending portions of Chapter 3.12 of the Fort Bragg Municipal Code to increase the City of Fort Bragg's existing Transient Occupancy Tax (a bed tax paid when overnight visitors rent a room) from ten percent (10%) to twelve percent (12%) to fund public services and maintain public areas, effective April 1, 2017, which proposed rate increase and amendment is anticipated to raise an additional \$400,000 per year in revenue and which will continue until repealed by the City Council or the city voters, be adopted?

YES NO

MEASURE "AB"

Advisory Vote Only.

If Measure "AA" is approved by voters, shall the People of the City of Fort Bragg advise the City Council to use the additional funds in the following manner: (i) One-half of the revenues to substantially increase promotions, events, and marketing for Fort Bragg; (ii) One-quarter of the revenues to enhance Coastal Trail maintenance and security; (iii) One-eighth of the revenues to support establishment of the Noyo Center for Marine Science as a premier visitor attraction; and (iv) One-eighth of the revenues to undertake special projects that support tourism and benefit the community including, but not limited to, repair and enhancement of local athletic fields?

YES NO

**MEASURE AA
CITY ATTORNEY'S IMPARTIAL ANALYSIS**

The City of Fort Bragg City Council has placed Measure AA on the ballot. The measure asks the voters whether the City should raise the current Transient Occupancy Tax ("TOT"), also known as a bed tax, by two percent (2%). Measure AA would also require City staff to issue an itemized report detailing the expenditures made from the additional funds. If approved by a majority of the voters, the increase would become operative on April 1, 2017.

The City of Fort Bragg currently imposes a TOT at the rate of ten percent (10%) of the rent paid by guests to occupy a room or space in a hotel or other similar accommodation ("hotel"). This measure would increase the TOT to twelve percent (12%). The TOT is not paid by a Fort Bragg resident unless the resident stays at a hotel for less than thirty (30) days.

Measure AA is a general tax and may be used for any general governmental purpose. All revenues would be placed in the City's General Fund. Measure AA requires the City's Finance Director to keep account of how the proceeds of the 2% of the TOT added by Measure AA are used and to submit an itemized expenditure report to the City Council on an annual basis.

In order for the City to adopt the amendments to its Municipal Code described above, Measure AA must be approved by a majority of the votes cast by the voters voting on the ballot proposition.

A "yes" vote on Measure AA will authorize the amendments to the City's Municipal Code described above.

A "no" vote on Measure AA will prohibit the City from adopting the amendments to its Municipal Code as described above.

s/Samantha W. Zutler
City Attorney

7/27/16

**MEASURE AB
CITY ATTORNEY'S IMPARTIAL ANALYSIS**

The Fort Bragg City Council has placed Measure AB on the ballot. Measure AB asks the voters to consider a non-binding advisory measure regarding the use of additional revenues that may be generated by the voters' approval of Measure AA, which is a 2% increase in the City's Transient Occupancy Tax ("TOT").

Under State law, the City Council may place advisory measures on the ballot in order to receive voters' opinions on issues. The results of this advisory vote are not binding on the City, but may prove helpful in communicating the will of the voters to the City Council as it makes decisions about how funds from Measure AA will be spent.

A "Yes" vote expresses an opinion supporting the uses of the additional TOT proceeds in the following manner:

- 50% (i.e., one-half of the additional revenues) to substantially increase promotions, special events, and marketing for Fort Bragg;
- 25% (i.e., one-quarter of the additional revenues) to enhance Coastal Trail maintenance and security;
- 12.5% (i.e., one-eighth of the additional revenues) to support establishment of the Noyo Center for Marine Science as a premier visitor attraction; and
- 12.5% (i.e., one-eighth of the additional revenues) to undertake special projects that support tourism and benefit the community including, but not limited to, repair and enhancement of local athletic fields.

A "No" vote may be viewed as expressing an opinion against the uses of the revenue that have been proposed or as a neutral opinion neither in favor of, nor in opposition to, the uses proposed.

s/Samantha W. Zutler
City Attorney

7/27/16

**ARGUMENT IN FAVOR OF
MEASURES AA & AB**

Vote YES on Measures AA and AB! Tourism is a vital part of Fort Bragg's economy. Last year, visitors spent an estimated \$90 million in Fort Bragg – providing essential support for local shops, restaurants, gas stations, lodging, grocery stores, and other attractions. Measure AA will help sustain and grow Fort Bragg's tourism industry.

Measure AA will increase Fort Bragg's Transient Occupancy Tax (TOT) rate from 10% to 12%. TOT is a tax paid by visitors to Fort Bragg, not local residents. It is a major revenue source for the City's general fund and helps pay for core services like the police and fire departments, park maintenance and community development. Last year, Fort Bragg's hotels, motels and B&Bs collected nearly \$2 Million in TOT from overnight guests. Measure AA will result in visitors contributing an additional \$400,000 per year in TOT.

Many northern California towns that are also tourist destinations have TOT rates in the 12% to 15% range. Increasing Fort Bragg's TOT rate to 12% will generate funds to invest in activities that support year-round tourism. The City Council's intended uses of the revenues generated by Measure AA are identified in Measure AB and include: a robust promotional and marketing campaign (including special events and festivals), improved maintenance and security for the Coastal Trail, support for development of the Noyo Center for Marine Sciences as a premiere visitor attraction, rehabilitation of the School District's athletic fields, and funding for other special projects that support tourism and our community.

All Fort Bragg businesses and residents benefit from the many millions of dollars that visitors spend in our town. By investing in Fort Bragg's tourism infrastructure, Measure AA will strengthen the entire local economy.

Vote YES on Measures AA and AB for Fort Bragg's prosperous future!

s/Dave Turner, on behalf of the Fort Bragg City Council	s/ Kim Queen, Owner Emerald Dolphin Inn
s/Nancy Cardenas Fowler, Owner Glass Beach Bed & Breakfast	s/Suhail Ahmad, Owner Surf Motel & Gardens
s/Jon Glidewell, General Manager Beachcomber Motel	
Surf and Sand Lodge	
Beach House Inn	

To receive the full text of the ballot measure, please contact:

June Lemos
City Clerk
City of Fort Bragg
416 N Franklin St.
Fort Bragg, CA 95437
(707) 961-2823 ext. 104

<http://city.fortbragg.com/555/4419/Ballot-Measures>

NO ARGUMENT AGAINST MEASURE AA &/OR MEASURE AB
WAS SUBMITTED.

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Text File

File Number: 16-411

Agenda Date: 10/11/2016

Version: 1

Status: Business

In Control: City Council

File Type: Staff Report

Agenda Number: 6C.

Receive Report Regarding Possible Modifications to the Order of City Council Agendas and Provide Direction to Staff



AGENCY: City Council
MEETING DATE: October 11, 2016
DEPARTMENT: Admin Services
PRESENTED BY: Scott Schneider

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT REGARDING POSSIBLE MODIFICATIONS TO THE ORDER OF CITY COUNCIL AGENDAS AND PROVIDE DIRECTION TO STAFF

ISSUE:

The Council recently received a suggestion from a member of the public that the order of agenda items for City Council meetings be modified to place the Consent Calendar at the front end of the agenda. Putting the Consent Calendar at the beginning of the meeting would allow the public to learn, early on in a meeting, whether any items will be removed from the Consent Calendar for Council deliberation and action. The Finance and Administration Committee considered this matter on September 8, 2016. The Committee discussed moving the Consent Calendar to a place on the agenda immediately following the first Public Comments item but was unable to reach consensus as to whether such a modification was desirable or necessary. The Committee directed that the matter be brought to the full Council for discussion and possible action.

RECOMMENDED ACTION:

Provide direction to staff regarding whether or not any changes should be made to the resolution establishing the order of City Council agendas.

ALTERNATIVE ACTION(S):

No action.

ANALYSIS:

At the September 8, 2016 Finance and Administration Committee meeting, the Committee held a lengthy and lively discussion regarding the agenda order. Currently, Council agendas are ordered in the following manner:

1. Meeting Called To Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review
5. Mayor's Recognitions and Announcements
6. Staff Comments
7. Matters from Councilmembers
8. Public Comments on Non-Agenda, Consent Calendar & Closed Session Items (30 minute limit)
9. Public Hearing
10. Conduct of Business
11. Public Comments on Non-Agenda, Consent Calendar & Closed Session Items, Continued (additional 30 minutes, if necessary)
12. Consent Calendar
13. Closed Session
14. Adjournment

Prior to 2012, rules of procedure for the conduct of City Council business were included in the Municipal Code and, thus, any changes required an ordinance. In 2012, the Council performed a

comprehensive update to the FBMC and the rules of procedures were removed so they could be updated more flexibly and efficiently by resolution. Resolution No. 3556-2012 was adopted on July 9, 2012, establishing the Order of Business as shown above but without the split Public Comment session (See Attachment 1). The agenda order as shown in Resolution No. 3556-2012 was modified, on a trial basis, in February 2015 to allow for Public Comment earlier in the agenda. The current practice is that 30 minutes of public comment is allowed prior to the Public Hearing item, and (if needed) an additional 30 minutes of Public Comment may be provided after the Conduct of Business. If the Council is satisfied with the modified Order of Business, it should be memorialized by resolution.

Staff is also seeking direction from the Council regarding the possibility of placing the Consent Calendar earlier on the agenda. Based on a sampling of archival records, it appears that the Council has had the Consent Calendar at the end of its agenda since 1999. Our City Clerk reached out to other clerks throughout California and learned that most agencies place the consent calendar early on the agenda. Some have it very near to the beginning, others have it in the middle, but only one agency has it at the end of the meeting. The benefit of this, as noted above, is that folks who are interested in one or more consent calendar items can determine early on in the meeting whether those items will be approved without discussion or will be pulled from the consent calendar for discussion prior to action.

When a matter is pulled from the consent calendar, it is typically discussed and acted upon immediately following approval of the consent calendar. The Council should determine whether it wants to specify when the pulled items will be heard. The options are either: (a) immediately following adoption of the consent calendar, or (b) at the end of the Conduct of Business matters. Either way, the Council should allow for comments from the public on a consent calendar item during the Council’s consideration of that item (i.e., it should not be restricted to the comments received during the Public Comment period). The Finance & Administration Committee suggested that the agenda also clarify that the second Public Comment period will only be utilized if there are speakers who were present and requested an opportunity to speak at the first comment period but were unable to do so because of the 30 minute time limitation.

FISCAL IMPACT:

No fiscal impact exists with regard to the order of agenda.

IMPLEMENTATION/TIMEFRAMES:

If Council directs that the order of the agenda should be changed, a Resolution to implement those changes will be brought forward at the next City Council meeting.

ATTACHMENTS:

- 1. Resolution 3556-2012

NOTIFICATION:

- 1. David Gurney

City Clerk’s Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote: _____			
<input type="checkbox"/> Deferred/Continued to meeting of: _____			
<input type="checkbox"/> Referred to: _____			

RESOLUTION NO. 3556-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING CITY COUNCIL RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

WHEREAS, certain rules of procedure for the conduct of City Council business have been included in Chapter 2.04 of the Fort Bragg Municipal Code ("Chapter 2.04"); and

WHEREAS, Chapter 2.04 has now been amended to remove certain procedural provisions relating to the conduct of the City Council's business; and

WHEREAS, the procedural provisions that have been removed from Chapter 2.04 can be updated more flexibly and efficiently if those provisions are formalized in a resolution; and

WHEREAS, resolutions establishing the order of business and guidelines for the conduct of City Council meetings have been adopted in the past; and

WHEREAS, it is the recommendation of the City Council that the removed provisions of Chapter 2.04 and prior resolutions that established guidelines for certain City Council activities be consolidated into one comprehensive resolution governing the rules of procedure for conduct of City Council business; and

NOW, THEREFORE, BE IT RESOLVED that the following resolutions of the Fort Bragg City Council are hereby rescinded and revoked and shall no longer be in effect: Resolution 1910-92 adopted on July 27, 1992, Resolution 3183-2008 adopted on July 14, 2008 and Resolution 3253-2009 adopted on March 9, 2009.

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the Rules of Procedures for conduct of City Council business, a copy of which is attached hereto and incorporated herein as Exhibit "A".

The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of July, 2012, by the following vote:

AYES: Councilmembers Courtney, Deitz, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk

ARTICLE I – MEETINGS

Section 1. Regular Meetings

Regular meetings of the City Council shall be as established in Fort Bragg Municipal Code Sections 2.04.010 and 2.04.020.

Section 2. Special Meetings

- 2.1 A special meeting of the City Council may be called at any time by the Mayor or, in the Mayor's absence, by the Vice Mayor, or by a majority of the members of the City Council, by providing written notice in accordance with applicable laws to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing.
- 2.2 The notice described in Section 2.1, above, at least 24 hours before the time of the meeting as specified in the notice shall be posted in a location that is freely accessible to members of the public.
- 2.3 The call and notice shall specify the time and place of the special meeting and the business to be transacted.
- 2.4 No other business shall be considered at the special meeting by the City Council.
- 2.4 The written notice may be dispensed with as to any member of the City Council who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice of the meeting. The waiver may also be given by, telephone, fax or e-mail and, further, may be dispensed with as to any member of the City Council who is actually present at the meeting at the time it convenes.

Section 3. Order of Business

- 3.1 **Agenda:** The order of business of each meeting shall be as contained in the Agenda prepared by the City Clerk. The Agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
AGENDA REVIEW
MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS
STAFF COMMENTS
MATTERS FROM COUNCILMEMBERS
PUBLIC HEARINGS
CONDUCT OF BUSINESS
PUBLIC COMMENTS ON NON-AGENDA AND CONSENT CALENDAR ITEMS
 A. Non-Agenda Items
 B. Consent Calendar Items
CONSENT CALENDAR
CLOSED SESSION
ADJOURNMENT

- 3.2 **Urgency Items:** Urgency items can be handled at any meeting of the City Council upon proper notice and/or action by the City Council, in accordance with the provisions of Government Code section 54954.2, as amended from time to time.
- 3.3 **Conduct of Business / Public Hearings:**
- a. All speakers before the City Council shall proceed to the podium and wait to be recognized by the Presiding Officer. Additional information regarding addressing the City Council is found in Section 5 below.
 - b. Questions to staff from the public and staff response should be directed through the Mayor.
 - c. When a public hearing has been underway for a period of sixty (60) minutes, the Council shall vote on whether to continue to proceed with the hearing at that meeting or to continue the hearing to another meeting.
 - d. The City Manager may schedule special meetings for public hearings which are expected to be well attended.
- 3.4 **Public Comments:** The Council welcomes input from the public. However, the Council cannot take action or deliberate on matters brought before them under Public Comments. Additional information regarding addressing the City Council is found in Section 5 below.
- 3.5 **Council Committees:** The Council will make greater utilization of standing committees before matters appear on the agenda.
- 3.6 **Adjournment:** The adjournment time for all Council meetings shall be 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote. Further, if it appears that the meeting will adjourn, the Council shall vote upon which items are to be continued to a future meeting.

Section 4. Rules, Decorum and Order

- 4.1 **Questions of Order:** The Mayor shall decide all questions of order.
- 4.2 **Interruption during discussion:** No member of the City Council shall be permitted to interrupt another during debate or discussion of any subject.

Section 5. Addressing the City Council

- 5.1 **Manner of Addressing the City Council:** Any member of the public desiring to address the City Council shall proceed to the podium and wait to be recognized by the Presiding Officer.

All remarks and questions shall be addressed to the Mayor or acting Mayor and not to any individual Councilmember, staff member or other person. No person shall enter into any discussion without being recognized by the Mayor or acting Mayor.

- 5.2 **Time Limitation:** Any citizen, after being recognized by the Mayor or acting Mayor may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including but not limited to, the number of

persons wishing to speak on a particular topic or at a particular meeting, or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

Section 6. Motions

- 6.1 **Motions - Generally:** All motions shall be reduced to writing, if any member of the City Council requires it, and when a motion has once been made and carried or lost, it shall be in order for a member voting in the majority, to move for a reconsideration; provided, that no more than one motion for reconsideration shall be entertained.
- 6.2 **Motions – Action:** After a motion has been made and seconded, regarding any thing or matter concerning and upon which the City Council has the right to act, then it shall be entertained by the City Council and shall be debatable, each member having the right to talk on the subject five (5) minutes, or more, except a motion to adjourn which is not debatable.
- 6.3 **Voting:**
- a. Every member of the City Council present, shall give his or her vote on every question or matter when put, except if he or she is disqualified from voting by operation of law, or unless the City Council for special reasons entered in the minutes, excuses him or her from voting on a particular matter then under consideration. Should a member abstain from voting, he or she shall state the reason for abstaining. The reason shall be recorded in the minutes of the meeting.
 - b. For votes taken on any ordinance, resolution, or amendment of any ordinance or resolution, and for all motions or resolutions for the payment of money, or ordering the doing of any act or thing that will result in the payment of money, the ayes and noes shall be taken and entered in the minutes, and at the desire of any member of the City Council, the ayes and noes shall be taken and entered in the minutes.

ARTICLE II – COMMITTEES

1. **Duties of Standing Committees:** The standing committees named in Fort Bragg Municipal Code Section 2.04.045 shall each do and perform the duties as set forth below:
 - a. **Community Development Committee:** Exercises oversight for planning and community development functions. Reviews and makes recommendations concerning grant applications, annexation, and development review procedures. Liaison with other community development agencies and, for administrative purposes, with the Planning Commission.

Primary staff support to this committee shall be the Community Development Director.
 - b. **Finance and Administration Committee:** The functions of this committee include: Reviews and approves warrants (bills); exercises oversight for administrative and finance staff functions, reviews and makes recommendations concerning debt financing, budgetary control, business licenses, investment policies, administrative procedures, public information, intergovernmental relations, personnel, cable television franchise agreement, records management, insurance, data processing, employee salary and benefit programs, purchasing, accounting, utility rates, and related matters.

Reviews proposed legislation and makes recommendations for Council policy consideration.

Primary staff support to this committee shall be the City Manager and Finance Director.

- c. Public Safety Committee: Exercises oversight for police, fire, building safety and disaster preparedness functions. Reviews and makes recommendations concerning departmental staffing levels, parking regulations, traffic safety (stop signs, etc.) and building code. Liaison with Rural Fire District and volunteer fire department. Reviews proposed legislation and makes recommendations for Council policy consideration.

In addition to the duties as set forth, the two Councilmembers appointed to this committee shall be designated as the City's representatives to the Fort Bragg Fire Protection Authority.

Primary staff support to this committee shall be the Chief of Police.

- d. Public Works and Facilities Committee: Exercises oversight for public works functions including street maintenance, parks, drainage, water and sewer. Reviews and makes recommendations concerning departmental staffing, use and maintenance of public buildings, prioritization of public works improvements, service extensions, engineering services and solid waste. Liaison with private utility companies. Reviewed proposed legislation and makes recommendations for Council policy consideration.

In addition to the duties as set forth the two Councilmembers appointed to this committee are hereby designated as the City's representatives to:

- 1) The County-City Coordinating Committee; and
- 2) The Mendocino County Solid Waste Joint Powers Authority (MSWMA), with one Councilmember designated as the MSWMA Board appointee and the second Councilmember designated as the alternate appointee to the MSWMA Board.

Primary staff support to this committee shall be the Public Works Director.

2. Reports of Committees: It shall be the duty of any committee of the City Council, to whom any subject or matter may be referred, to report thereon by providing a copy of the approved committee minutes at the next regular meeting of the City Council after approval.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-406

Agenda Date: 10/11/2016

Version: 1

Status: Business

In Control: City Council

File Type: Ordinance

Agenda Number: 6D.

Receive Report Regarding Draft Ordinance to Modify Chapter 6.14 [Licensing of Tobacco Sellers] and Chapter 6.18 [Smoking Pollution Control and Health Protection Regulations] of the Fort Bragg Municipal Code and Provide Direction to Staff



AGENCY: City Council
MEETING DATE: October 11, 2016
DEPARTMENT: Admin Services
PRESENTED BY: S. Schneider

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT REGARDING DRAFT ORDINANCE TO MODIFY CHAPTER 6.14 [LICENSING OF TOBACCO SELLERS] AND CHAPTER 6.18 [SMOKING POLLUTION CONTROL AND HEALTH PROTECTION REGULATIONS] OF THE FORT BRAGG MUNICIPAL CODE AND PROVIDE DIRECTION TO STAFF

ISSUE:

On May 4, 2016, Governor Jerry Brown signed into law SBX2-7, which increases the legal age for tobacco use from 18 to 21 effective June 9, 2016. Also signed into law was SBX2-5 which classifies electronic smoking devices as tobacco products and bans their use anywhere tobacco is currently prohibited.

Chapters 6.14 and 6.18 of the Fort Bragg Municipal Code do not currently include the definition of electronic smoking devices and related terminology. This proposed Ordinance provides the necessary additions to bring the current Ordinance into compliance with California law.

The Finance and Administration Committee reviewed and discussed the draft Ordinance at its September 8, 2016 meeting and recommended that the item be brought forward for Council consideration.

RECOMMENDED ACTION:

Provide direction to staff on the draft Ordinance in preparation for the first reading at a future City Council meeting.

ALTERNATIVE ACTION(S):

No alternatives are needed. Staff is seeking direction from the Council.

ANALYSIS:

The Fort Bragg Municipal Code should be updated to remove any reference to the legal age of 18 for tobacco use and to include language classifying electronic smoking devices and related terminology as "tobacco" and "tobacco products."

Rather than defining the legal age for tobacco use as 21, a section has been added titled "Performance Standards; Deemed Approved Activities" (Section 6.14.022B) stating that tobacco products cannot be sold to a "person under the minimum age for purchase pursuant to state and federal laws."

Furthermore, Chapter 6.18.050D has been revised to state "smoking is prohibited in all public parks and facilities." Currently, the chapter identifies specific parks throughout the City where smoking is prohibited but does not include the recently opened Noyo Headlands Park. This change allows for the addition of any future "public parks and facilities" to be included in this chapter in order to prohibit smoking of any tobacco products.

The remaining changes in the Ordinance deal directly with the addition of electronic cigarettes and related terminology as defined in Chapters 6.14.101 and 6.18.030 "Definitions."

AGENDA ITEM NO. 6D

FISCAL IMPACT:

This action will not have a fiscal impact on the City or its residents.

CONSISTENCY:

The Ordinance would provide consistency with new State laws surrounding Tobacco and Tobacco Sellers.

IMPLEMENTATION/TIMEFRAMES:

Should the City Council provide direction on the draft Ordinance, a first reading of the Ordinance will occur at a future City Council meeting.

ATTACHMENTS:

1. Attachment 1 - Draft Ordinance Modifying Chapters 6.14 and 6.18
2. Attachment 2 - Tobacco Education and Research Oversight Committee Memo of February 26, 2014
3. Attachment 3 - California Department of Public Health Letter to Retailers of June 6, 2016

City Clerk's Office Use Only

Agency Action <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved as Amended Resolution No.: _____ Ordinance No.: _____ Moved by: _____ Seconded by: _____ Vote: _____ <input type="checkbox"/> Deferred/Continued to meeting of: _____ <input type="checkbox"/> Referred to: _____
--

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING
CHAPTER 6.14 (LICENSING OF
TOBACCO SELLERS) AND CHAPTER
6.18 (SMOKING POLLUTION
CONTROL AND HEALTH
PROTECTION REGULATIONS) OF
THE FORT BRAGG MUNICIPAL CODE
TO MODIFY TOBACCO RETAILER
LICENSING REGULATIONS AND
SMOKING PROHIBITIONS TO
INCLUDE ELECTRONIC SMOKING
DEVICES**

ORDINANCE NO. 926-2016

WHEREAS, the hazards related to exposure to secondhand smoke are well documented and have been determined to be detrimental to human health even in the open air; and

WHEREAS, the US Surgeon General warns that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, Governor Jerry Brown signed SBX2-7 into law effectively raising the legal age permitting the use of tobacco and tobacco related products from 18 to 21 effective June 9, 2016; and

WHEREAS, Governor Jerry Brown signed SBX2-75 into law effectively including electronic smoking devices, such as electronic cigarettes (“e-cigarettes”), that deliver nicotine or other vaporized liquids, under the “tobacco” and “tobacco products” definitions; and

WHEREAS, laws restricting the use of electronic smoking devices have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene associated with electronic smoking devices; and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or second hand vaping; and
- The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and

WHEREAS, the State of California’s Tobacco Education and Research Oversight Committee “opposes the use of e-cigarettes in all areas where other tobacco products are banned;” and

WHEREAS, in order to protect the public health, the City Council of the City of Fort Bragg desires to amend its existing ordinances addressing tobacco licensing, sales, and use to include the licensing, sales and use of electronic smoking devices;

NOW, THEREFORE, the City Council of the City of Fort Bragg ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. Numerous studies have established that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers.
2. Numerous studies have established electronic smoking devices are designed to be used in the similar manner to conventional lighted tobacco products with the user exhaling a smoke-like aerosol that mimics the exhaled smoke from lighted conventional tobacco products. Because electronic smoking devices may contain (and thus emit) nicotine, tobacco and/or other particulates, their use undermines the City’s smoke-free air laws and hazardously exposes the public to secondhand aerosols that have not been scientifically proven as safe.
3. The purpose of the ordinance codified in this chapter is to protect the public health and welfare by prohibiting or regulating smoking in certain places; to guarantee the right of nonsmokers to breathe smoke-free air; and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
4. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

TITLE 6 – HEALTH AND SANITATION

Chapter 6.14: Licensing of Tobacco Sellers

Section 6.14.010 entitled **Definitions** is hereby amended by the following:

6.14.010 DEFINITIONS.

The definition of **TOBACCO PRODUCT** is amended to read as follows:

TOBACCO PRODUCT. Means any of the following:

- A. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff;
- B. Any electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- C. Any component, part, or accessory of a tobacco product, whether or not sold separately.
- D. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for an approved purpose.

The definition of **TOBACCO SELLER** is amended to read as follows:

TOBACCO SELLER. Any person who sells, offers for sale, or offers to exchange, tobacco products, as defined in this section, for any form of consideration. "Tobacco selling" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco or tobacco products sold, offered for sale, exchanged, or offered for exchange.

Section 6.14.020 entitled **Requirement for Tobacco Seller's License** is amended as follows:

6.14.020 REQUIREMENT FOR TOBACCO SELLER'S LICENSE.

- A. It shall be unlawful for any person to act as a tobacco seller without first obtaining and maintaining a valid Tobacco Seller's license pursuant to this Chapter for each location at which that activity is to occur. No license may be issued to authorize tobacco selling at other than a fixed location. For example, tobacco selling by persons on foot or from vehicles are prohibited.
- B. The term of a license is one year from the date of issuance, unless earlier suspended, terminated or revoked pursuant to Section 6.14.090. Each licensed tobacco seller shall apply for the renewal of his or her Tobacco Seller's license no later than thirty (30) days prior to its expiration.
- C. Nothing in this Chapter shall be construed to grant any person obtaining and maintaining a Tobacco Seller's license any status or right other than the right to act as a tobacco seller at the location in the City identified on the face of the license. For example, nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by Cal. Labor Code §6404.5.

D. It is the responsibility of each licensed tobacco seller to be informed regarding all laws applicable to tobacco selling, including those laws affecting the issuance of a tobacco and E-cigarette seller's license. No licensed tobacco seller may rely on the issuance of a license as a determination by the City that the tobacco seller has complied with all laws applicable to tobacco selling.

Section 6.14.022 is hereby added to Chapter 6.14 as follows:

6.14.022 PERFORMANCE STANDARDS; DEEMED APPROVED ACTIVITIES

An activity shall retain its 'deemed approved' status only if it conforms to all of the following deemed approved performance standards:

- A. The tobacco seller does not offer illegal paraphernalia for sale. The offering of sale of such items shall result in immediate suspension of a Tobacco Seller's license;
- B. The tobacco seller does not sell tobacco products to a person under the minimum age for purchase pursuant to state and federal laws;
- C. The tobacco seller does not adversely affect the peace or safety of persons residing or working in the surrounding area;
- D. The tobacco seller's activities do not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, harassment of passersby, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, curfew violations, or police detentions and arrests;
- E. The tobacco seller's activities do not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;
- F. The tobacco seller's upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of the surrounding neighborhood.

Section 3.

TITLE 6 – HEALTH AND SANITATION

Chapter 6.18: Smoking Pollution Control and Health Protection Regulations

Section 6.18.030 entitled **Definitions** is hereby amended as follows:

6.18.030 DEFINITIONS.

The following definition is added to this section:

ELECTRONIC SMOKING DEVICE. An electronic and/or battery-operated device, the use of which may resemble traditional smoking and that can be used to deliver an inhaled dose of nicotine or other substances including any component, part, or accessory of such a device, whether or not sold separately. The term includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, an electronic vape or vaping pen, or any other product name or descriptor that is used for the purpose of circumventing the prohibition of smoking. The term does not include any inhaler prescribed by a licensed doctor.

The definition of **SMOKING** is amended to read as follows:

SMOKING. Inhaling, exhaling, burning, or the carrying, holding or operating, of any lighted or heated tobacco product intended for inhalation, whether natural or synthetic, in any manner or form. Smoking also means the use of an electronic smoking device that creates an aerosol or vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Section 6.18.050D is amended to read as follows:

6.18.050 PROHIBITION OF SMOKING IN PUBLIC PLACES.

D. Public Parks and Facilities.

Smoking shall be prohibited in all public parks and facilities in the City of Fort Bragg.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 5. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**The foregoing Ordinance was introduced by Councilmember _____
at a regular meeting of the City Council of the City of Fort Bragg held on**

_____, 2016, and adopted at a regular meeting of the City of Fort Bragg held on _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Turner
Mayor

ATTEST:

June Lemos
City Clerk

PUBLISH: _____, 2016 and _____, 2016 (by summary).
EFFECTIVE DATE: _____, 2016.

DRAFT

STATE OF CALIFORNIA
TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE

MEMBERS:

MICHAEL ONG, M.D., Ph.D.
CHAIRPERSON
Associate Professor in Residence
Division of General Internal Medicine and
Health Services Research
Department of Medicine
University of California, Los Angeles

ALAN HENDERSON, Dr.P.H., C.H.E.S.
VICE CHAIRPERSON
Professor Emeritus
California State University, Long Beach

DENISE ADAMS-SIMMS, M.P.H.
Executive Director
San Diego Black Health Associates

**LOURDES BAEZCONDE-GARBANATI, Ph.D.,
M.P.H., M.A.**
Associate Professor in Preventive Medicine and Sociology
Institute for Health Promotion and Disease Prevention Research
Keck School of Medicine
University of Southern California

VICKI BAUMAN
Prevention Director
Stanislaus County Office of Education

WENDEL BRUNNER, Ph.D., M.D., M.P.H.
Director of Public Health
Contra Costa Health Services

PATRICIA ETEM, M.P.H.
Executive Consultant
CIVIC Communications

LAWRENCE W. GREEN, Dr.P.H., ScD. (Hon.)
Professor
Department of Epidemiology and Biostatistics
School of Medicine and Comprehensive Cancer Center
University of California San Francisco

PAMELA LING, M.D., M.P.H.
Associate Professor
Department of Medicine
University of California, San Francisco

MYRON DEAN QUON, Esq.
Executive Director
National Asian Pacific American Families
Against Substance Abuse

DOROTHY RICE, Sc.D. (Hon.)
Professor Emeritus
Institute for Health and Aging
School of Nursing
University of California, San Francisco

SHU-HONG ZHU, Ph.D., M.S.
Professor
Department of Family and Preventive Medicine
University of California, San Diego



February 26, 2014

Re: TEROC E-Cigarette Position

To Whom It May Concern:

The Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee (California Health and Safety Code Sections 104365-104370) that monitors the use of Proposition 99 tobacco tax revenues for tobacco control, prevention education, and tobacco-related research in California. In performing this mandate, the Committee provides advice to the California Department of Public Health, the University of California, and the California Department of Education regarding the administration of the Proposition 99-funded programs. The Committee is also responsible for producing a state master plan for tobacco control and tobacco-related research, and making recommendations to the State Legislature for improving tobacco control and tobacco-related research efforts in California.

TEROC supports the regulation of electronic cigarette (e-cigarette) by prohibiting the use of e-cigarettes wherever tobacco products cannot presently be used. TEROC's official position on e-cigarettes was adopted at the Committee's May 22, 2013 meeting, which states:

“TEROC opposes the use of e-cigarettes in all areas where other tobacco products are banned.”

Local ordinances have been enacted by numerous California cities and counties by prohibiting the use of e-cigarettes in some outdoor areas, some indoor areas, or both, by including e-cigarettes in their existing smoke-free laws.

Smoke-free policies protect nonsmokers from exposure to toxins and encourage smoking cessation. Introducing e-cigarettes into clean air environments reinforces the act of smoking as socially acceptable, and makes enforcement of existing laws that protect the public from secondhand smoke difficult due to the similarities with cigarettes. Early data has shown that e-cigarette emissions can contain carcinogens and toxic chemicals, which may result in additional harm to the public.

According to the Centers for Disease Control and Prevention (CDC), the percentage of U.S. middle and high school students who used e-cigarettes more than doubled from 2011 to 2012, from 4.7 percent to 10.0 percent. In 2012, more than 1.78 million middle and high school students nationwide had tried e-cigarettes.

Page 2
February 26, 2014

The CDC study also found that 76.3 percent of middle and high school students who used e-cigarettes in the last 30 days had also smoked cigarettes. With emerging tobacco products like e-cigarettes on the rise, this vulnerable population needs protection from exposure to these products.

For these reasons, TEROC supports the regulation of e-cigarette use anywhere tobacco use is currently prohibited.

If you have any questions regarding this subject, please do not hesitate to contact me at MOng@Mednet.ucla.edu.

Sincerely,

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Ong', with a stylized flourish at the end.

Michael Ong, M.D., Ph.D.
Chairperson



KAREN L. SMITH, MD, MPH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

June 6, 2016

Dear Retailer:

NEW CALIFORNIA STATE TOBACCO LAWS

The State of California recently updated several laws that govern the sale of tobacco products, and also broadened the definition of tobacco products. Many of these changes take effect beginning June 9, 2016. This letter contains information, materials, and online resources to help you learn about and comply with the new laws.

BRIEF SUMMARY OF CHANGES TO TOBACCO RETAIL LAWS

Below is a brief summary of changes to California’s tobacco laws for retailers. Visit the California Department of Public Health, Stop Tobacco Access to Kids Enforcement (STAKE) Act website for more detailed information:

<https://www.cdph.ca.gov/programs/Pages/STAKEProgram.aspx>

Topic	Summary of Major Changes	Effective Date
Definition of Tobacco Products	<ul style="list-style-type: none"> The definition of “tobacco product” is expanded to include any electronic smoking device or any component, part, or accessory, including cartridges and solutions, whether or not they contain nicotine, or whether sold separately. For example, electronic smoking devices, atomizers, vaping tanks or mods, and e-liquids are tobacco products. [Business and Professions (B&P) Code Section 22950.5(d)] 	June 9, 2016
Minimum Sale Age for Tobacco Products	<ul style="list-style-type: none"> Retailers can sell tobacco products and paraphernalia only to individuals who are at least 21 years old. There is one exception: the minimum sale age remains 18 for active duty military personnel with an identification card (ID) issued by the United States Armed Forces. [B&P Code Section 22958 and Penal Code (PC) Section 308(a)] 	June 9, 2016



Topic	Summary of Major Changes	Effective Date
Age-of-Sale Warning Sign	<ul style="list-style-type: none"> A sign stating that selling tobacco products to anyone under 21 years of age is illegal and subject to penalties must be posted at each cash register. The sign must include the "1-800-5 ASK-4-ID" phone number. [B&P Code Section 22952(b) and PC Section 308(b)] 	June 9, 2016
Check ID	<ul style="list-style-type: none"> Retailers must check the ID of anyone who looks younger than 21 years of age. [B&P Code Section 22956]. <i>Note: Federal law requires retailers to check ID for anyone who looks younger than 27 years of age. [21 United States Code Sections 333, 372, 387a-1, 387f(d)]</i> 	June 9, 2016
Self-Service Displays	<ul style="list-style-type: none"> Retailers cannot have self-service displays of tobacco products or paraphernalia (including electronic smoking devices, e-liquids, and components, parts, or accessories). A self-service display is any display that allows customers to access items without help from the retailer. [B&P Code Section 22962] A tobacco store may have self-service displays of cigars in packages of six or more in the original wrapping, pipe tobacco, snuff, chewing tobacco, and dipping tobacco. This exception does not apply to electronic smoking devices or e-liquids, or their components, parts, or accessories. [B&P Code Section 22962(c)] A tobacco store is a store that (1) generates more than 60% of its gross annual revenue from the sale of tobacco products and paraphernalia; (2) does not sell alcohol or food for consumption on the premises; and (3) prohibits minors from entering unless that person is accompanied by his or her parent or legal guardian. [B&P Code Section 22962(a)(4)] 	June 9, 2016

Topic	Summary of Major Changes	Effective Date
Enforcement: STAKE Act	<ul style="list-style-type: none"> The California Department of Public Health, Food and Drug Branch has primary responsibility for enforcing the STAKE Act. This law prohibits tobacco sales to persons under the age of 21 and makes such sales punishable by civil penalties against the store owner, not the clerk. Penalties range from \$400-\$600 for a first violation to \$6,000 and/or license suspension or revocation for repeated violations. [B&P Code Section 22958(a)] 	Pending Update of STAKE Act Regulations
Enforcement: Penal Code (PC) Section 308	<ul style="list-style-type: none"> Local law enforcement agencies have primary responsibility for enforcing PC 308. Storeowners and/or clerks who sell a tobacco product to a person under the age of 21 may be charged with a misdemeanor or be subject to the following civil fines: \$200 for the first violation, \$500 for the second violation, and \$1,000 for the third violation. [PC Section 308(a)] 	June 9, 2016
Tobacco Retailer License	<ul style="list-style-type: none"> By January 1, 2017, any retailer that sells electronic smoking devices must apply to the State Board of Equalization (BOE) for a license (\$265 fee). The new licensing requirement applies only to retail locations that do not already have a state retailer license to sell tobacco products. Beginning January 1, 2017, existing tobacco retailers are subject to a \$265 fee for annual license renewals. For questions regarding licensing requirements, please contact BOE Customer Service at 1-800-400-7115. 	January 1, 2017
Child-Resistant Packaging	<ul style="list-style-type: none"> All electronic smoking device cartridges and solutions used for filling or refilling devices must be sold in child-resistant packaging that meets federal poison prevention standards. [Health and Safety Code Section 119406] 	October 1, 2016 A similar Federal law goes into effect July 26, 2016

ENCLOSED MATERIALS TO HELP YOU COMPLY WITH THE LAW

- New California Tobacco Laws: Minimum Sale Age (21) and Electronic Smoking Devices: A Summary for Retailers
- Two (2) updated STAKE Act age-of-sale warning signs which meet signage requirements under state law
- One (1) "We check ID" window cling
- ID Verification for Tobacco Sales in California
- What is a 'tobacco product' under California law?

RESOURCES AVAILABLE FOR DOWNLOAD

The following resources are available for download at:

<http://www.cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx>

- Frequently Asked Questions (FAQ) for Retailers
- Tips for Retailers: How to Comply with California Law and Avoid Fines and Penalties
- Order Form for age-of-sale warning signs

Tobacco retailers are responsible for knowing and complying with all federal, state, and local laws regarding the sale and distribution of tobacco products. Please refer to the FAQ for Retailers to find out more about local retail laws. Thank you for complying with California tobacco sales laws. If you should have any questions regarding this matter, please feel free to contact the California Tobacco Control Program at (916) 449-5500.

Sincerely,



Karen L. Smith, MD, MPH
Director and State Public Health Officer

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Text File

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Receive Report and Provide Direction to Staff Regarding Proposed Amendments to Article 2 and Article 10 of the Fort Bragg Municipal Code Title 18, Inland Land Use and Development Code (ILUDC)



AGENCY:	City Council
MEETING DATE:	October 11, 2016
DEPARTMENT:	CDD
PRESENTED BY:	M. Jones/S. Perkins

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF REGARDING PROPOSED AMENDMENTS TO ARTICLE 2 AND ARTICLE 10 OF THE FORT BRAGG MUNICIPAL CODE TITLE 18, INLAND LAND USE AND DEVELOPMENT CODE (ILUDC)

ISSUE:

Every few years, the City updates the Inland Land Use and Development Code (ILUDC) to fix identified problems and to ensure that the ILUDC implements the policy goals of the City Council. On the morning and evening of June 16, 2016, the Community Development Department held two Zoning Code Update Workshops where community members were invited to contribute their ordinance update ideas and concerns. Additionally, the Council's Community Development Committee reviewed the ILUDC's "use tables" to identify uses that could potentially be allowed to provide more flexibility with regard to permitted and conditionally permitted uses within zoning districts.

RECOMMENDED ACTION:

Provide direction to staff regarding proposed amendments to Article 2 and Article 10 of Fort Bragg Municipal Code, Title 18, Inland Land Use and Development Code (ILUDC).

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, no further actions would be taken to update the ILUDC.
2. Continue action on the matter and request additional information and/or analysis by staff.

ANALYSIS:

Article 2 of the ILUDC establishes the purpose of each zoning district at the beginning of each chapter, along with a use table which defines the level of permit needed for each use within that family of zoning districts (residential, commercial, industrial and special purpose). Article 2 also provides parcel standards (minimum parcel size, width and depth) and development standards (density, setback requirements, Floor Area Ratio, height limits and more).

The zoning tables of Article 2 provide four levels of permission for use types in each zoning district according to the purpose of that zone and the compatibility of the proposed use with the purpose of the zoning district. The four different levels of permission are:

- *P - Permitted* use by right, so long as the project complies with the LUDC. Review occurs over the counter concurrently with a Building Permit, if one is required. There is no fee.
- *MUP - Minor Use Permit*, permit review and approval is granted administratively by the Director of Community Development. This review process requires notification of the neighbors, analysis of the project, preparation of a staff report, consideration by the Director, and issuance of a permit. The fee for a MUP is \$700 and it typically takes four weeks to process (two weeks for notification of neighbors). A MUP can be appealed to the Planning Commission by a neighbor, as a Use Permit, with no additional fee.

- *UP - Use Permit* requires notification of neighbors, notice in the paper, analysis, preparation of a staff report, and a public hearing before the Planning Commission. The review process is typically around two months and includes an additional \$1,115 in fees.
- “-“ *Use not allowed*. The proposed use is not permitted and a variance cannot be granted to allow it.

In order to approve a Use Permit or Minor Use Permit, the review authority must make the following findings per 18.70.170F:

- F. Findings and decision. An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the Review Authority. The Review Authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:
1. The proposed use is consistent with the General Plan and any applicable specific plan;
 2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
 3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
 5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

The use tables (in Article 2) and the Definitions (Article 10) are intricately connected, as the definitions help staff determine how to categorize a specific use in the use tables, and determine the appropriate level of review for the proposed project or business. It is helpful to review them side by side as some definitions are not immediately self-explanatory. Additionally, it is helpful to review the zoning map to understand where particular zones are located.

Staff recommends a variety of changes to both Article 2 and Article 10 to achieve the following general goals:

1. Bring the ordinance into compliance with State law. State land use law often changes, and the zoning ordinance must be kept in compliance with current law. Key changes to State law which are addressed in the tables and definitions include: regulation of second units; avoiding regulating uses based on populations served; and changes to inclusionary housing.
2. Simplify and modernize the Use Tables and Definitions. The ILUDC includes a fine grain of detail for certain uses which may be unnecessary and identifies types of uses that are not likely to occur in our small town. Use types have been combined and/or eliminated where appropriate. Additionally, many of the definitions include examples of businesses that are outdated, in which case current business examples have been substituted.
3. Provide for more flexibility in allowable uses in Zoning Districts. Staff has carefully considered the suitability of each use in each zoning district and recommends revisions to the use tables to:

- a. Allow, with a Use Permit, uses that are currently not permitted, where there is no clear conflict with existing uses or the purpose of the district and when the Use Permit process can establish special conditions to make the project compatible with the district;
- b. Regulate through the Minor Use Permit process, in cases where a Use Permit is currently required, but a full hearing by the Planning Commission may not be necessary.
- c. Permit by right, in a few cases where MUPs are not necessary for the integrity of the zoning district.

Please note that these changes are probably the most significant changes in the ILUDC update, and Council will need to balance permissiveness of the zoning with the potential to create conflicts between uses and thereby result in “neighborhood” discord within a zoning district. Conflicts that typically arise due to incompatible uses include: noise, odor, aesthetics (building design, outside uses/style), time of use, deliveries, traffic, parking, and number/type of customers, users and/or employees. Special care should be taken in consideration of new uses in the Central Business District, as the overall pedestrian oriented nature of retail shopping can be harmed by allowing too many non-retail uses on the ground floor. Likewise, care should be taken when considering allowing non-industrial uses in industrial districts as such uses will often increase real estate value and rental rates in these zones and thereby displace industrial uses.

4. Implement Direction provided by Council. City Council has provided direction over the past two months on a number of changes to the ILUDC that are partially implemented through changes in the Use Tables and/or the Definitions.
5. Improve Effectiveness of Use Tables. Staff has added references to the Use Table where additional regulations apply to a use or might be considered.

All changes in both Article 2 (Attachment 1) and Article 10 (Attachment 2), are annotated using track changes to help City Councilmembers and the public track the proposed changes. Additionally, comments (bubble text) are included next to each change to explain the rationale for each proposed change. Please review these attachments to see the proposed changes and the rationale for each change. Please note that the City Attorney’s Office has not reviewed the proposed changes but will do so once Council direction is received. At that time, there may be additional refinements necessary prior to completion of the revised ILUDC update.

FISCAL IMPACT:

Most development projects and changes of use require permits, and fees are collected to recover the cost to process those permits. The City collects a General Plan Maintenance fee on most building permits and that revenue funds staff time associated with General Plan and LUDC updates. The City also collects revenue through sales and use taxes and business licenses fees. To the extent that revisions to the ILUDC either encourage more business activity or displace sales tax revenue generating businesses, the ILUDC update could affect overall revenues collected by the City.

IMPLEMENTATION/TIMEFRAMES:

Processing the ILUDC amendments, its associated environmental review and required public hearings will take a few months to complete. It is expected to be completed in early 2017.

The Coastal Land Use and Development Code (CLUDC), which regulates development within the coastal zone, will also be updated following the ILUDC update, so that the two ordinances are as

similar as possible. The CLUDC is updated at less frequent intervals than the ILUDC because the process with the Coastal Commission is time-intensive and lengthy. The last update was in 2008. Staff will come back to City Council for direction this fall/winter regarding the applicability of ILUDC changes made in 2014 and 2016 to the CLUDC and will submit one Local Coastal Program Amendment to the Coastal Commission which includes all approved changes. The CLUDC update will come forward to the City Council within the next few months and will take approximately 12 months to process with the Coastal Commission.

ATTACHMENTS:

- 1. Attachment 1: Article 2 - Zoning Districts and Allowable Uses
- 2. Attachment 2: Article 10 – Definitions
- 3. Attachment 3: Zoning Map
- 4. Attachment 4: Correspondence Received
- 5. Attachment 5: Disability Rights California Letter re: ADA

NOTIFICATIONS:

None.

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

ARTICLE 2

Zoning Districts & Allowable Land Uses

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CHAPTER 18.20 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- 18.20.010 - Purpose
- 18.20.020 - General Requirements for Development and New Land Uses
- 18.20.030 - Allowable Land Uses and Planning Permit Requirements
- 18.20.040 - Exemptions from Planning Permit Requirements
- 18.20.050 - Temporary Uses

18.20.010 - Purpose

This Chapter describes the City's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapters 18.21 through 18.26.

18.20.020 - General Requirements for Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Allowable use.** The land use shall be allowable by this Development Code in the zoning district applied to the site. The basis for determining whether a use is allowable is described in Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 18.20.040 (Exemptions from Planning Permit Requirements).
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), and 6 (Site Development Regulations), and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and Article 8 (Subdivision Regulations and Procedures).

18.20.030 - Allowable Land Uses and Planning Permit Requirements

A. **Allowable land uses.** The uses of land allowed by this Development Code in each zoning district are listed in: Chapters 18.21, Table 2-1; 18.22, Table 2-6; 18.24, Table 2-10; and 18.26, Table 2-14; together with the type of planning permit required for each use. Each land use listed in the tables is defined in Article 10 (Glossary).

1. **Establishment of an allowable use.**

- a. Any one or more land uses identified by Tables 2-1, 2-6, 2-10, and 2-14 as being allowable within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirements of Subsection B, and compliance with all applicable requirements of this Development Code.
- b. Where a single parcel is proposed for development with two or more of the land uses listed in the tables at the same time, the overall project shall be subject to the highest permit level required by Subsection B. for any individual use. For example, a new building proposed in the CN zoning district with a bank on the ground floor and a doctor's office on the second floor would require Use Permit (UP) approval because Table 2-6 requires Use Permit approval for "banks and financial services," even though a "Medical Services - Doctor Office" is listed in the CN zone as a permitted use, requiring only a Zoning Clearance.

2. **Use not listed.**

- a. A land use that is not listed in Tables 2-1, 2-6, 2-10, or 2-14, and is determined by the Director to not be included in Article 10 (Glossary) under the definition of a listed land use, is not allowed within the City, except as provided in Subsection A.3, or Section 18.20.040 (Exemptions from Planning Permit Requirements).
- b. A land use that is not listed in the tables within a particular zoning district is not allowed within that zoning district, except as otherwise provided in Subsection A.3, or Section 18.20.040.

3. **Similar and compatible use may be allowed.** The Director may determine that a proposed use not listed in this Article is allowable as follows:

- a. **Required findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
 - i.) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
 - ii.) The use will be consistent with the purposes of the applicable zoning district;
 - iii.) The use will be consistent with the Inland General Plan and any applicable specific plan;
 - iv.) The use will be compatible with the other uses allowed in the district; and
 - v.) The use is not listed as allowable in another zoning district.

A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination, shall be in writing.

- b. **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same

manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- c. **Referral for determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter 18.92 (Appeals).

B. **Permit requirements.** Tables 2-1, 2-6, 2-10, and 2-14 within Chapters 18.21 through 18.26 provide for land uses that are:

- 1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 18.71.020). These are shown as "P" uses in the tables;
- 2. Allowed subject to the approval of a Minor Use Permit (Section 18.71.060), and shown as "MUP" uses in the tables;
- 3. Allowed subject to the approval of a Use Permit (Section 18.71.060), and shown as "UP" uses in the tables;
- 4. Allowed subject to the type of City approval required by a specific provision of Chapter 18.42 (Standards for Specific Land Uses), as noted in the "Specific Use Regulations" column of Table 2-1 of Chapter 18.21 of this LUDC which references the required regulation sections of 18.42; and
- 5. Not allowed in particular zoning districts, and shown as "-" in the tables.

Note: ~~a~~A land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Use Permit may also require Design Review approval (Section 18.71.050), a Building Permit, and/or other permit(s) required by the Municipal Code.

18.20.040 - Exemptions from Planning Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. below are exempt from the planning permit requirements of this Development Code only when:

- 1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zoning Districts and Allowable Land Uses), and Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), 6 (Site Development Regulations) and, where applicable, Chapter 18.90 (Nonconforming Uses, Structures, and Parcels); and
- 2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).

- B. **Exempt activities and land uses.** The following are exempt from the planning permit requirements of this Development Code when in compliance with Subsection A. above.
1. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
 2. **Fences and walls.** See Section 18.30.050 (Fences and Walls).
 3. **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
 4. **Repairs and maintenance.**
 - a. **Single-family dwellings.** Ordinary repairs to, and maintenance of, single-family dwellings.
 - b. **Multi-family and non-residential structures.** Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
 - i.) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
 - ii.) Any exterior repairs employ the same materials and design as the original construction.
 5. **Small, portable residential accessory structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zoning districts, that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved in compliance with Section 18.42.160 (Residential Accessory Uses and Structures), where allowed by the applicable zoning district.
 6. **Solar collectors.** The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zoning district and are not visible from off the site.
 7. **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.
 8. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 18.44 (Telecommunications Facilities).

18.20.050 - Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section 18.71.030 (Limited Term Permit).

CHAPTER 18.21 - RESIDENTIAL ZONING DISTRICTS

Sections:

- 18.21.010 - Purpose
- 18.21.020 - Purposes of the Residential Zoning Districts
- 18.21.030 - Residential District Allowable Land Uses and Permit Requirements
- 18.21.040 - Residential District Subdivision Standards
- 18.21.050 - Residential District Site Planning and Building Standards
- 18.21.060 - Commercial Uses in Residential Zoning Districts

18.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Residential zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

18.21.020 - Purposes of the Residential Zoning Districts

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

- A. **RR (Rural Residential) zoning district.** The RR zoning district is applied to areas on the northern fringes of the City that are appropriate for single-family dwellings in a semi-rural environment that can also accommodate lower intensity agricultural land uses. The maximum allowable residential density within the RR district ranges from one dwelling unit per five acres to one dwelling unit per acre, with the maximum density allowed on specific property being identified on the Zoning Map by means of a numerical suffix to the RR zoning district symbol (see Section 18.21.040 - Residential District Subdivision Standards). The RR zoning district implements and is consistent with the RR land use designations of the Inland General Plan.
- B. **RS (Suburban Residential) zoning district.** The RS zoning district is applied to areas of the City that are appropriate for single-family dwellings, but where infrastructure limitations and/or environmental constraints limit the ability for development to achieve urban densities. The maximum allowable residential density within the RS district ranges from one to three dwelling units per acre, with the maximum density allowed on specific property being identified on the Zoning Map by means of a numerical suffix to the RS zoning district symbol (see Section 18.21.040 - Residential District Subdivision Standards). The RS zoning district implements and is consistent with the RS land use designation of the Inland General Plan.
- C. **RL (Low Density Residential) zoning district.** The RL zoning district is applied to areas of the City that are appropriate for neighborhoods of single-family dwellings on standard urban lots, surrounding the more densely developed core of the City. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels, or as small, pedestrian-oriented neighborhood centers. The maximum allowable residential density within the RL district ranges from three to six dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RL zoning district implements and is consistent with the RL land use designation of the Inland General Plan.
- D. **RM (Medium Density Residential) zoning district.** The RM zoning district is applied to areas of the City that are appropriate for neighborhoods with a variety of housing types located in proximity to parks, schools, and public services. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located

individual parcels, or as small, pedestrian-oriented neighborhood centers. The maximum allowable residential density within the RM district ranges from six to 12 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RM zoning district implements and is consistent with the RM land use designation of the Inland General Plan.

- E. **RH (High Density Residential) zoning district.** The RH zoning district is applied to areas of the City that are appropriate for a variety of higher density housing types, primarily on larger parcels where innovative site design can provide the desired mixture of housing types, aesthetic and functional open space areas, and other features that enhance the development and neighborhood. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels, or clusters of retail establishments. The maximum allowable residential density within the RH district ranges from 10 to 15 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RH zoning district implements and is consistent with the RH land use designation of the Inland General Plan.
- F. **RVH (Very High Density Residential) zoning district.** The RVH zoning district is applied to areas of the City that are appropriate for high density multi-family housing near commercial areas and public services. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels or clusters of retail establishments. The maximum allowable residential density within the RVH district ranges from 12 to 24 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RVH zoning district implements and is consistent with the RVH land use designation of the Inland General Plan.

18.21.030 - Residential District Allowable Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-1 identifies the uses of land allowed by this Development Code in each residential zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-1 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RR	RS	RL	RM	RH	RVH	
TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts							
P	Permitted Use, Zoning Clearance required						
MUP	Minor Use Permit required (see Section 18.71.060)						
UP	Use Permit required (see Section 18.71.060)						
S	Permit requirement set by Specific Use Regulations						
—	Use not allowed						
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agricultural accessory structure	P	P	—	—	—	—	18.42.030
Animal keeping	S	S	S	S	S	S	18.42.040
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Equestrian facility	UP	—	—	—	—	—	
Golf course	UP	—	—	—	—	—	
Meeting facility, public or private	UP	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	P	
Private residential recreation facility	UP	UP	MUP	MUP	MUP	MUP	
School Private	UP	UP	UP	UP	UP	UP	
School Public	P	P	P	P	P	P	

Comment [SP1]: Golf courses are included under the "Sports and Active Recreation Facility" use type

Comment [SP2]: Recommend that school uses be combined under one use type.

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
RS	Suburban Residential	RH	High Density Residential
RL	Low Density Residential	RVH	Very High Density Residential

Notes:

(1) See Article 10 for land use definitions.

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 18.71.060)					
	UP	Use Permit required (see Section 18.71.060)					
	S	Permit requirement set by Specific Use Regulations					
	—	Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RR	RS	RL	RM	RH	RVH	

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RESIDENTIAL USES

Condominium conversion - 3 units maximum per parcel	-	-	-	P	-UP	-UP	
Home occupation	P	P	P	P	P	P	18.42.080
Mobile home park	UP	UP	UP	UP	UP	UP	18.42.110
Mobile/manufactured home	P	P	P	P	P	P	18.42.110
Multi-family housing, 2 or 3 units	-	-	-	P	P	P	18.42.120
Multi-family housing, 4 or more units	-	-	-	UP	UP	P	18.42.120
Co-Housing, 4 or more units	-	-	-	UP	UP	P	18.42.120
Organizational Housing Care Facility (sorority, monastery, residential care, care for the elderly, etc.) of more than 3,000 SF or three units.	-	-	-	UP	UP	UP	18.42.120 18.42.125
Residential accessory use or structure	P	P	P	P	P	P	18.42.160
Residential Care Facility							18.42.125
Residential care facility for the elderly (RCFE)	-	-	-	UP	UP	UP	18.42.125
Rooming or boarding, 5 or more persons	-	-	-	MUP	MUP	MUP	
Second units/duplex (2)	P	P	P	P	P	P	18.42.170
Single-family dwelling Unit	P	P	P	P	P	P	

Comment [MJ3]: Mobile homes are allowed only in mobile home parks. Manufactured homes are allowed in all use districts. See section 18.42.110

Comment [MJ4]: Consistent with state law which considers a duplex an attached second unit, not multi-family housing.

Comment [MJ5]: We will create a new standard for this use, because the multi-family standards are not relevant to this use type.

Comment [MJ6]: Staff will develop a standard for this use type.

Comment [MJ7]: It is not legal to regulate by a definition of "family". Does not comply with ADA. This use would either be included in Single Dwelling Unit residential or in Organizational house/care facility, depending on its size.

Comment [MJ8]: State law requires that an attached second unit be treated the same as a detached second unit.

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Comment [SP9]: Use relocated under "Services" heading

RETAIL TRADE & GENERAL SERVICES

Accessory retail and services	-	-	-	P	P	P	18.42.020
Artisan shop	-	-	-	UP	-UP	-UP	
Neighborhood market	-	-	UP	UP	UP	UP	18.21.060
Restaurant, cafe, coffee shop	-	-	UP	UP	UP	UP	18.21.060
Vacation Rental	-	-	-	-	-	-	

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
RS	Suburban Residential	RH	High Density Residential
RL	Low Density Residential	RVH	Very High Density Residential

Notes:

- (1) See Article 10 for land use definitions.
- (2) See government code 65852.1, 65852.150 and 65852.2 for additional information.

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 18.71.060) UP Use Permit required (see Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed													
	<table border="1"> <tr> <th rowspan="2">LAND USE (1)</th> <th colspan="6">PERMIT REQUIRED BY DISTRICT</th> <th rowspan="2">Specific Use Regulations</th> </tr> <tr> <th>RR</th> <th>RS</th> <th>RL</th> <th>RM</th> <th>RH</th> <th>RVH</th> </tr> </table>	LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations	RR	RS	RL	RM	RH
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations							
	RR	RS	RL	RM	RH	RVH								

SERVICES - BUSINESS & PROFESSIONAL (2)

Medical services - Clinic, lab, urgent care	—	—	—	UP	UP	UP	
Medical services - Doctor office	—	—	—	UP	UP	P	18.21.060
Medical services - Extended care	—	—	—	UP	UP	UP	
Medical services - Hospital	—	—	—	UP	UP	UP	
Office - Accessory	P	P	P	P	P	P	
Office - Professional or administrative	—	—	—	—	—	UP	18.21.060

SERVICES

Adult day care, adult - 6 or fewer clients	—MUP	—MUP	—MUP	—MUP	—MUP	—MUP	
Adult day care, adult - 7 or more clients	—	—	—	UP	UP	UP	
Child day care, child - Small family day care home	P	P	P	P	P	P	
Child day care, child - Large family day care home	MUP	MUP	MUP	MUP	MUP	MUP	18.42.060
Child day care - Day care center	—	—	—	MUP	MUP	MUP	18.42.060
Lodging - Bed and breakfast inn (B&B)	—	—	UP(2)	—	—	—	18.42.060
Lodging - Vacation Homes/Vacation rental	—	—	—	—	—	—	
Mortuary, funeral home (not including cremation)	—	—	—	—	—	UP	
Personal services	—	—	UP	UP	UP	UP	18.21.060
Public safety facilities	UP	UP	UP	UP	UP	UP	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Pipelines, transmission lines	S	S	S	S	S	S	18.42.145
Utility facility	UP	UP	UP	UP	UP	UP	
Roof mounted solar and wind for on-site use	P	P	P	P	P	P	
Utility infrastructure	P	P	P	P	P	P	

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
RS	Suburban Residential	RH	High Density Residential
RL	Low Density Residential	RVH	Very High Density Residential

Notes:

(1) See Article 10 for land use definitions.

~~(2) In the RL zone, these are limited to those existing on the effective date of this Development Code. See Chapter 18.90 (Nonconforming Uses, Structures, and Parcels).~~

~~(2) A doctor's office or professional or administrative office may be approved in a residential zoning district only on a site that is adjacent to or separated only by a street or alley from a commercial or industrial zoning district.~~

Comment [SP10]: Phrasing changed to match definitions

Comment [SP11]: Use removed, as only existing nonconforming uses are permitted (see removal of Note 2 at bottom of page)

Comment [SP12]: Since this allows no new bed and breakfast uses, the use is unnecessary in the table. Existing uses are covered under ILUDC Section 18.90 – Nonconforming uses

Comment [SP13]: This is an existing policy, formerly Section 18.21.060(C), and is relocated so that it is more easily referenced for the uses it regulates

18.21.040 - Residential District Subdivision Standards

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-2 for the applicable zoning district.
- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any dwellings complies with the maximum density for the applicable zone.

TABLE 2-2 - MINIMUM PARCEL SIZE STANDARDS

Zoning District	Minimum Parcel Size			
	Minimum Area (1)	Minimum Width	Minimum Depth	Maximum Depth
RR-1 through RR-5	As shown by the numerical suffix to the RR symbol on the Zoning Map, with the number in the suffix indicating the minimum lot area in acres.	200 ft, or more as determined by the Review Authority for a parcel larger than 3 acres; 100 ft for a parcel smaller than 3 acres.	200 ft	N.A.
RS	40,000 sf	100 ft	200 ft	N.A.
RS-15	15,000 sf	100 ft	100 ft	N.A.
RL	6,000 sf, but no more than 6 parcels per net acre.	50 ft	100 ft	3 times width
RM	6,000 sf, but no more than 12 parcels per net acre.	50 ft	75 ft	3 times width
RH	Determined by the Review Authority during the subdivision process, consistent with the General Plan.			
RVH	Determined by the Review Authority during the subdivision process, consistent with the General Plan.			

Notes:

(1) Minimum parcel areas shall be considered net acreage as defined in Section 18.100.020(N).

18.21.050 - Residential District Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-4 and 2-5, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3.

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District			
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential	
Density	<i>Maximum number of dwelling units allowed on a single parcel.</i>			
	1 dwelling unit per parcel, plus one second unit where allowed by 18.42.170.			
Setbacks	<i>Minimum setbacks required. See Section 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</i>			
	Front	25 ft		
	Side - Interior (each)	20 ft	10 ft	5 ft
	Side - Street side	Same as front setback		10 ft
	Rear	20 ft		10 ft
	Garage	5 ft back from street-facing façade of primary structure		
	Accessory structures	See 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures)		
Site coverage	<i>Maximum percentage of the total lot area that may be covered by structures and pavement impervious surfaces.</i>			
	Maximum coverage	10,000 sf	25%	40%
	Additional coverage	The maximum coverage above may be increased by 10% with Minor Use Permit approval, with the review and approval of a drainage plan by the City Engineer Director of Public Works.		
Floor area ratio (FAR)	<i>Maximum floor area ratio for non-residential structures. FAR does not apply to residential structures.</i>			
	Maximum FAR	N.A.		0.40
Height limit	<i>Maximum allowable height of structures. See Section 18.30.060 for height measurement requirements, and height limit exceptions.</i>			
	Maximum height	28 ft		
Fencing	See Section 18.30.050 (Fences, Walls, and Screening)			
Landscaping	See Chapter 18.34 (Landscaping Standards)			
Parking	See Chapter 18.36 (Parking and Loading)			
Signs	See Chapter 18.38 (Signs)			

TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RM Medium Density Residential	RH High Density Residential	RVH Very High Density Residential
Density	<i>Minimum and maximum number of dwelling units allowed on a single parcel.</i>		
Minimum and max.	6 to 12 units per acre	10 to 15 units per acre (1)	12 to 24 units per acre (1)
Setbacks	<i>Minimum setbacks required. See Section 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</i>		
Front	20 ft, but no closer than 25 ft to a City street		
Side - Interior (each)	5 ft	5 ft; except 10 ft for single-story and 20 ft for multi-story buildings of 3 or more units on a site abutting an RS or RL zone.	
Side - Street side	10 ft		
Rear	10 ft	10 ft	20 ft abutting an RS or RL zone, 10 ft elsewhere.
Garage	5 ft back from street-facing façade of primary structure		
Accessory structures	See 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures).		
Site coverage	<i>Maximum percentage of the total lot area that may be covered by structures and pavement impervious surfaces.</i>		
Maximum coverage	50%	75%	N.A. 90%
Additional coverage	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the City Engineer Director of Public Works.	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the City Engineer Director of Public Works.	
Floor area ratio (FAR)	<i>Maximum floor area ratio for non-residential structures. FAR does not apply to residential structures.</i>		
Maximum FAR	0.40		
Height limit	<i>Maximum allowable height of structures. See Section 18.30.060 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
Fencing	See Section 18.30.050 (Fences, Walls, and Screening)		
Landscaping	See Chapter 18.34 (Landscaping Standards)		
Parking	See Chapter 18.36 (Parking and Loading)		
Signs	See Chapter 18.38 (Signs)		

Comment [MJ14]: "N.A." is not a standard. 90% coverage is realistic given open space requirements for multi-family projects.

Notes:

(1) A proposed residential project shall not be proposed at less than the minimum density provided for the applicable zoning district.

18.21.060 - Commercial Uses in Residential Zoning Districts

- A. **Applicability.** The standards in this Section apply to agricultural, resource, and open space uses, retail trade, and business and professional service uses identified by Section 18.21.020, Table 2-1, as allowable within a residential zoning district and subject to the requirements of this Section.
- B. **Retail uses.** A neighborhood market, restaurant, café, or coffee shop shall comply with the following standards:
 - 1. **Site planning.** Each proposed site shall be planned to provide pedestrian orientation and the buffering of on-site non-residential activities from adjacent residential development. No parking shall be located between buildings and a public street.
 - 2. **Limitation on floor area.** No individual use shall exceed a total floor area of 10,000 square feet.
 - 3. **Hours of operation.** A commercial use that is subject to this Section shall be open for business only during the hours from 7:00 a.m. to 8:00 p.m., unless other hours are specifically authorized by the Use Permit approval for the project.
- C. ~~**Business and professional services.** A doctor's office, or professional or administrative office may be approved in a residential zoning district only on a site that is adjacent to, or separated only by a street or alley from, a commercial or industrial zoning district.~~

Comment [SP15]: Relocated as a note on the land use tables, and in the standards for specific land uses (18.42.055)

CHAPTER 18.22 - COMMERCIAL ZONING DISTRICTS

Sections:

- 18.22.010 - Purpose
- 18.22.020 - Purposes of Commercial Zoning Districts
- 18.22.030 - Commercial District Land Uses and Permit Requirements
- 18.22.040 - Commercial District Subdivision Standards
- 18.22.050 - Commercial District Site Planning and Building Standards
- 18.22.060 - CBD Frontage and Facade Standards
- 18.22.070 - Commercial Design Guidelines

18.22.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

18.22.020 - Purposes of Commercial Zoning Districts

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. **CN (Neighborhood Commercial) zoning district.** The CN zoning district is applied to areas of the City that are appropriate for small-scale facilities providing convenience shopping and services for adjacent residential neighborhoods. The maximum allowable residential density within the CN district for the residential component of a mixed-use project is 12 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CN zoning district implements and is consistent with the CN land use designation of the General Plan.
- B. **CO (Office Commercial) zoning district.** The CO zoning district is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the CBD zoning district. Other related and office-supporting uses may also be allowed. The maximum allowable residential density within the CO district for either the residential component of a mixed-use project or multi-family dwellings as a primary use is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CO zoning district implements and is consistent with the CO land use designation of the General Plan.
- C. **CBD (Central Business District) zoning district.** The CBD zoning district is applied to the core of the downtown which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian oriented development. The maximum allowable residential density within the CBD zone for the residential component of a mixed use project is 40 dwelling units per acre; the maximum floor area ratio (FAR) is 2.0. The CBD zoning district implements and is consistent with the CBD land use designation of the General Plan.
- D. **CG (General Commercial) zoning district.** The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Allowable land uses are typically more auto-oriented than pedestrian oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.) The maximum allowable residential density within the CG district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CG zoning district implements and is consistent with the CG land use designation of the General Plan.

- E. **CH (Highway Commercial) zoning district.** The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the General Plan.

18.22.030 - Commercial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-6 identifies the uses of land allowed by this Development Code in each Commercial zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-6 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Findings for Use Permit or Minor Use Permit approval.** The approval of a Use Permit or Minor Use Permit for a project within a commercial district shall require that the Review Authority first make the following findings for the zoning district applicable to the site, in addition to the findings required by Section 18.71.060 (Use Permit and Minor Use Permit).
 - 1. **CN (Neighborhood Commercial) district.** The use is designed and intended to serve the local neighborhood and not a broader service area, and is not of a size as to require a clientele larger than the neighborhood market area.
 - 2. **CO (Office Commercial) district.** The use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.
 - 3. **CBD (Central Business District) district.** The use complements the ~~intense pedestrian and regionally oriented shopping areas of the local, regional and tourist serving -retail, office and services functions of~~ CBD, and will not detract ~~physically~~ from ~~the basically pedestrian nature~~ this basic purpose of the CBD. Uses proposed for the intense pedestrian orientated retail shopping areas of the CDB, which include the 100 blocks of Laurel Street (east and west) , the 300 block of Franklin Street, and the 100 and 200 blocks of Redwood Street, shall be pedestrian oriented and limited to retail, restaurant and bar uses on the street fronting portion of the building.
 - 4. **CG (General Commercial) district.**
 - a. The uses generally require larger display and/or storage areas; and
 - b. The use is not dependent on heavy customer traffic per square foot.
 - 5. **CH (Highway Commercial) district.**
 - a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic; and
 - b. Uses oriented to local clientele may be allowed where visitor-oriented uses are precluded because of environmental concerns or other site specific constraints.

Comment [MJ16]: We are suggesting this modification as a way of focusing the pedestrian oriented uses into the existing pedestrian oriented areas of the CBD and to all for more flexibility for other types of uses in the larger CDB that are not pedestrian oriented.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
AGRICULTURAL, RESOURCE & OPEN SPACE USES						
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Laboratory - Analysis, research and development, testing Analytical and Testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/Restaurant	==	==	UP	==	==	
Printing and publishing	—	—	P	P	—	
Research and Development (R&D)	==	==	==	UP	==	
Recycling - Reverse vending machine	P	P	P	P	P	
Recycling - Small collection facility	P	P	P	P	P	18.42.150
Recycling - Large collection facility	—	—	—	UP	—	18.42.150
Recycling - Light processing	—	—	—	UP	—	

- Comment [SP17]:** Use name changed to match existing definition
- Comment [MJ18]:** Add Brewery/Restaurant to CBD as directed by City Council.
- Comment [MJ19]:** Use listed in definitions but does not appear anywhere in use tables, so adding it here.
- Comment [SP20]:** Use combined with Recycling – Small collection facility
- Comment [SP21]:** Use combined with Recycling – Large collection facility

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 18.71.060)				
	UP	Use Permit required (see Section 18.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground, recreational vehicle (RV) park Recreational Vehicle Park	—	—	—	—	UP	
Commercial recreation facility - Indoor	—	—	UP	P	P	
Commercial recreation facility - Outdoor	UP	UP	—	UP	UP	
Conference facility	—	UP	UP	UP	UP	
Health/fitness facility	—	UP	UP	P	UP	
Library, museum, art gallery	UP	UP	P	P	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	
School—Specialized education/training	UP	UP	UP	UP	UP	
Sports and Active Recreation Facility Sports and entertainment assembly	—	—	UP	UP	UP	
Studio - Art, dance, martial arts, music, etc.	UP	UP	P	P	P	
Theater	—	UP	P	P	P	

Comment [SP22]: Use name changed to match existing definition

Comment [MJ23]: School use is consistent with all districts.

Comment [MJ24]: Use renamed to more accurately represent the types of facilities that are likely to occur in Fort Bragg.

RESIDENTIAL USES

Emergency/transitional shelter	—	UP	—	P	—	
Home occupation	P	P	P	P	P	18.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	18.42.090
Multi-family dwellings	P	UP	UP	UP	UP	18.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility, 7 or more clients	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	P	P	18.42.100
Single-family Residential dwelling	MUP (3)		UP (4)	UP (4)		

Comment [SP25]: Use renamed to meet requirements of Gov Code Section 65583(a)(4-5). Transitional shelters permitted in all zones allowing residential uses and are not subject to restrictions, as required by State law. Emergency shelters required as a permitted use in at least one commercial or residential district of adequate size, as required by State law. May be appropriate in CO district as well.

Comment [SP26]: Part of this ILUDC update includes a request to rezone a parcel in the CN district to RL to allow residential use. Allowing parcels in the CN zone on residential streets to become residential uses with a Minor Use Permit will simplify this process in the future, and preserve the potential for future commercial uses, as permitted in CN districts.

Comment [SP27]: If the Council decides to allow conversion of commercial spaces to residential uses for existing structures that resemble single family dwellings (to be discussed at a later date).

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

(1) See Article 10 for land use definitions.

- (2) Use allowed only on second or upper floors, in compliance with Section 18.22.060.B (Limitation on Location of Allowable Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing structures that have the appearance of a single-family dwelling, per the Citywide Design Guidelines.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required
	MUP	Minor Use Permit required (see Section 18.71.060)
	UP	Use Permit required (see Section 18.71.060)
	S	Permit requirement set by Specific Use Regulations
	—	Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RETAIL TRADE

Art, antique, and collectables stores	—	—	P	P	P	
Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130
Convenience store or liquor store	UPP	—	P	P	P	
Drive-through retail or service	—	—	UP	UP	UP	18.42.070
Farm supply and feed store	—	—	—	P	UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—	
Furniture, furnishings and appliance store	—	—	P	P	UP	
General retail/Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
General retail/Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P	
General retail/Retail, general - Less than 5,000 sf	P	—P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Mobile home, boat, or RV sales	—	—	—	UP	UP	
Night club	—	—	UP	UP	UP	
Office supporting retail	P	P	P	P	P	
Outdoor retail sales and activities	—	—	P	P	P	18.42.130
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—	—	P	P	
Service station	—	—	—	UP	UP	18.42.180
Shopping center	—	—	—	UP	UP	

Comment [SP28]: Use is duplicative of "Retail, general"

Comment [SP29]: Liquor store not separately defined. Duplicative of "Retail, general"

Comment [SP30]: Use changed to match existing definition

Comment [SP31]: Use names re-ordered to match existing definitions

Comment [SP32]: Office-supply store use is duplicative of "Retail, general"

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

(1) See Article 10 for land use definitions.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 18.71.060) UP Use Permit required (see Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed
	PERMIT REQUIRED BY DISTRICT CN CO CBD CG CH
LAND USE (1)	Specific Use Regulations

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

ATM	P	P	P	P	P	
Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Processing	—	P	P(2)	P	—	
Office - Professional/administrative	—	P	P	P	P	

Comment [SP33]: ATMs are not uses

Comment [SP34]: Combine use with "Office - Professional/administrative"

SERVICES - GENERAL

Adult day care	P	P	P	P	—UP	
Catering service	—	P	P(4)	P	—	
Child day care center	UP	UP	UP	UP	—MUP	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	18.42.040
Lodging - Bed & breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rentals	—	—	—MUP(3)	—	—	18.42.???
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	UPMUP	
Personal services - Restricted	—	—	UP	UP	—UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	—P	
Social service organization	—	P	P	P	UP	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Comment [MJ35]: Allow in upstairs or as part of a restaurant.

Comment [MJ36]: Reference animal boarding regulations.

Comment [SP37]: Use to be permitted in CBD, per Council direction. Specific Use Standards to be proposed at later date.

Comment [SP38]: Use removed for consistency with ADA requirements. See memo included as attachment to staff report.

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
----	-------------------------	----	--------------------

CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 18.22.060.B (Limitation on Location of Allowable Uses).
- (3) Note will reference code section for specific use standards regulating Vacation Rentals, and the resolution further defining operating standards.
- (4) Permitted upstairs or as part of a restaurant.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 18.71.060)				
	UP	Use Permit required (see Section 18.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Ambulance, taxi, or limousine and specialized transportation dispatch facility	—	UP	—	UP	UP	
Broadcasting studio	—	P	P	P	—	
Parking facility, public or commercial	P	P	P	P	P	
Pipelines, transmission lines	S	S	S	S	S	18.42.145
Telecommunications facility	S	S	S	S	S	18.44
Transit station or terminal	UP	UP	UP	UP	UP	
Solar, wind, geothermal facilities for on-site use	P	P	P	P	P	
Utility facility	P	P	UP	P	P	
Vehicle storage	—	—	—	UP	—	

Comment [SP39]: Use renamed to match existing definition

Comment [MJ40]: Rename use to match revised definition

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.

18.22.040 - Commercial District Subdivision Standards

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-7 for the applicable zoning district.
- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any allowed dwellings complies with the maximum density for the applicable zone.

TABLE 2-7 - MINIMUM PARCEL SIZE STANDARDS

Zoning District	Minimum Parcel Size			
	Minimum Area (1)	Minimum Width	Minimum Depth	Maximum Depth
CN	2,000 sf	25 ft	N.A.	3 times width; except that lots less than 50 ft in width may be 150 ft in depth if they have both fronting street and rear alley frontages.
CO	6,000 sf	50 ft	N.A.	3 times width
CBD	2,000 sf	20 ft	N.A.	3 times width; except that lots less than 50 ft in width may be 150 ft in depth if they have both fronting street and rear alley frontages.
CG	5,000 sf	50 ft	N.A.	3 times width
CH	6,000 sf	50 ft	N.A.	3 times width

Notes:

(1) Minimum area shall be considered net acreage as defined in Section 18.100.020(N)

18.22.050 - Commercial District Site Planning and Building Standards

- A. **General standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-8 and 2-9 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CN Neighborhood Commercial	CO Office Commercial	CBD Central Business District
Residential density	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	24 units per acre	24 units per acre	40 units per acre
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>		
Front	Same as the front setback for an R zone on the same block; 10 ft elsewhere.	20 ft for buildings 20 ft or more in height; 15 ft for other buildings.	None allowed - Building facades shall abut the back of the public sidewalk, except as provided in 18.22.060.
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	10 ft; 15 ft adjacent to an abutting R zone.	None required
Side - Street side	None required	Same as front setback	None required
Rear	15 ft; 5 ft adjacent to an alley.	10 ft; 15 ft adjacent to an abutting R zone; 5 ft adjacent to an alley.	15 ft for a building 12 ft or more in height on a site abutting an R zone; 5 ft adjacent to an alley; none required elsewhere.
Floor area ratio (FAR)	<i>Maximum allowable floor area ratio for non-residential projects. FAR may be increased with Use Permit approval to accommodate housing units and/or live-work units in a mixed-use project to a maximum FAR of 2.0 for a mixed-use project.</i>		
	0.40	0.40	2.00
Site coverage	<i>Maximum percentage of the total lot area that may be covered by structures and pavement impervious surfaces.</i>		
Maximum coverage	No limitation		
Height limit	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft	25 ft; 35 ft with Use Permit approval.	35 ft and 3 stories; 45 ft and 3 stories with Use Permit approval.
Fencing	See Section 18.30.050 (Fences, Walls, and Screening)		
Landscaping	See Chapter 18.34 (Landscaping Standards)		
Parking	See Chapter 18.36 (Parking and Loading)		
Signs	See Chapter 18.38 (Signs)		

TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	CG General Commercial	CH Highway Commercial
Residential density	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>	
Maximum density	24 units per acre	
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>	
Front	10 ft on an arterial street Main Street and Highway 20; same as the front setback for an R zone on the same block; none required elsewhere.	15 ft on an arterial street Main Street and Highway 20; same as the front setback for an R zone on the same block; 5 ft required elsewhere.
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	
Side - Street side	Same as front setback.	
Rear	5 ft adjacent to an alley; 15 ft adjacent to an abutting residential zone; none required elsewhere.	10 ft adjacent to an alley; 15 ft adjacent to residential zone; none required elsewhere.
Floor area ratio (FAR)	<i>Maximum allowable floor area ratio for non-residential projects. May be increased with Use Permit approval to accommodate housing units and/or live-work units up to an FAR of 2.0 for a mixed use project.</i>	
	0.40	
Maximum floor area	<i>Maximum floor area allowed for commercial buildings in the locations noted.</i>	
	a. Between the Noyo River and Pudding Creek bridges - 50,000 sf. b. North of Pudding Creek bridge - 30,000 sf.	
Height limit	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft; 45 ft with Use Permit approval.	35 ft.
Fencing	See Section 18.30.050 (Fences, Walls, and Screening)	
Landscaping	See Chapter 18.34 (Landscaping Standards)	
Parking	See Chapter 18.36 (Parking and Loading)	
Signs	See Chapter 18.38 (Signs)	

Comment [SP41]: Per the Circulation Element of the General Plan, Main Street and Highway 20 are the only two arterial streets. This change would clarify the regulation and make it so the reader would not have to cross reference another document to understand the meaning.

18.22.060 - CBD Frontage and Facade Standards

- A. **Applicability.** The requirements of this Section apply to proposed development within the CBD zoning district. Each new non-residential structure, and all alterations to existing structures involving any change in the facade at the street frontage, shall comply with the following standards. The Review Authority may approve minor variations to these standards as deemed appropriate, provided that the Review Authority also first finds that the minor variation will still produce a new or altered building that complies with the intent of this Section.

- B. **Limitation on the location of allowable land uses.** Each land use shall be located as follows.
 - 1. The ground floor of each non-residential structure shall be limited to the uses allowed on the ground floor by Section 18.22.020, Table 2-6, to enhance the pedestrian orientation of downtown streets. Examples of the pedestrian-oriented uses allowed by Table 2-6 include walk-in uses such as restaurants, retail stores, health/fitness facilities, personal services, community service organizations, and similar uses. The Review Authority may modify the Table 2-6 limitations on ground floor uses when existing structures are re-occupied by different tenants or uses, or when this requirement is determined by the Review Authority to be infeasible because of excessive storefront vacancies.

 - 2. Ground floor, street fronting business/service offices may be approved if the Review Authority first determines that the use will not impair the pedestrian character of the street, provided that:
 - a. Parcels on the block occupied by office uses that are not pedestrian oriented constitute less than 50 percent of the block frontage;

 - b. The remainder of the block is characterized primarily by retail and/or restaurant uses; and

 - c. The facade design of the structure that accommodates the office contributes to the visual interest of the street and conspicuously expresses the nature of the use.

- C. **Elevation of first floor.** At least 75 percent of the street fronting length of the first habitable floor of a nonresidential structure shall be located no more than two vertical feet above or below the sidewalk elevation at any point along the street property line.

- D. **Pedestrian access.** The primary entrance of each ground floor use shall be recessed a minimum of three feet when accessed from the public right-of-way. Walk-up facilities and entries shall be recessed and provide adequate queuing space to avoid interruption of pedestrian flow.

- 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.

CHAPTER 18.24 - INDUSTRIAL ZONING DISTRICTS

Sections:

- 18.24.010 - Purpose
- 18.24.020 - Purposes of Industrial Zoning Districts
- 18.24.030 - Industrial District Land Uses and Permit Requirements
- 18.24.040 - Industrial District Subdivision Standards
- 18.24.050 - Industrial District Site Planning and Building Standards

18.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the industrial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

18.24.020 - Purposes of Industrial Zoning Districts

The purposes of the individual industrial zoning districts and the manner in which they are applied are as follows.

- A. **IL (Light Industrial) zoning district.** The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.
- B. **IH (Heavy Industrial) zoning district.** The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The maximum floor area ratio (FAR) is 0.40. The IH zoning district implements and is consistent with the IH land use designation of the General Plan.

18.24.030 - Industrial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-10 identifies the uses of land allowed by this Development Code in each industrial zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-10 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

FORT BRAGG MUNICIPAL CODE - TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE

Industrial Zoning Districts

18.24.030

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required	
	MUP	Minor Use Permit required (see Section 18.71.060)	
	UP	Use Permit required (see Section 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
AGRICULTURAL, RESOURCE & OPEN SPACE USES			
Crop production, horticulture, orchard, vineyard	P	P	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING			
Agricultural product processing	UP	P	
Artisan/craft product manufacturing	P(2)	UP	
Brewery/Restaurant	UP	UP	
Boat and ship construction, repair, maintenance	UP	P	
Construction contractor base	P(2)	P(2)	
Fish processing	P(2)	P	
Laboratory – Medical, analytical, research & development Laboratory – Analytical, testing	P(2)	P	
Laundry, dry cleaning plant	P	P	
Lumber and wood product manufacturing	UP	UP	
Manufacturing/processing - Cannabis	UP	UP	18.42.055 FBMC 9.33
Manufacturing/processing - Heavy	—	UP	
Manufacturing/processing - Light	P(2)	P	
Manufacturing/processing - Medium intensity	UP	P(2)	
Media production	P	P	
Petroleum product storage and distribution	UP	P	
Printing and publishing	P	P	
Research and Development (R&D)	P	P	
Recycling – Heavy processing	UP	UP	18.42.150
Recycling - Large collection facility	UP	UP	18.42.150
Recycling – Light processing	UP	UP	18.42.150
Recycling – Reverse vending machine	P	P	18.42.150
Recycling – Scrap and dismantling yards	—	UP	
Recycling - Small collection facility	P	P	18.42.150
Storage – Cold storage facility, ice plant	—	UP	
Storage - Outdoor	UP	UP	18.42.140
Storage - Personal storage facility (mini-storage)	PUP	P	
Storage – Warehousing Warehouse, indoor storage	P(2)	P	
Wholesaling and distribution	P(2)	P	

Comment [MJ42]: Brewery/Restaurant use added per City Council direction

Comment [SP43]: Use changed to match existing definition.

Comment [SP44]: Use changed to match existing definition.

Comment [MJ45]: Included in Manufacturing

Comment [MJ46]: Add use that is in definitions but not in use table.

Comment [SP47]: Recycling uses condensed to Large facility and Small facility.

Comment [SP48]: Out of date use removed.

Comment [SP49]: Use changed to match existing definition.

Key to Zoning District Symbols

FORT BRAGG MUNICIPAL CODE - TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE

Industrial Zoning Districts

18.24.030

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) See Section 18.24.030.C for additional permit requirements.

Comment [SP50]: Note does not apply to the above table.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	IL	IH		
	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Use Permit required (see Section 18.71.060)		
	UP	Use Permit required (see Section 18.71.060)		
	S	Permit requirement set by Specific Use Regulations		
	—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	IL	IH		
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment business	S	S		18.40
Commercial recreation facility - Indoor	UP	—		
Commercial recreation facility - Outdoor	UP	UP		
Emergency Transitional Shelter	UP	—		
Fishing pier	—	—		
Health/fitness facility	UP	—		
Library, museum	—UP	—		
Meeting facility, public or private	UP	—		
School —Specialized education/training	UP	UP		
Social Service Organization	UP			
Sports and entertainment assembly <u>Sports and Active Recreation Facility</u>	UP	UP		
RESIDENTIAL USES				
Caretaker quarters	—UP	MUP		
Live/work unit	UP	—		18.42.090

Comment [MJ51]: Not a meaningful use in the inland area

Comment [MJ52]: Update to match definitions. School use is not compatible with Heavy Industrial uses.

Comment [MJ53]: Removed for ADA, not a use. This is a categorization of clients not use. For example a food bank should be considered a warehousing facility, a disable adults art program, should be categorized as a Studio or School use, etc.

Comment [MJ54]: Updated to fit with realistic use in Fort Bragg.

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) See Section 18.24.030.C for additional permit requirements.

Comment [SP55]: Notes do not apply to table above.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts			
	P	Permitted Use, Zoning Clearance required	
	MUP	Minor Use Permit required (see Section 18.71.060)	
	UP	Use Permit required (see Section 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
RETAIL TRADE			
Accessory retail or services	MUP	MUP	18.42.020
Bartavern	—	—	
Boat and ship sales	—	—	
Building and landscape materials sales - Indoor	P	P	
Building and landscape materials sales - Outdoor	UP	P	18.42.130
Construction and heavy equipment sales and rental	UP	P	18.42.130
Convenience store	—	—	
Farm supply and feed store	P(2)	P	
Fuel dealer (propane for home and farm use, etc.)	P	—	
Marine hardware and supplies sales	—	—	
Mobile home, boat or RV sales	UP	UP	
Restaurant, café, coffee shop	—	—	
Retail sales accessory to wholesaling	MUP	MUP	
Service station	UP	UP	18.42.180
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL			
ATM	—	—	
Business support service	P	UP	
Office - Accessory	P	P	
Office - Processing and corporate	P	P	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

~~(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.~~

~~(3) See Section 18.24.030.C for additional permit requirements.~~

Comment [SP56]: Multiple uses, which are not permitted in either district, removed from table.

Comment [SP57]: Use name changed to match existing definition.

Comment [SP58]: Use redundant with "Accessory retail or services" use on next page.

Comment [SP59]: Notes do not apply to table above.

FORT BRAGG MUNICIPAL CODE - TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE

Industrial Zoning Districts

18.24.030

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required
	MUP	Minor Use Permit required (see Section 18.71.060)
	UP	Use Permit required (see Section 18.71.060)
	S	Permit requirement set by Specific Use Regulations
	—	Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT	
	IL	IH
		Specific Use Regulations

SERVICES - GENERAL

Accessory retail or services	MUP	MUP	18.42.020
Equipment rental	P(2)	P(2)	
Kennel, animal boarding	UP	UP	18.42.040
Lodging – Hotel or motel	—	—	
Maintenance service - Client site services	P(2)	P	
Medical Marijuana Dispensary	UP	UP	FBMC 9.30 (Ord. 851 §1, 2005)
Public safety facility	P	P	
Repair service - Equipment, large appliances, etc.	P(2)	P	
Vehicle services - Major repair/body work	UP	UP	
Vehicle services - Minor maintenance/repair	P	P	
Veterinary clinic, animal hospital	P	P	

Comment [SP60]: Uses not permitted in either district removed from table.

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Ambulance, taxi, or limousine dispatch specialized transportation dispatch facility	P(2)	P	
Boat launching facility	—	—	
Broadcasting studio	P	—	
Freight terminal	P(2)	P	
Harbor and marina facilities	—	—	
Parking facility, public or commercial	UP	UP	
Pipeline or transmission line	S	S	18.42.145
Telecommunications facility	S	S	18.44
Transit station or terminal	UP	UP	
Utility facility	P	P	
Vehicle storage	UP	UP	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

18.24.040 - Industrial District Subdivision Standards

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-11 for the applicable zoning district.
- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. An industrial condominium may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

TABLE 2-11 - MINIMUM PARCEL SIZE STANDARDS

Zoning District	Minimum Parcel Size			
	Minimum Area <u>(1)</u>	Minimum Width	Minimum Depth	Maximum Depth
IL	5,000 sf	50 ft	100 ft	3 times width
IH	5,000 sf	50 ft	100 ft	3 times width

Notes:

(1) Minimum area based on net parcel size as defined in Section 18.100.020(N).

18.24.050 - Industrial District Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-12 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

TABLE 2-12 - IL AND IH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	IL Light Industrial	IH Heavy Industrial
Residential density	<i>Maximum number of dwelling units allowed in a projection a parcel. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>	
Maximum density	15 live/work units per acre	1 caretaker unit per parcel
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>	
Front	30 ft from Highway-4 Main Street; 15 ft elsewhere.	
Side - Interior (each)	10 ft; except no setback required if the other side yard maintains a setback 15 ft or more. 10 ft on any side abutting a C zone. 30 ft on any side abutting an R or OS zone, or a PD zone not specified for industrial uses.	
Side - Street side	Same as front setback.	
Rear	Abutting an alley, 10 ft within 30 ft of each side property line or driveway accessing the alley (see Figure 2-1); 30 ft if adjacent to an R zone; none required elsewhere.	
Floor area ratio (FAR)	<i>Maximum FAR allowed.</i>	
	0.40	
Height limit	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft; 45 ft with Use Permit approval.	40 ft; 60 ft with Use Permit approval.
Fencing	See Section 18.30.050 (Fences, Walls, and Screening)	
Landscaping	See Chapter 18.34 (Landscaping Standards)	
Parking	See Chapter 18.36 (Parking and Loading)	
Signs	See Chapter 18.38 (Signs)	

CHAPTER 18.26 - SPECIAL PURPOSE ZONING DISTRICTS

Sections:

- 18.26.010 - Purpose
- 18.26.020 - Purposes of Special Purpose Zoning Districts
- 18.26.030 - Special Purpose District Land Uses and Permit Requirements
- 18.26.040 - Special Purpose District General Development Standards
- 18.26.050 - Special Purpose District Site Planning and Building Standards

18.26.010 - Purpose

This Chapter lists the land uses that may be allowed within the special purpose zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

18.26.020 - Purposes of the Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

- A. **OS (Open Space) zoning district.** The OS zoning district is applied to properties that are largely unimproved and used for the preservation of natural resources and habitats, passive outdoor recreation, scenic resources, and/or for the protection of public health and safety (e.g., preservation of floodplains). Allowable uses are limited to those that support maintenance and/or recreational uses. The maximum floor area ratio (FAR) is 0.10. The OS zoning district implements and is consistent with the OS land use designation of the General Plan.
- B. **PR (Parks and Recreation) zoning district.** The PR zoning district is applied to the sites of public parks and recreational facilities. Allowable uses are limited to recreational uses, and the structures needed to support those uses, and facility and site maintenance. The maximum floor area ratio (FAR) is 0.25. The PR zoning district implements and is consistent with the PR land use designation of the General Plan.
- C. **PF (Public Facility & Services) zoning district.** The PF zoning district is applied to the sites of existing and proposed public buildings, utility facilities, water and wastewater treatment plants, and related easements. The maximum floor area ratio (FAR) is 0.75. The PF zoning district implements and is consistent with the PF land use designation of the General Plan.

18.26.030 - Special Purpose District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-14 identifies the uses of land allowed by this Development Code in each Special Purpose zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-14 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

18.26.040 - Special Purpose District Subdivision Standards

The minimum area and dimensions for new parcels in the OS, PR, and PF zoning districts shall be determined by the City through the subdivision process.

18.26.050 - Special Purpose District Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements established by the City through the Use Permit process, capital improvements programming process, or leasing of public property, as applicable, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	OS	PR	PF	
AGRICULTURAL, RESOURCE & OPEN SPACE USES Animal keeping S S S 18.42.040 Nature preserve P P P Crop production, horticulture, orchard, vineyard P P P				
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING Recycling - Reverse vending machine — — P 18.42.150 Recycling - Small collection facility — — MUP 18.42.150 Storage — Warehouse, indoor storage — — P Storage - Outdoor — — UP 18.42.140				
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES Equestrian facility P UP — Health/fitness facility — UP UP Sports and Active Recreation Facility UP UP UP Hiking/riding trail P P P Library, museum —UP UP UP Meeting facility, public or private —UP UP UP Park, playground —P P P School —Elementary, middle, secondary — —UP P School - Specialized education/training — — P Sports and entertainment assembly — UP UP Theater — UP UP				
RESIDENTIAL USES Caretaker quarters MUP MUP MUP Emergency/transitional shelter — — UP Farm dwelling on a parcel of 10 acres or more MUP — — Residential care facility — — UP				

Comment [MJ61]: This one is obvious....

Comment [MJ62]: Definition removed, not a realistic use for Fort Bragg.

Key to Zoning District Symbols

OS	Open Space	PF	Public Facility & Services
PR	Parks and Recreation		

Notes:

(1) See Article 10 for land use definitions.

TABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Use Permit required (see Section 18.71.060)		
	UP	Use Permit required (see Section 18.71.060)		
	S	Permit requirement set by Specific Use Regulations		
	—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	OS	PR	PF	

RETAIL TRADE

Accessory retail or services	—	P	P	18.42.020
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SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Clinic, urgent care	—	—	UP	
Medical services - Hospital	—	—	UP	
Office - Accessory	P	P	P	
Office - Government	—	P	P	

SERVICES - GENERAL

Accessory retail or services	—	P	P	18.42.020
Adult day care	—	—	UP	
Child day care center	—	—	UP	
Public safety facility	—	—	P	
Social service organization	—	—	P	

Comment [SP63]: Use removed as it is duplicative (listed above under "Retail" heading).

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Ambulance, taxi, or limousine-specialized transportation dispatch facility	—	—	UP	
Parking facility, public or commercial	—	—	P	
Pipeline or transmission line	S	S	S	18.42.145
Telecommunications facility	S	S	S	18.44
Transit station or terminal	—	—	UP	
Utility facility	—	—	P	
Vehicle storage	—	—	UP	

Key to Zoning District Symbols

OS	Open Space	PF	Public Facility & Services
PR	Parks and Recreation		

Notes:

(1) See Article 10 for land use definitions.

ARTICLE 10

Definitions

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Definitions

CHAPTER 18.100 - DEFINITIONS

Sections:

- 18.100.010 - Purpose of Chapter
- 18.100.020 - Definitions of Specialized Terms and Phrases

18.100.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Inland Land Use and Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Inland Land Use and Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Fort Bragg Municipal Code, the Director shall determine the correct definition.

18.100.020 - Definitions of Specialized Terms and Phrases

As used in this Inland Land Use and Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. Having property lines, street lines, or zoning district lines in common.

Accessory Retail or Services. The limited retail sale of ~~various~~ products, or the provision of ~~certain personal~~ services within a health care, hotel, office, or industrial complex, to employees and/or customers. Examples of these uses include pharmacies, gift shops, and food service establishments, ~~within hospitals;~~ convenience stores, and food service establishments within hotel, office and industrial complexes; ~~and barber and beauty shops~~ hair salons, etc. ~~within residential care facilities.~~

Comment [MJ1]: Simplify

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. See also "Agricultural Accessory Structure" and "Residential Accessory Uses and Structures."

Accessory Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

~~**Adult Day Care.** See "Day Care, Adult."~~

Adult Oriented Business. The following terms and phrases are defined for the purposes of Chapter 18.40 (Adult Oriented Business Regulations).

1. **Adult Arcade.** Any business establishment or concern containing one or more coin or slug operated or manually or electronically controlled still or motion picture projectors, video machines, projector or similar image-producing devices, that are maintained to display images to an individual or group of individuals when

Definitions

those images are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

2. **Adult Bookstore.** Any establishment which as a regular and substantial course of conduct, displays and/or distributes sexually oriented merchandise, sexually oriented material, books, periodicals, magazines, or other printed materials, or photographs, drawings, sculptures, films, motion pictures, videos, discs, cassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas (See "adult-oriented business" for definition of regular and substantial course of conduct.)
3. **Adult Cabaret.** A nightclub, bar, lounge, restaurant, or similar business establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, computer generated images, videos, discs, slides, or other photographic reproductions, or other oral, written or visual representations which are distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
4. **Adult Dance Studio.** Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance is distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
5. **Adult Hotel/Motel.** A hotel, motel, or other similar business establishment or concern offering public accommodations for any form of consideration which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, films, computer generated images, motion pictures, videos, discs, slides, other photographic reproductions, or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and which rents, leases, or lets any room for less than a 12-hour period, or rents, leases, or lets any single room more than once in a 24-hour period.
6. **Adult Modeling Studio.** Any business or premises where there is furnished, provided, or procured, a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where the model(s) is being observed or viewed by any person for the purpose of being sketched, photographed, painted, drawn, sculpted, filmed, or videotaped or otherwise depicted for a fee, compensation, gratuity, or other thing of value as consideration for the right or opportunity to so observe the model or to remain on the premises. "Adult Modeling Studio" does not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree in compliance with standards set by the State Board of Education.
7. **Adult-Oriented Business.** Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which as a regular and substantial course of conduct sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. "Adult-oriented business" does not include those uses or activities, the regulation of which is preempted by State law. For the purposes of this Section, a business establishment or concern has established the provision of products, merchandise, services, or entertainment characterized by an emphasis on matters depicting describing, or relating to specified sexual activities or specified anatomical areas as a regular and substantial course of conduct when one or more of the following conditions exist:
 - a. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 20 percent of the total display or floor space area open to the public;

Definitions

- b. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical areas at least four times in any month;
 - c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display, or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
8. **Adult Theater.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment performances, motion pictures, videos, computer images, slide photographs, or other pictures or visual representations or reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 9. **Adult-Oriented Business Operator.** A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof. This term shall hereinafter be referred to as "operator."
 10. **Applicant.** A person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.
 11. **Bar.** Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.
 12. **Distinguished or characterized by an emphasis upon.** Shall mean and refer to the dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character or theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina (1981) 115 Cal.App.3d 151*.
 13. **Entertainer.** Any person who dances, models, entertains, and/or performs specified sexual activities or displays specified anatomical areas in an Adult-Oriented Business.
 14. **Establishment of an Adult-Oriented Business.** Shall mean and include any of the following:
 - a. The opening or commencement of any Adult-Oriented Business as a new business;
 - b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
 - c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
 - d. The relocation of any Adult-Oriented Business.
 15. **Figure Model.** Any person who, for pecuniary compensation, consideration, hire, or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.
 16. **Live Art Class.** Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and preregistration is required at least 24 hours in advance of participation in the class.

Definitions

17. **Nudity or a state of nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola.
18. **Operate an Adult-Oriented Business.** The supervising, managing, inspecting, directing, organizing, controlling, or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.
19. **Permittee.** The person to whom an Adult-Oriented Business Permit is issued.
20. **Person.** Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.
21. **School.** Any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education or an institution of higher education, including a community or junior college, college, or university, but it does not include a vocational institution.
22. **Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
23. **Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
24. **Sexually Oriented Material.** Any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, disc, computer generated image, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
25. **Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to, dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery or electrically operated vaginas or penises, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
26. **Specified Anatomical Areas.** Shall mean and include any of the following:
 - a. Less than completely and opaquely covered human (1) genitals or pubic region; (2) buttocks; and/or (3) female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - c. Any device, costume, or covering that simulates any of the body parts included in Subparagraphs a. or b., above.

Definitions

27. **Specified Sexual Activities.** Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering;
- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerastia; or
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - d. Fondling, or touching of nude human genitals, pubic region, buttocks, or female breast; or
 - e. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain; or
 - f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or human excretion, urination, menstruation, vaginal, or anal irrigation; or
 - g. The presence of any person who performs, or appears in a state of nudity or semi nude.

Affordable and Inclusionary Housing Requirements. The following terms and phrases are defined for the purposes of Chapters 18.31 (Density Bonuses and Affordable Housing Incentives), and 18.32 (Inclusionary Housing Requirements).

1. **Addition.** An extension or increase in floor area of existing development project.
2. **Affordable rent.** Monthly rent, including tenant paid utilities allowances and all fees for housing services, that does not exceed 30 percent of 80 percent of area median income for lower-income households. For very low-income households, affordable rents are monthly rents that do not exceed 30 percent of 50 percent of area median income. Where the applicant is requesting a density bonus in compliance with Chapter 18.31 or where the applicant is requesting direct financial assistance requiring a different rent, the term "affordable rent" for lower income households, shall mean monthly rents that do not exceed 30 percent of 60 percent of area median income in compliance with State law (Health and Safety Code Section 50079.5). Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.
3. **Affordable sales price.** The maximum purchase price that will be affordable to the specified target income household. A maximum purchase price shall be considered affordable only if each monthly owner-occupied housing payment is equal to or less than one-twelfth of 30 percent of income for the specified target income household. In setting the affordable sales price, realistic assumptions regarding down payment, mortgage interest rate, and term will be established so that targeted income families can reasonably qualify. Affordable sales price shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.
4. **Affordable units.** Those dwelling units that are required to be rented at affordable rents or purchased at an affordable sales price to specified households.
5. **Annual household income.** The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Definitions

6. **Construction costs.** The estimated cost per square foot of construction, as established by the Building Official for use in setting regulatory fees and Building Permits, multiplied by the total square footage, to be constructed, except for any floor area devoted to a garage.
7. **Density Bonus.** As defined by State law Government Code Section 65915 et seq. (Section 65915 provides a legal framework for awarding density bonuses, which requires a density bonus award of at least 5 percent and up to 35 percent - over the maximum density otherwise allowed by the applicable zoning district - depending on the percentage of dwelling units that are affordable to households of very low, low and/or moderate income.)
8. **Developer.** A corporation, firm, or person constructing, placing, or creating new residential development directly or through the services of an agent, employee, independent contractor, or otherwise.
9. **Essential Public Service Employees.** These employees include City of Fort Bragg sworn police officers, Fort Bragg Fire Protection Authority fire fighters, Fort Bragg Unified School District teachers, and Mendocino Coast District Hospital health care workers.
10. **Gross floor area.** The sum of the gross horizontal floor areas of a structure measured from the exterior face of exterior walls, or from the center line of a wall separating two structures. In cases where no walls exist, the gross horizontal floor area shall be that area covered by the roof excluding two feet on each side of the structure for a standard roof projection.
11. **Inclusionary Housing In-Lieu Fee.** The fee established in compliance with Section 18.32.070 for residential development projects.
12. **Inclusionary Housing Trust Fund.** The City's Inclusionary Housing Trust Fund established in compliance with Section 18.32.040.
13. **Incentive.** A relaxation of a section of the zoning regulations in order to accommodate a development project that provides affordable housing in compliance with Chapter 18.31.
14. **Low-income household.** A household with income of up to 80 percent of median income.
15. **Market-rate unit.** A dwelling unit in a residential project that is not an affordable unit.
16. **Median income.** The median income, adjusted for family size, applicable to the County as published annually in compliance with Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.
17. **Moderate-income household.** A household with an income of up to 120 percent of median income.
18. **Monthly owner-occupied housing payment.** That sum equal to the principal, interest, property taxes, homeowner's insurance, and homeowner's association dues paid on an annual basis divided by 12.
19. **Residential development project.** A project for the construction or placement of any dwelling unit in a permanent location, or the subdivision of land that is planned, designed, or used for one or more single-family dwellings, and/or multi-family dwellings or mobile home parks.
20. **Sweat Equity housing development.** An affordable housing project for which some or all of the construction labor is provided by purchasers of the housing units or volunteers and for which all purchasers are lower income households, but where the continuing affordability of the units is not guaranteed for the time period required by Section 18.32.060.D. (Continued Affordability).
21. **Very low-income household.** A household with an income of up to 50 percent of median income.

Definitions

Agent. A person authorized in writing by the property owner to represent and act for a property owner in the application of a permit and/or contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Inland Land Use and Development Code.

Agricultural Accessory Structure. A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. May also include the storage of petroleum products for an on-site agricultural use allowed by the applicable zoning district. Does not include pasture fencing, which requires no City approval when in compliance with Section 18.30.050 (Fences, Walls, and Screening).

Agricultural Product Processing. The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

- ~~alfalfa cubing~~
- ~~corn shelling~~
- ~~cotton ginning~~
- ~~custom grist mills~~
- custom milling of flour, feed and grain
- dairies (but not feedlots, see instead "Livestock
- ~~Operations, sSales yYards, fFeedlots,~~
- Stockyards")
- drying of corn, rice, hay, fruits and vegetables
- grain cleaning and custom grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables
- tree nut hulling and shelling
- wineries

Comment [MJ2]: This activities do not happen on the coast due to our climate.

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Alcoholic Beverage Sales. The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

Alley. A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

Allowed Use. A use of land identified by Article 2 (Zoning Districts and Allowable Land Uses) as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Land Use and Development Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Ambulance, Taxi, and Specialized Transportation Dispatch Facility. A base facility where ambulances, taxis, limousines, armored cars, tow trucks, and similar vehicles for specialized transportation are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include storage facilities for towed vehicles, which is classified under "Vehicle Storage."

Animal Keeping. See Section 18.42.040 (Animal Keeping).

Apartment. See "Multi-Family Housing."

Applicant. Any person who is filing an application requesting an action who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Land Use and Development Code, and who presents written authorization from the property owner to file an application with the City; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Definitions

Approval. Includes both approval and approval with special conditions.

Architectural Feature. An exterior building feature including roof, windows, doors, porches, etc.

Arterial Street. An arterial street as identified by the Circulation Element of the General Plan.

Artisan/Craft Product Manufacturing. Establishments that design and create/manufactureing and/or assemble small products, primarily by hand, including composed of jewelry, pottery and other ceramics, as well as small glass, ceramic, and metal, fiber and similar materials into art and craft products. Includes woodworkers and cabinet makers. Also includes fine art activities such as painting, etching, watercolor, printing on a hand press, etc.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Comment [MJ3]: Consider collapsing these definitions and allowing the combined use in all commercial and industrial zones.

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair. See "Vehicle Services."

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations, as allowed by Article 2. Does not include drive-up ATMs; see "Drive-Through Services." ATMs and other vending machines are not considered tenants for the purposes of signage or permitting.

Comment [MJ4]: If Vending machines are considered tenants they may install up to 25 SF of signage.

Definitions

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

- o banks and trust companies
- o credit agencies
- o holding (but not primarily operating) companies
- o lending and thrift institutions
- o other investment companies
- o securities/commodity contract brokers and dealers
- o security and commodity exchanges
- o vehicle finance (equity) leasing agencies

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See also, "Automated Teller Machine." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include dancing as an incidental use, if authorized by the Use Permit approval for the facility. Does not include adult entertainment businesses, which are separately defined.

Bed and Breakfast Inn (B&B). See "Lodging."

Best Management Practices (BMPs). Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

Big Box Retail. A large formula retail establishment that is generally located on an arterial or collector roadway, requires a site of one acre or larger, and generally contains one or several businesses or structures totaling 30,000 or more square feet. They may operate as stand-alone facilities, but also in a type of shopping center called a "power center" or "value mall" having common characteristics including large warehouse-sized buildings and a reliance on auto-borne traffic. Warehouse retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Patrons may be required to pay membership fees.

Biologically Sensitive Area. Any area in which plant or animal life or their habitats are rare or especially valuable as determined by the Army Corp of Engineers or the California Department of Fish and Game because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development.

Bioretention. Shallow landscape depressions with soils, mulch, and planted vegetation intended to capture, treat, and infiltrate stormwater runoff.

Broadcasting Studio. Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities."

Brewery/Restaurant – A brewery with an accessory restaurant, where the brewery component comprises more than 50 percent of the floor space.

Building Code. Refers to the most recently adopted (by the City of Fort Bragg) version of the California Building Standards Codes (California Code of Regulations, Title 24), which are published on a triennial basis. The Building Code is adopted as Title 15 of the Fort Bragg Code of Ordinances.

Definitions

Building and Landscape Materials Sales. A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

Building Frontage. A building wall adjacent to a parcel boundary that abuts a public right-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way. See Figure 10-1.

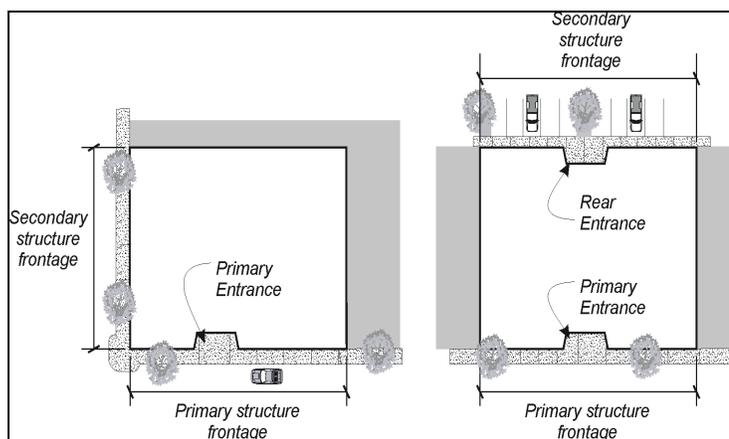


Figure 10-1 – Building Frontage

Building Height. See Section 18.30.060 (Height Limits and Exceptions).

Building Official. The Building Official of the City of Fort Bragg, or designee of the Building Official.

Business Support Service. An establishment within a building that provides services to other businesses. Examples of these services include:

- ~~blueprinting~~
 - computer-related services (rental, repair)
 - copying and quick printing services
 - courier, messenger, and delivery services, small scale, without fleet vehicle storage (see also "Freight Terminals")
- ~~film processing and photofinishing (retail)~~
 - outdoor advertising services
 - mailing and mail box services
 - protective services (other than office related)
 - security systems services

Definitions

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Caretaker Quarters. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carriage House. See "Second Unit or Carriage House."

Catering Service. A business that prepares food for consumption on the premises of a client.

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Child Day Care Center or Facility. A child day care facility other than a family day care home, including but not limited to infant centers, pre-schools, extended day care facilities, and school age child care centers.

City. The City of Fort Bragg, State of California, referred to in this Inland Land Use and Development Code as the "City." For the purposes of this Land Use Code, "City" includes the Fort Bragg City Council, Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of the City of Fort Bragg.

City Council. The Fort Bragg City Council, referred to in this Inland Land Use and Development Code as "City Council" and the "Council."

Clean Water Act. The Federal Water Pollution Control Act (3-3 U.S.C. §1251 et seq.), and any amendments to the Act.

Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, ~~including for example:~~

- ~~▪ bowling alleys, shooting range, pool and billiard rooms, card rooms, etc.~~
- ~~▪ gym, swimming pool, climbing wall, indoor ball courts, etc.~~
- ~~▪ card rooms~~
- ~~▪ coin-operated amusement arcades~~
- ~~▪ dance halls, clubs and ballrooms~~
- ~~▪ electronic game arcades (video games, pinball, etc.)~~
- ~~▪ ice skating and roller skating~~
- ~~▪ pool and billiard rooms as primary uses~~

This use does not include adult oriented businesses, which are separately defined. ~~Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.~~

Comment [MJ5]: Outdated examples.

Comment [MJ6]: This is so 1980!

Definitions

Commercial Recreation Facility - Outdoor. A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

- amusement and theme parks
- pump tracks, go-cart tracks
- golf driving ranges, miniature golf courses
- ~~water slides~~

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

Community Center. A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden. A site for growing plants that is shared and maintained by community residents.

Condition of Project Approval. Any performance standard, prescribed change in a project, environmental mitigation measure, or other City-imposed requirement to alter or modify the project in any manner from the description in the application originally submitted for City approval. Alos know as a Special Condition of approval.

Condition, Quantifiable. A condition placed upon a project that requires the permit holder or project proponent to meet specific measurable standards. The measurement of a quantifiable condition shall be intended to be a finding of conforming to a measurable standard.

Condition, Special. A condition placed upon a project that requires the permit holder or project proponent to undertake a specific action, typically prior to approval of the building permit or the final certificate of occupancy.

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Condition, Standard. A condition that is placed upon all projects as part of the permitting process and which must be followed during the implementation of the permit.

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Condition, Time Specific. A condition placed upon a project that requires the satisfactory completion or undertaking of an approval requirement before a specific date or phase of the project development.

Condominium. As defined by Civil Code Section 1715, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Construction Activity. In the context of Chapter 18.64 (Stormwater Runoff Pollution Control), "construction activity" means activities subject to NPDES Construction Permits. ~~These include construction projects resulting in land disturbance of five acres or more.~~ These activities include clearing and grubbing, grading, excavating, and demolition.

Construction Contractor Base. Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities. Includes building contractors, landscape contractors, sign contractors, etc.

Construction and Heavy Equipment Sales and Rental. Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Convenience Store. A neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.

Definitions

Conveyance, or Convey. Any transfer, sale, lease, rent, or disposition of or act to transfer, sale, lease, rent, or dispose of any affordable unit and include, but are not limited to, transfer of title or any interest therein by nonjudicial or judicial foreclosure and sale; but does not include transfer by gift, devise, or inheritance to the unit owner's spouse or issue, taking of title by surviving joint tenant, transfer of title to a spouse as part of divorce or dissolution proceedings, or acquisition of title or interest therein in conjunction with marriage.

Cooperative Housing. (Co-Housing) A type of Multi-Family residential development. It typically consists of smaller units (which may or may not include a kitchen **and may or may not be detached**) and a larger cooperative kitchen and gathering space for residents.

County. The County of Mendocino, State of California.

Crop Production, Horticulture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include greenhouses which are instead defined under "Plant Nursery," and "Residential Accessory Use or Structure," or containerized crop production, which is instead defined under "Plant Nursery." Does not include non-commercial home gardening, which is allowed as an accessory use in all zoning districts without City approval.

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Definitions

D. Definitions, "D."

Day Care, Adult. A state-licensed day care facility providing care and supervision of more than six adults for periods of less than 24 hours for any client.

Day Care, Child. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

3. Large Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.

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4. Small Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

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Density. The number of housing units per acre, unless otherwise stated, for residential uses.

Density Bonus. See "Affordable and Inclusionary Housing Requirements."

Department. The City of Fort Bragg Community Development Department, referred to in this Land Use and Development Code as the "Department."

Detached Structure. A detached structure is any building that does not share a physical wall with the primary structure. Buildings that are only "attached" to the primary structure via a breezeway or covered patio are considered detached structures.

Development. On land grading, removing, dredging, mining, or extraction of any materials; subdivision pursuant to the subdivision map act, construction, reconstruction, demolition, or alteration of any structure;

Development Agreement. A contract between the City and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Diameter of a Tree. Trunk diameter measured at 4.5 feet above the ground (also known as "Diameter at Breast Height," or "DBH").

Director. The City of Fort Bragg Community Development Director, or designee of the Director.

Definitions

Discretionary land use approval. Any decision of the City to approve the request of an applicant for a General Plan amendment, Zoning Map amendment, Tentative Map, Vesting Tentative Map, Final Map, Final Map modification or amendment, boundary line adjustment, Conditional Certificate of Compliance, development agreement, Minor Use Permit, Use Permit, Design Review, permit extension of time or modification, Variance, or Minor-Administrative Variance, reclamation plan, time extension, administrative permit pertaining to a land use approval or any accompanying California Environmental Quality Act (CEQA) determination pertaining to any type of approval referred to in this definition.

Discretionary permit. Any permit or license issued by the City for a project that requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in compliance with applicable laws, including Minor Use Permits, Use Permits, Minor-Administrative Variances, Variances, Design Review Approval, and Subdivision Maps.

District. See "Zoning District."

Drive-Through Retail or Service. A facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, dry cleaners, etc., but do not include automated teller machines (ATMs), gas stations or other vehicle services, which are separately defined.

Duplex. See "Multi-Family Housing Second Unit." A duplex is a type of Second Unit, where the second unit is attached or a component of the primary unit.

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Comment [MJ7]: According to recently enacted legislation duplexes should be regulated as second units rather than as multi-family units.

Comment [MJ8]: Remove because it potentially discriminates against unrelated individuals, who may not constitute one household.

Definitions

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency ~~Transitional~~ Shelter. A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

Engineering Geologist. A registered geologist certified as an Engineering Geologist by the State of California.

Engineering Geology. The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping" as regulated by Section 18.42.040.

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

Comment [MJ9]: Transitional housing cannot, under State Law, be regulated in a manner separate from housing in general. Therefore this descriptor must be removed.

Definitions

F. Definitions, "F."

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Land Use and Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. ~~Includes masonry walls.~~

~~1.— **Open Wire Fence.** A fence through which fenced areas remain visible because of the wire mesh used for the fence. Includes chain link fencing, deer fencing, etc.~~

~~2.— **Safety Fence.** A fence constructed to prevent access to a hazard or hazardous area.~~

~~3.— **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate animals or unauthorized persons attempting to climb or cross the fence through other than a gate.~~

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

Farmers Market. The temporary use of a site for the indoor or outdoor sales of food and farm produce items from vehicles or stands, in compliance with California Food and Agriculture Code Section 1392 et seq.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fire Code. The Fire Code means section 15.08 of the Fort Bragg Code of Ordinances, portions of California Title 24, California Title 19, and applicable fire regulations.

Fish Processing. An establishment that prepares raw fish for wholesale distribution and/or retail sale.

Floor Area Ratio (FAR). The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (excluding carports) shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area). See Figure 10-2.

Comment [MJ10]: Deleting these examples, as the Section 3 of the ILUDC provides more and better definitions.

Comment [MJ11]: Chain link fencing is a prohibited fence type. Should not be defined concurrently with Open Wire Fence.

Comment [MJ12]: Fort Bragg's farmers market now operates indoors during the winter months.

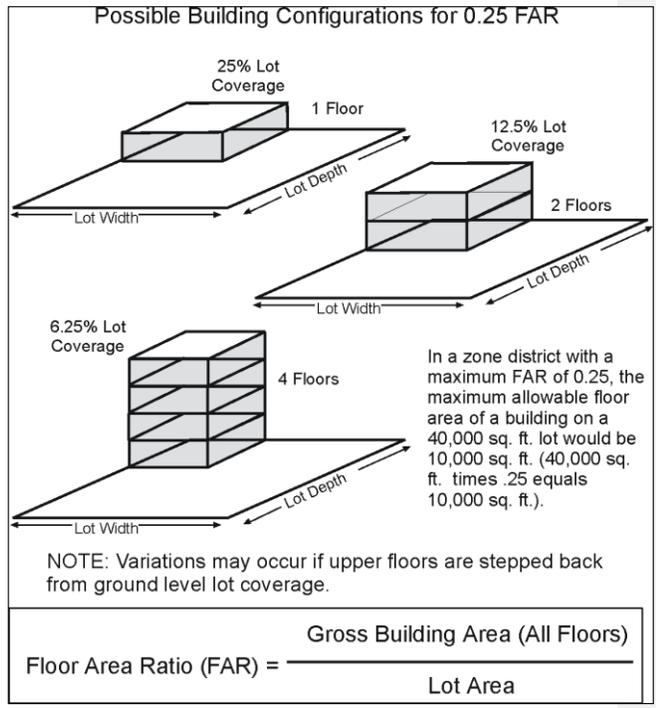


Figure 10-2 – Floor Area Ratio

Definitions

Formula Business. A business that is required by contractual or other arrangement to maintain standardized uses, services, decor, uniforms, architecture, signs, or other similar features. Formula businesses can include retail sales ~~and services, restaurants, gas stations, and~~ visitor accommodations, etc.

Comment [MJ13]: Do we want to include gas stations in this list. They are certainly formula.

~~Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:~~

- ~~• freight forwarding services~~
- ~~• freight terminal facilities~~
- ~~• home and business moving and storage services~~
- ~~• joint terminal and service facilities~~
- ~~• overnight mail processing and delivery dispatch facilities~~
- ~~• packing, crating, inspection and weighing services~~
- ~~• postal service bulk mailing distribution centers~~

Comment [MJ14]: Not a listed use in the use tables. No reason to define this.

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Furniture, Furnishings and Appliance Store. A store that primarily sells the following products and related services, that may also provide incidental repair services:

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- | | |
|--|---|
| ▪ computers and computer equipment | ▪ lawn furniture |
| ▪ draperies | ▪ office furniture |
| ▪ floor coverings | ▪ other household electrical and gas appliances |
| ▪ furniture | ▪ outdoor furniture |
| ▪ glass and chinaware | ▪ pool tables |
| ▪ home appliances | ▪ refrigerators |
| ▪ home furnishings | ▪ spas, hot tubs, swimming pools |
| ▪ home sound systems | ▪ stoves |
| ▪ interior decorating materials and services | ▪ televisions |
| ▪ large musical instruments | |

Definitions

G. Definitions, "G."

Garage, or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 18.36 (Parking and Loading).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Land Use and Development Code for "covered" parking spaces.

General Plan. The City of Fort Bragg's Inland General Plan, including all its elements and all amendments thereto, as adopted by the City Council in compliance with Government Code Section 65300 et seq., and referred to in this Land Use and Development Code as the "General Plan." The Coastal General Plan by contrast is part of the Certified Local Coastal Program and regulated development in the City's Coastal Zone.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- antique stores
- art galleries, ~~retail~~
- art supplies, ~~including picture framing services~~
- bicycles
- books, magazines, and newspapers
- ~~cameras and photographic supplies~~
- clothing, shoes, and accessories
- Consignment stores
- collectibles (cards, coins, comics, stamps, etc.)
- department stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only; outdoor sales are "Building and Landscape Materials Sales")
- hardware (not including building or landscape materials)
- Health care supplies
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- ~~orthopedic supplies~~
- ~~records, CDs~~
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores
- ~~videos, DVDs, including rental~~

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Does not include adult oriented businesses ~~and second hand stores~~, which are separately defined.

Comment [MJ15]: Eliminate outdated examples

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Comment [MJ16]: Provides clarity as second hand stores are prohibited in CBD.

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grading. The following terms and phrases are defined for the purposes of Chapters 18.60, and 18.62, regarding grading, drainage, erosion and sediment control.

1. **As-Graded.** The extent of ground surface conditions on completion of grading.
2. **Borrow.** Earth material acquired from an off-site location for use in grading on a site.
3. **Compaction.** The increase in the density of soil or rock fill by mechanical means.

Definitions

4. **Depth of Cut.** The vertical dimension from the exposed cut surface to the original ground surface at the cut's deepest point, generally at the hinge point. Where the construction slope is steeper than 3:1, the depth shall be measured from the top of the cut.
5. **Depth of Fill.** The vertical dimension from the exposed fill surface to the original ground surface at the fill's deepest point, generally at the hinge point. Where the construction slope is steeper than 3:1, the depth shall be measured from the toe of the slope.
6. **Earth Material.** Any rock, natural soil or fill and/or any combination thereof.
7. **Embankment.** A fill consisting of a deposit of soil, rock or other materials mechanically placed, including the conditions resulting therefrom.
8. **Erosion.** The wearing away of the ground surface as a result of the movement of wind, water, or ice.
9. **Excavation.** The mechanical removal of earth material.
10. **Grading.** Any excavating or filling or combination thereof.
11. **Key.** A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed slope.
12. **Landform Grading.** A contour grading method that creates artificial slopes with curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain.

Groceries, Specialty Foods. A retail business where the majority of the floor area, open to the public, is occupied by food products ~~packaged~~ for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales.

Guest House. A detached (or attached) structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

Definitions

H. Definitions, "H."

Habitable Space. Space within a dwelling unit for living, sleeping, eating, ~~and~~ cooking.

Harbor and Marina Facilities. Facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building, maintenance and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities; boat charter operations, etc.

Hazardous Material. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code § 25117).

Health/Fitness Facility. A fitness center, gymnasium, health and athletic club, which may ~~include~~ any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

Height. See Section 18.30.060 (Height Limits and Exceptions).

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property, ~~and having eight or fewer clients per day.~~

Hotel or Motel. See "Lodging."

Household Pets. The keeping/raising of birds, ~~reptiles, fish,~~ cats, dogs, ~~and~~ other common household pets, as determined by the Director, accessory to a residential use.

Definitions

I. Definitions, "I."

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 18.64.020 (Urban Runoff Water Quality and Discharge Management).

Illicit Connection. An illicit connection is either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

Incidental Agriculture. Non-commercial crop production, horticulture, and orchard uses; and private, non-commercial stables and corrals.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industrial Research and Development (R&D). A facility for scientific research, and the design, development and testing of ~~electrical, electronic, magnetic, optical and computer and telecommunications~~ high-tech products or components in advance of ~~or as part of~~ product manufacturing, and the assembly of related products from parts produced ~~on or~~ off-site, where the manufacturing activity is secondary to the research and development activities, ~~and where no more than 30 percent of the total floor area is office~~. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory"), or medical diagnostic laboratories (see "Medical Services - Laboratory").

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Comment [MJ17]: Not a permitted use anywhere in the code. Consider adding it to the table, or delete it from the definitions. If it is added to the table, it should be modernized as described. It will also be moved to R section of definitions.

Intensification of Use. A change in the use of a structure or site, where the new use is required by this Land Use and Development Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generates more activity on the site.

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J. Definitions, "J."

No specialized terms beginning with the letter "J" are defined at this time.

K. Definitions, "K."

Kennel, Animal Boarding. A commercial facility for the grooming, keeping, boarding or maintaining of ~~six~~ five or more dogs (four months of age or older), or ~~five~~ six or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. A business that provides grooming services with no boarding facilities is classified under "Personal Services." See also "Veterinary Clinic, Animal Hospital."

Comment [MJ18]: Change to six or more since 18.42.040 allows 5 animals total as "animal keeping" not animal boarding.

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: refrigerator, stove, oven, range top, dishwasher, kitchen sink.

Definitions

L. Definitions, "L."

Laboratory - Analytical, Testing. A facility for testing and analysis, and/or research. Examples of this use include soils and materials testing labs, medical service labs and forensic labs. See also "Industrial Research and Development." ~~Does not include diagnostic medical laboratories, which are classified under "Medical Services-Laboratory."~~

Comment [MJ19]: Consider collapsing into one Laboratory type as they have similar impacts.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Land Use and Development Code. The City of Fort Bragg Inland Land Use and Development Code, Title 18 of the Fort Bragg Municipal Code, referred to herein as "this Land Use and Development Code."

Landscaping Standards. The following terms are defined for the purposes of Chapter 18.34 (Landscaping Standards).

1. **Drought resistant cool season grass.** Cool season grasses which can tolerate drought stress. These grasses usually require high water use irrigation scheduling to stay green and vital, but will survive under limited water (e.g., turf-type tall fescues, Medallion, and Rebel).
2. **Functional need (for turf).** Turf planting which serves a functional or practical need rather than purely aesthetic purpose. Examples include: athletic fields and pedestrian circulation areas.
3. **High water use plantings.** Annuals, container plantings, and plants recognized as high water use (e.g., Rhododendrons or Birch) or plants documented as having a plant factor greater than 0.6.
4. **Hydrozone.** A landscape area having plants with similar water needs. Typically, a hydrozone is served by a valve or set of valves with the same type of irrigation hardware and schedule.
5. **Irrigation circuit.** A section of an irrigation system, including the piping and sprinkler heads or emitters, that is operated by a single remote control valve.
6. **Landscaped area.** The parcel area less building footprints, driveway, parking areas, paved walks and patios, and undeveloped open space of designated natural areas. Project landscaped area includes all areas under irrigation, water features, and hardscape other than those noted above.
7. **Low water use plants.** Plants which are recognized as drought resistant or low water use when established, or plants documented as having a plant factor less than or equal to 0.6.
8. **Microclimate.** A section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).
9. **Non-mechanically compacted soil.** Soil which has not undergone engineered compaction procedures.
10. **Organic amendment.** Any fully organic material added to the soil to improve soil structure, and other physical properties of the soil (e.g., compost, composted sawdust, peat moss, and redwood soil conditioner).
11. **Overspray.** Water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).
12. **Plant factor.** A number which represents the portion of reference evapotranspiration used by a particular plant. For example, a shrub with a plant factor of 0.5 uses 50 percent of reference evapotranspiration; a tree with a plant factor of 1.2 uses 120 percent of reference evapotranspiration.

Definitions

13. **Porous mulch.** A loose material which is applied to the soil surface to reduce evaporation and retard weed growth (e.g., compost, decomposed granite, straw, wood chips).
14. **Rain shut-off device.** A device which automatically shuts the irrigation system off when a measurable amount of rain occurs.
15. **Reference evapotranspiration.** A standard calculation of the quantity of water transpired by a reference crop and evaporated from adjacent soil surfaces as measured by the California Irrigation Management Information System (CIMIS) of weather stations.
16. **Registered historical site.** A site that is registered as historically significant through either national, State, City or County registries.
17. **Runoff.** Water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.
18. **Water feature.** Ornamental or functional body of water (e.g., a fountain, pool, or pond).
19. **Water saving techniques (to mitigate runoff from slopes).** Landscape design techniques which either allow irrigation to be applied at a rate close to the infiltration rate of the soil or which capture and recycle runoff.

Large Family Day Care Home. See "Day Care."

~~Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick up facilities. These facilities do not include coin-operated laundries or dry cleaning pick up stores without dry cleaning equipment; see "Personal Services."~~

LCP. See "Local Coastal Program."

Library, Museum. Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

Local Coastal Program (LCP). The following documents comprise the City of Fort Bragg Local Coastal Program, in compliance with the Coastal Act: the Coastal General Plan; the Coastal Land Use and Development Code and the Zoning Map; and any other implementing actions undertaken by the City in compliance with the Coastal Act.

Lodging.

1. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging with an on-site manager, where meals may be provided subject to applicable Environmental Health Department regulations.
2. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example,

Comment [MJ20]: Not defined in use tables, definition is not required. Considered under manufacturing or delete as highly unlikely to come to Fort Bragg given regulatory environment for Dry Cleaning facilities.

Definitions

restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

3. **Vacation Rental.** An upstairs housing unit rented for over-night lodging, located in a mixed-use building within the Central Business District. Limited to three vacation rentals per parcel.

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Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is the gross area of the lot, exclusive of easements for streets or driveways that are not for the exclusive use of the lot on which the easement is located.

Lot, or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Land Use and Development Code. Types of lots include the following. See Figure 10-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 175 degrees. If the intersection angle is more than 175 degrees, the lot is considered an interior lot.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one street.
4. **Key Lot.** An interior lot that fronts on two streets and adjoins both the side and back property line of a corner lot.
5. **Reverse corner Lot.** A corner lot, the rear of which abuts a key lot.
6. **Through Lot.** A lot with frontage on two generally parallel streets.

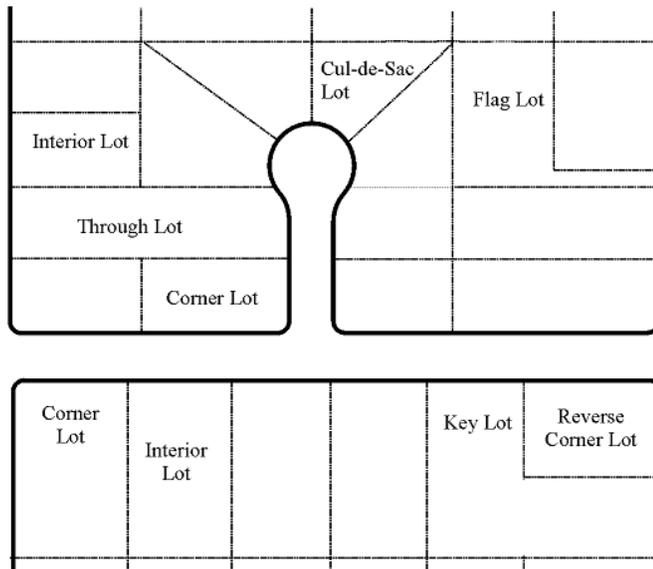


Figure 10-3 – Lot Types

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 10-4 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way.

Definitions

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows [see Figure 10-4 (Lot Features)]:

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

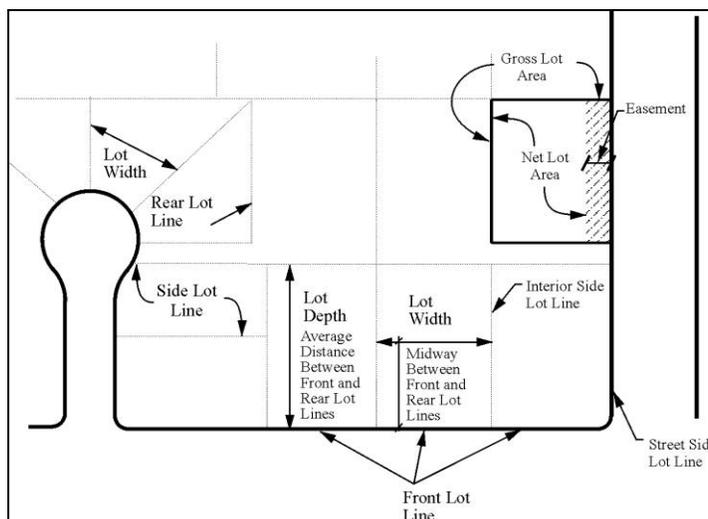


Figure 10-4 – Lot Features

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 10-4 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Impact Development (LID) Design Principles. Low Impact Development is an approach to developing land and managing stormwater runoff that incorporates environmentally sound technology and sustainable design techniques to address adverse impacts of urbanization and protect aquatic resources, water quality, and the natural pre-development hydrology. To mimic pre-development conditions, the design techniques maintain pre-development time to concentration by infiltrating, filtering, storing, evaporating, treating, and detaining stormwater flows on site, where feasible.

Low Impact Development Design Strategies. Low Impact Development Design Strategies include but are not limited to:

- Rainwater storage techniques such as: bioretention rain gardens, landscape island storage, rooftop detention and retention (green/vegetated roofs), under parking lot and street storage, rain barrels and cistern storage, catch basins and seepage pits, under sidewalk storage, etc.
- Site preparation techniques such as: maintain pre-development site drainage patterns, strategic grading, site finger printing, resource conservation, flatter slopes, reforestation, native plantings, pollution prevention, bioengineering wetlands for stormwater infiltration, detention and conveyance.

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- Stormwater conveyance techniques such as: flatter wider swales, long flow paths, smaller culverts, pipes & inlets, maximize sheet flow, etc.
- Landscaping techniques such as: tree and shrub depressions, turf depressions, use of native plants, engineered soil, etc.
- Surfacing techniques such as: alternative surfaces (permeable paving, grass pave, etc.), reducing the amount or extent of impervious surface, utilizing surface roughness technology to slow stormwater movement, etc.
- Infiltration techniques such as: vegetative swales, buffers & strips, infiltration swales & trenches, elimination of curb and gutter, pervious surfaces, etc.

Definitions

M. Definitions, "M."

Maintenance Service, Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use. When the base facilities for these services include service or storage yards, or fleet vehicle storage, they are instead classified under "Construction Contractor Base."

Manufacturing - Cannabis - A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.) , and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

Comment [MJ21]: New definition as directed by City Council

Manufacturing/Processing - Heavy. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Heavy manufacturing uses are not allowed within the City of Fort Bragg except where limited varieties are included under the definition of "Manufacturing - Intensive." Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."
3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under "Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing."
4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.; see "Lumber and Wood Product Manufacturing").
5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").

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6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").

7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.

8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper ("Manufacturing - Light - Paper Product Manufacturing").

9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:
 - coating, waterproofing, or otherwise treating fabric
 - dressed and dyed furs
 - dyeing and finishing fiber, yarn, fabric, and knit apparel
 - leather-tanned, curried, and finished
 - manufacture of knit apparel and other finished products from yarn
 - manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
 - manufacturing of woven fabric, carpets, and rugs from yarn
 - preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
 - scouring and combing plants
 - upholstery manufacturing
 - yarn and thread mills

Manufacturing/Processing - Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing - Heavy - Textile and Leather Product Manufacturing.

2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

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- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories,
- semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

3. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:
- bottling plants
 - ~~breweries~~
 - candy, sugar, confectionery products manufacturing
 - catering services separate from stores or restaurants
 - coffee roasting
 - dairy products manufacturing
 - fat and oil product manufacturing
 - fruit and vegetable canning, preserving, related processing
 - grain mill products and by-products
 - meat, poultry, and seafood canning, curing, byproduct processing
 - soft drink production
 - miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined; ~~or beer brewing as part of a brew pub, bar or restaurant (see "Bar/Tavern," and "Night Club").~~

4. **Furniture and Fixtures Manufacturing, ~~Cabinet Shop.~~** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. ~~Includes Does not include furniture re-upholstering businesses, wood workers and custom cabinet shops, which are separately regulated under Artisan/Craft Product Manufacturing, but not Does not include sawmills or planing mills, which are instead included under "Manufacturing - Heavy."~~

5. **Handcraft Industries, Small-Scale Manufacturing.** ~~Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also~~ includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; ~~jewelry; musical instruments;~~ pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.

Comment [MJ22]: Provides for consistency with changes made to the use of Artisan and Craft Manufacturing.

Comment [MJ23]: Provides for consistency with changes made to the use of Artisan and Craft Manufacturing.

Definitions

6. **Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
 - blacksmith and welding shops
 - plating, stripping, and coating shops
 - sheet metal shops
 - machine shops and boiler shops
7. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").
8. ~~Photo/Film Processing Lab. A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.~~

Comment [MJ24]: No longer an industry type

Manufacturing/Processing - Medium Intensity. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following.

1. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
 - containers, pallets and skids
 - manufactured and modular homes
 - ~~matches (wood)~~
 - milling operations
 - trusses and structural beams
 - ~~turning and shaping of wood products~~
 - wholesaling of basic wood products
 - wood product assembly
2. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").
3. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").
4. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("~~Artisan and Craft Manufacturing, Handcraft Industries, Small-scale Manufacturing~~").
5. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and

Definitions

porcelain products. Does not include artist/craftsman uses (see " ~~Artisan and Craft Manufacturing, Handcraft Industries and Small Scale Manufacturing~~;" "Home Occupations").

Map Act. See "Subdivision Map Act."

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. ~~These facilities include the following types:~~

~~1.— **Backlots/Outdoor Facilities.** Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.~~

~~2.— **Indoor Support Facilities.** Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, Foley stages, etc.), optical and special effects units, film processing laboratories, etc.~~

~~3.— **Soundstages.** Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.~~

Comment [MJ25]: Detail not needed.

Medical Marijuana Cannabis Dispensary. Any facility or location where ~~medical marijuana~~ **cannabis** is made available to and/or distributed by or to two or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "~~medical marijuana~~ **cannabis** dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq. (Ord. 851 §4, 2005.)

Comment [MJ26]: Make this terminology consistent with pending law

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with four or more licensed practitioners and/or medical specialties
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Laboratory. Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory - Analytical, Research and Development, Testing."

Definitions

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.

Meeting Facility, Public or Private. A facility for public or private meetings, including community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by Section 18.20.030 (Allowable Land Uses).

Mixed-Use Project. A project that combines both commercial and residential uses, where the residential component is typically located above the commercial. Mixed use projects can also be located in separate buildings on the same parcel.

Comment [MJ27]: Clarification and provides more flexibility to allow a variety of mixed use configurations.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home, Boat, or RV Sales. Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. May include a common storage area for recreational vehicles owned by residents only.

Comment [MJ28]: Confusing.

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

Motel. See "Lodging."

Multi-Family Housing. A dwelling unit that is part of a structure containing one three or more other dwelling units, or a non-residential use. An example of the latter is a mixed-use project where, for example, one three or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, row houses, stacked flats, etc.). Duplexes are considered separately as an attached second unit.

Comment [MJ29]: Consistent with State Law which considers a duplex a type of attached second unit that is subject to very limited regulation. This change could potentially increase the number of housing units in Fort Bragg, as large and medium sized homes in single family residential districts may be split up into two units to accommodate more households. This change will also allow a number of currently illegal second units to become legalized within their zoning districts.

Municipal Storm Sewer System. A conveyance or system of conveyances, including municipal streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting or disposing of stormwater.

Definitions

N. Definitions, "N."

National Pollutant Discharge Elimination System (NPDES). The National Pollutant Discharge Elimination System established by Section 402 of the Clean Water Act, 33 USC Section 1342, as it may be amended from time to time.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permits. General, group, and individual stormwater discharge permits that regulate facilities defined in Federal NPDES regulations in compliance with the Clean Water Act. The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general stormwater discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

Natural, or Existing Grade. The contour of the ground surface before grading.

Negative Declaration. An ~~environmental report, prepared under CEQA, that analyzes a project and concludes statement describing the reasoning~~ that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Comment [MJ30]: Definition was not complete.

Night Club. A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for on-site consumption. Does not include adult entertainment businesses, which are separately defined.

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Land Use and Development Code or amendment, ~~that but~~ does not comply with the current area, width, depth, or other applicable requirements of this Land Use and Development Code.

Nonconforming Sign. A sign that lawfully existed prior to the effective date of this Land Use and Development Code or amendment, but does not comply with the current sign regulations of this Land Use and Development Code.

Nonconforming Structure. A structure that was legally constructed prior to the adoption or amendment of this Land Use and Development Code, but does not comply with the current setback, height limit, and/or other applicable requirements of this Land Use and Development Code.

Nonconforming Use. A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Land Use and Development Code or amendment, but does not conform to the current Land Use and Development Code requirements for allowable land uses within the applicable zoning district.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

NPDES. See "National Pollutant Discharge Elimination System."

Definitions

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Off-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

Office. This Land Use and Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

Comment [MJ31]: Consider revising to simplify as shown.

1. **Accessory.** Office facilities for administration, and/or on-site business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.

2. **Business/Service General.** Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale on-site, etc. Use also includes administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. This use does not include "Bank, Financial Services," which is separately defined.

~~3. **Government.** Administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Freight Terminal."~~

~~4. **Processing.** Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer dependent and/or telecommunications-based activities. Examples of these uses include the following, but do not include small scale telephone answering services, which are instead classified under "Office - Professional or Administrative":~~

- ~~• airline, lodging chain, and rental car company reservation centers~~
- ~~• computer software and hardware design and development~~
- ~~• consumer credit reporting~~
- ~~• data processing services~~
- ~~• health management organization (HMO) offices where no medical services are provided~~
- ~~• insurance claim processing~~
- ~~• mail order and electronic commerce transaction processing~~
- ~~• telecommunications facility design and management~~
- ~~• telemarketing~~

~~35. **Professional and Administrative.** Office-type facilities occupied by businesses that provide professional services and/or engage in the production of intellectual property. Examples of these uses include:~~

- ~~▪ accounting, auditing and bookkeeping services~~
- ~~▪ advertising agencies~~
- ~~▪ answering services~~
- ~~▪ attorneys~~
- ~~▪ business associations, chambers of commerce~~
- ~~▪ commercial-art and design services~~
- ~~▪ construction contractors (office facilities only)~~
- ~~▪ counseling services~~
- ~~▪ court reporting services~~
- ~~▪ detective agencies and similar services~~
- ~~▪ design services including architecture, engineering,~~

Definitions

- landscape architecture, urban planning
- educational, scientific and research organizations
- financial management and investment counseling
- literary and talent agencies
- management and public relations services
- media postproduction services
- news services
- photographers and photography studios
- political campaign headquarters
- psychologists
- secretarial, stenographic, word processing, and temporary clerical employee services
- security and commodity brokers
- writers and artists office

46. Temporary. A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

57. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

~~Office-Supporting Retail. A retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of merchandise include:~~

- ~~▪ Books~~
- ~~▪ Computer equipment~~
- ~~▪ Florists, flower stands~~
- ~~▪ Newsstands, newspapers and magazine stores~~
- ~~▪ Office supplies, stationery~~
- ~~▪ Photographic supplies and cameras~~

Comment [MJ32]: Not currently located in the Use Tables. Included in general retail.

On-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed on-site.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Fencing. A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron, used in conjunction with recreation and seating areas.

Ordinary Maintenance and Repair. Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including auction yards, flea markets, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of vehicles/equipment, and other uses where the business is not conducted entirely within a structure. Does not include the sale of automobiles and recreational vehicles ("Auto and Vehicle Sales and Rental") or mobile homes ("Mobile Home, Boat, or RV Sales"). Outdoor retail sales and activities shall comply with the standards for "Outdoor Displays and Sales" in Section 18.42.130.

Definitions

P. Definitions, "P."

Parcel. See "Lot, or Parcel."

Park/Playground. A public outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Design amenities related to the street level such as awnings, paseos, arcades;
3. Visibility into buildings at the street level;
4. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping; and
8. Street furniture.

Pedestrian Oriented Use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and social interaction.

~~Person. Any individual, firm, partnership, corporation, company, association, joint stock association, city, county, state, or district, and includes any trustee, receiver, assignee, or other similar representative thereof.~~

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning pick-up stores with limited equipment
- home electronics and small appliance repair
- laundromats (self-service laundries)
- locksmiths
- ~~tattoo and body piercing services~~
- ~~spas and hot tubs for hourly rental~~
- massage (licensed, therapeutic, non-sexual)
- pet grooming with no boarding
- shoe repair shops
- tailors
- tanning salons
- These uses may also include accessory retail sales of products related to the services provided.

Comment [MJ33]: Very legalistic definition. Consider deleting as the code references applicant, not person.

Comment [MJ34]: Reflect change in our perceptions of the desirability of body art and spas. These uses are not the outliers they once were.

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Definitions

Personal Services - Restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- fortune tellers, psychics
- ~~palm and card readers~~
- pawnshops
- ~~psychics~~
- ~~spas and hot tubs for hourly rental~~
- ~~tattoo and body piercing services~~

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Comment [MJ35]: See comment above.

Petroleum Product Storage and Distribution. Wholesale establishments engaged in the storage, and sale of gasoline, oil, butane, propane, and liquefied petroleum gas (LPG) and similar products, to retailers. Does not include the sale of gasoline at a service station ("Service Stations"), or the retail sale of fuel for space heating ("Fuel Dealer").

Planning Commission. The City of Fort Bragg Planning Commission, appointed by the Fort Bragg City Council in compliance with Government Code Section 65101, referred to throughout this Land Use and Development Code as the "Commission."

Planning Permit. Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permit, Minor Use Permit, Limited Term Permit, Variance, Minor Variance, Design Review, administrative permits, and Zoning Clearance, as established by Article 7 (Planning Permit Procedures) of this Land Use and Development Code.

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Pollutant. Anything which causes or contributes to pollution. Pollutants may include: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete materials); and noxious or offensive matter of any kind.

Pollution. The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code § 13050).

Porter-Cologne Act. The Porter-Cologne Water Quality Control Act and as amended (California Water Code § 13000 et seq.).

Professional Inspection. An inspection required by this Development Code, the Director, or City Engineer to be performed by a civil engineer, soils engineer, or engineering geologist. These inspections include those performed by persons supervised by engineers or geologists.

Projected Runoff. A numerical projection based on the following formula: precipitation multiplied by parcel size multiplied by imperviousness factor. Precipitation shall be presumed in all cases to be one inch of rainfall falling within a 24-hour period. Parcel size shall be the total square footage of the lot being developed. An imperviousness factor

Definitions

represents the amount of average stormwater drainage from the average of all parcels zoned for a particular land use. This numerical projection shall be used as a starting point in measuring compliance with the 20 percent urban runoff reduction required by this Development Code.

Primary Frontage. For parcels that face more than one street, the primary frontage is the front of the property that faces the larger/more traveled street. By contrast a secondary frontage is that piece of a parcel that faces the smaller/less traveled street.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Residential Recreation Facility. A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, park and sport court facilities. Does not include golf courses and country clubs, which are separately defined.

~~**Produce Stand.** A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.~~

Comment [MJ36]: Consider deleting as this use is not listed in the Use Tables. Or consider adding this use to the Use Tables.

Property Line. The recorded boundary of a parcel of land.

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Protected Zone of a Tree. The maximum extent of the drip line of the tree plus five feet, projected in a circle around the tree, with the trunk at the center of the circle.

~~**Public Auction, Flea Market.** An indoor or outdoor facility where items sold are auctioned to on-site customers, or where used and/or new merchandise is sold at retail by individual vendors in a temporary or permanent facility operated and managed by a different proprietor or business entity, provided that the operator may also be engaged in sales.~~

Comment [MJ37]: See comment above.

Public Facility. A site or structure owned and operated by the City of Fort Bragg for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

Public Safety Facility. A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

Definitions

Q. Definitions, "Q."

Qualifying Resident. A senior citizen, low income-family, disabled person or other person eligible to reside in senior-in a specific type of citizen-affordable housing.

R. Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; and
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections; and
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
 - a. Reverse vending machines;
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;

~~2. **Medium Collection Facility.** Includes the following:~~

- ~~ca. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and~~
- ~~db. A kiosk unit.~~

~~3. **Large Collection Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent or mobile structures.~~

~~4. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.~~

Comment [MJ38]: Simplify recycling definitions to apply to only large and small facilities.

Definitions

~~5. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:~~

~~a. A light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and~~

~~b. A heavy processing facility is any processing facility other than a light processing facility.~~

36. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1786. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

47. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

~~8. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.~~

~~A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.~~

59. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Reduced Runoff. A numerical projection based on the following formula: projected runoff multiplied by 0.80. This projection represents the maximum amount of stormwater drainage expected to occur at a particular site upon implementation of an approved Urban Runoff Mitigation Plan.

Repair Service - Equipment, Large Appliances, etc. A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services," the repair of small home appliances and electronic equipment, which is included under "Personal Services," maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services," or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the on-site sales.

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Comment [MJ39]: Redundant and conflicts with the definition below.

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Definitions

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

- garages
- gazebos
- greenhouses (non-commercial)
- spas and hot tubs
- storage sheds
- studios
- swimming pools, chicken coops
- tennis and other on-site sport courts, firewood shed
- workshops

Comment [MJ40]: Don't have many swimming pools or tennis courts in fort Bragg.

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, which are separately defined; guest houses, which are included under the definition of second units; ~~or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").~~

Comment [MJ41]: Outdated.

Residential Care Facility. A single family dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are ~~handicapped and~~ in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined. Does not include single family homes that provide 24-hour nonmedical care of unrelated individuals as this use is included in Single Family Residential (per state law).

Comment [MJ42]: Single family residential care facilities must be regulated the same way as a single family home. Consider eliminating this use all together.

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

Residential Component of Mixed Use Project. See "Mixed Use Project."

Definitions

Residential Zone. Any of the following zoning districts established by Chapter 18.14 (Zoning Map): RR (Rural Residential), RS (Suburban Residential), RL (Low Density Residential), RM (Medium Density Residential), RH (High Density Residential), and RVH (Very High Density Residential).

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Also includes a brewery/restaurant, which serves food and includes the manufacture of beer and other brewed spirits.

Retail Complex. A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Review Authority. The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Land Use and Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 7 (Planning Permit Procedures).

~~**Rooming or Boarding House.** A dwelling or part of a dwelling where lodging is furnished for compensation to five or more persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under "Organizational House."~~

Comment [MJ43]: It is not legal to regulate residential uses in this manner. A household may rent out rooms to unrelated individuals (so long as the rentals are for longer than one month and occupancy stays under the building code threshold).

Definitions

S. Definitions, "S."

School. A public or private academic educational institution, including:

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|---|------------------|
| boarding school | high school |
| community college, college, or university | military academy |
| elementary, middle, and junior high schools | |

Also includes schools providing specialized education/training. Examples include the following:

- | | |
|--|---|
| art school | establishments providing courses by mail |
| ballet and other dance school | language school |
| business, secretarial, and vocational school | martial arts |
| computers and electronics school | music school |
| drama school | professional school (law, medicine, etc.) |
| driver education school | seminaries/religious ministry training facility |

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Second Hand Store. A retail store that buys and sells used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects. Does not include **consignment shops ("retail Stores")**, **used** bookstores ("Retail Stores"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales"); junk dealers, or scrap/dismantling yards (Recycling Facilities - Scrap and Dismantling Yards"); the sale of antiques and collectibles ("Retail Stores"); the sale of cars and other used vehicles ("Auto and Vehicle Sales, Leasing, and Rental, Used"); or pawnshops ("Personal Services - Restricted").

Second Unit/~~or~~ Carriage House/Duplex. A second permanent dwelling **unit** that is accessory **or attached** to a primary dwelling on the same site. A second unit ~~or~~ carriage house **or duplex unit** that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. A carriage house is a second unit located over a detached garage. Includes guest houses. **A second unit may be attached to the primary unit to form a duplex.**

Comment [MJ44]: Update Second Unit definition to comply with State law.

Secondary Frontage. For parcels that face more than one street, the secondary frontage is the front of the property that faces the smaller/less traveled street. By contrast a primary frontage is that portion of a parcel that faces the ~~smaller-larger or more traveled~~ street.

Comment [MJ45]: Fix error in definition.

Service Animal. **A dog or miniature horse that provides services to a differently abled individual under the auspices of the American with Disabilities Act. Excludes companion animals which are separately regulated under Article 4 Animal Keeping.**

Comment [MJ46]: A number of folks have come in seeking exceptions from the zoning ordinance for their companion animals, which are not covered under ADA.

Service Station. A retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), a gas station may also include a "Convenience Store," "Vehicle Services," and/or trailer rental ("Auto and Vehicle Sales or Rental"), which are separately defined.

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Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also "Yard," and Section 18.30.100 (Setback Requirements and Exceptions).

Definitions

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. ~~Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Murals, painting and other works of art are separately regulated in the signage ordinance.~~ Types of signs include the following.

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign.
2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
5. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
6. **Bench Sign.** Copy painted on a portion of a bench.
7. **Cabinet Sign (Can Sign).** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
9. **Directional Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
10. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
11. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
12. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
13. **Mural/Painting or other Two Dimensional Art.** A mural is a piece of decorative artwork, typically located on the exterior of a building. A mural is generally excluded from sign regulations, however an over the counter design review is required per section 18.38.080.

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Comment [MJ47]: Add clarifying language about murals and paintings

Definitions

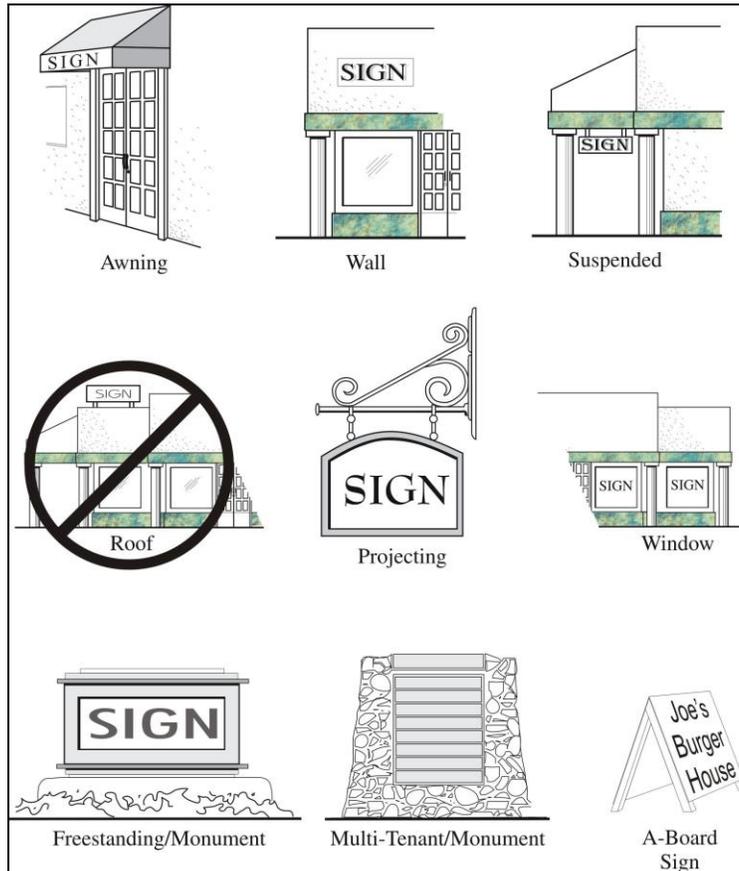


Figure 10-5 – Sign Examples

13. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
14. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.
15. **Illegal Sign.** A sign that includes any of the following:
 - a. A sign erected without complying with all regulations in effect at the time of its construction or use;
 - b. A sign that was legally erected, but whose use has ceased, the structure upon which the **display-sign** is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
 - c. ~~A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance ending the display conforming has expired, and conformance has not been accomplished;~~

Comment [MJ48]: The City does not have an amortization period for non-conforming signs.

Definitions

- d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
 - e. A sign which is a danger to the public or is unsafe;
 - f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
 - g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.
16. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.
17. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
18. **Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
19. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
20. **Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
21. **Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Land Use and Development Code, but does not now completely comply with current regulations.
22. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
23. **Off-Site Sign.** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign, or that identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, is not a principal item for sale or manufactured on the premise.
24. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
25. **Political or Social Issue Sign.** A sign that addresses:
- a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
 - b. The election or defeat of any candidate for any public office in any national, state, or local election; or
 - c. An international, national, state, or local political or social issue.
26. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.
27. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
28. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.

Definitions

- 29. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
- 30. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
- 31. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
- 32. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
- 33. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- 34. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. See Section 18.38.060.A (General Requirements for All Signs - Sign area measurement).

Sign Height. See Section 18.38.060.B (General Requirements for All Signs - Sign height measurement).

Significant Material. Any substance including: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; mortar; sediment and sludge; manure and other fertilizers, pesticides, oil, grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing toxic or nontoxic chemicals, or heavy metals; used batteries; or anything that contains such significant materials or to which such significant materials may attach.

Single-Family Dwelling. A building designed for and/or occupied exclusively by a single housekeeping unit in a more or less permanent living arrangement ~~one family~~. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Comment [MJ49]: To avoid conflict with legal cases defining a family.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures, sidewalks, paved driveways, and other impervious surfaces.

Small Family Day Care Home. See "Day Care."

Small Secondary Unit. A second unit of 600 square feet or less.

~~**Social Service Organization.** A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day care services, emergency shelters and transitional housing, or "Residential Care," which are separately defined.~~

Comment [MJ50]: This definition defines a use by the type of user, rather than the activity. It then is used to regulate where these types of users (handicapped, low income, disadvantaged) can engage in business. It is, therefore, discriminatory. Each social service use should be regulated according to the activity in which it engages: office, medical services, art studio, education, etc.

Soil. Naturally occurring superficial deposits overlying bedrock.

Definitions

Soils Engineer (Geotechnical Engineer). An engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

Soils Engineering. The application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

~~**Sports and Entertainment Assembly.** A large scale indoor or outdoor facility accommodating spectator oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.~~

Comment [MJ51]: This type of use will likely never happen in Fort Bragg. The Sports and Active Recreation facility use should be added to the Use Table, instead.

Sports and Active Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- athletic/sport fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- skateboard parks
- swimming pools
- tennis and other sport courts (e.g., handball, squash)

Storm Drain System. Publicly-owned facilities operated by the City by which stormwater is collected and/or conveyed, including any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

Storage - Accessory. The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage - Personal Storage Facility. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

Street. A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Land Use and Development Code, the term "structure" includes "buildings," but does not include swimming pools.

~~**Studio - Art, Dance, Martial Arts, Music, etc.** Small scale facilities, typically accommodating production studios for individual musicians, painters, sculptors, photographers, and other artists and/or one a group of students at a time under instruction in art, dance, martial arts, music etc., in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of~~

Definitions

~~photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios; and dance studios. -with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.~~

Studio Unit. A residential unit where living and sleeping space is combined in a single room.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Mendocino County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Improvements. Subdivision improvements include but are not limited to streets, storm drainage facilities, sanitary sewers, water supply facilities, electric and gas lines.

Subdivision Map Act, or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Comment [MJ52]: Revised definition to reflect actual types of studios that are in Fort Bragg and likely to open here.

Definitions

T. Definitions, "T."

Telecommunications Facility. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections. The following terms and phrases are defined for the purposes of Chapter 18.44 (Telecommunications Facilities).

1. **Antenna.** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.
2. **Colocation.** The location of two or more wireless, hard wire, or cable communication facilities on a single support structure or otherwise sharing a common location. Colocation shall also include the location of communication facilities with other facilities (e.g., water tanks, light standards, and other utility facilities and structures).
3. **Communication Facility.** An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.
4. **Equipment Cabinet.** A cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.
5. **Monopole.** A single freestanding pole, post, or similar structure, used to support equipment associated with a single communication facility.
6. **Multipoint Distribution Service.** A microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretative decisions thereof issued by the Federal Communications Commission.
7. **Service Provider.** Any authorized provider of communication services.
8. **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited time, typically less than 12 months.

Tenant. A person renting or leasing a housing unit or non-residential space.

Terrestrial Vegetation. Native plants common to areas away from riparian features or the ocean.

Theater. A commercial indoor facility for group entertainment, other than sporting events. Examples of these facilities include: civic theaters, and facilities for "live" theater and concerts and movie theaters. See also "Meeting Facility, Public or Private," ~~and "Sports and Entertainment Assembly."~~

Comment [MJ53]: Eliminated this definition.

Top of Creek Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Transit Station or Terminal. A passenger station for vehicular, and rail ~~mass transit~~ systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Definitions

U. Definitions, "U."

Unit Owner, or Owner. The holder of record fee title to an affordable unit. "Unit owner" includes a contract purchaser ("vendee") under an installment land contract.

Use. See "Land Use."

Use, Primary. See "Primary Use."

Urban Runoff. Any surface water flow produced by non-stormwater resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water.

Urban Runoff Mitigation Plan. A plan which shall be required to be approved in connection with any new development that includes ground disturbance. Any such plan shall achieve 20 percent reduction of the projected runoff for the site.

Utility Facility. A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from planning permit requirements by Government Code Section 530171:

- corporation and maintenance yards.
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- ~~telephone switching facilities~~
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Definitions

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V. Definitions, "V."

Vacation Rental. ~~A rental of a residential room or house for less than a month for any purpose~~ See "lodging".

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Major Repair/Body Work.** These establishments include towing, collision repair, vehicular and engine repair (brake jobs, transmission work, etc.), other body work, and painting services; tire recapping.
2. **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include public or private parking lots; or dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

Veterinary Clinic, Animal Hospital. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also "Kennel, Animal Boarding."

~~Video Rental. See "General Retail" and "Adult Entertainment Business."~~

W. Definitions, "W."

Warehouse. See "Storage - Warehouse, Indoor Storage."

Waters of the United States. Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

Wine Tasting. A facility, or area within a winery, where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

Winery. A manufacturing facility where wine grapes are crushed, and their juice is fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Definitions

X. Definitions, "X."

No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except for projections permitted by this Land Use and Development Code. See also "Setback," and Section 18.30.100 (Setback Requirements and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the primary structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the primary structure.
3. **Side Yard.** An area between a side lot line and the primary structure extending between the front and rear yards.

Z. Definitions, "Z."

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

Zoning District. Any district established by Section 18.14 (Zoning Map), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Disclaimer
Revision Date

Pacific Ocean

Inland Land Use Designations

Commercial Land Uses

- Central Business District
- Neighborhood Commercial
- General Commercial
- Highway Visitor Commercial
- Office Commercial

Industrial Land Uses

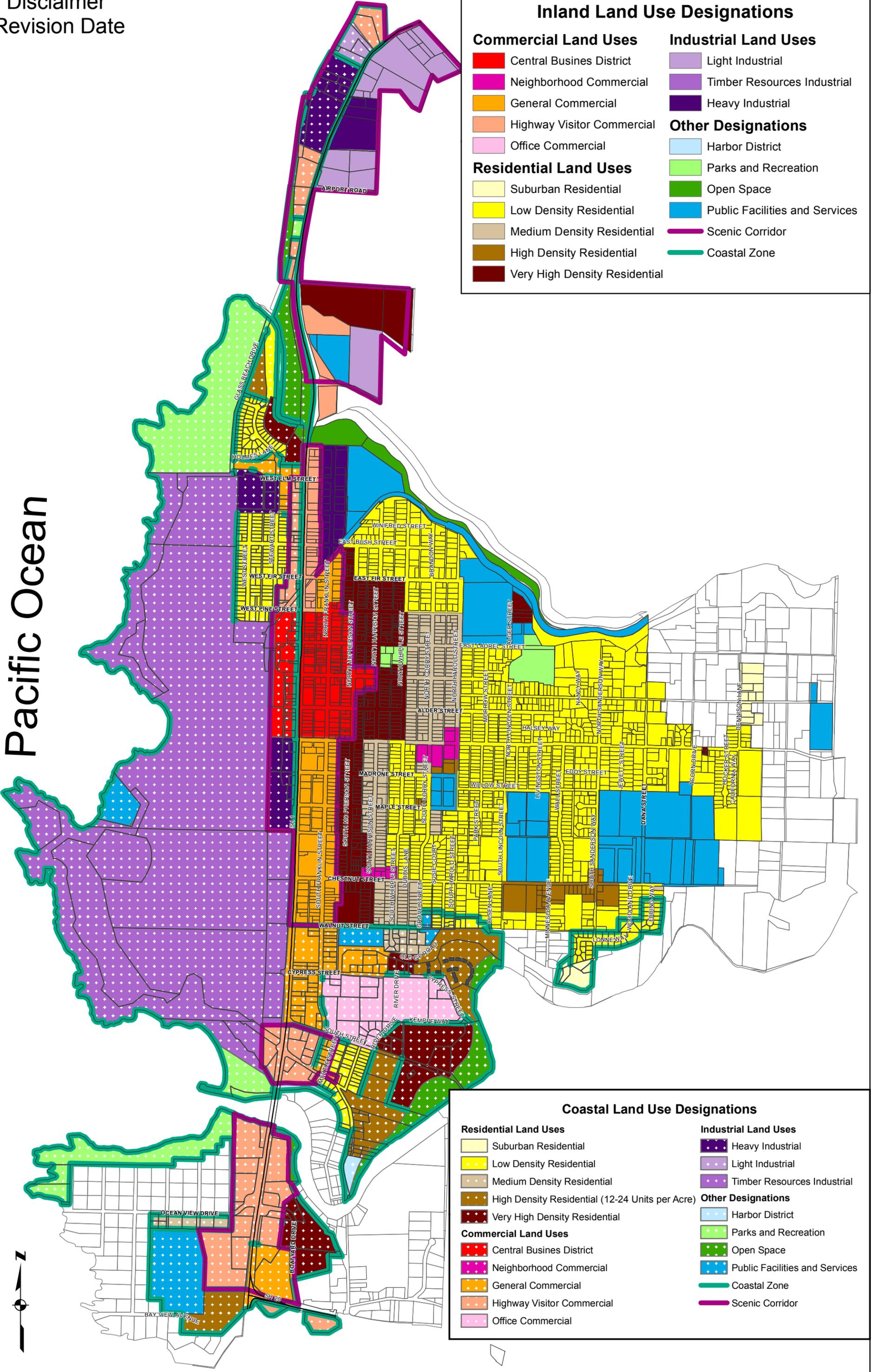
- Light Industrial
- Timber Resources Industrial
- Heavy Industrial

Other Designations

- Harbor District
- Parks and Recreation
- Open Space
- Public Facilities and Services
- Scenic Corridor
- Coastal Zone

Residential Land Uses

- Suburban Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Very High Density Residential



Coastal Land Use Designations

Residential Land Uses

- Suburban Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential (12-24 Units per Acre)
- Very High Density Residential

Commercial Land Uses

- Central Business District
- Neighborhood Commercial
- General Commercial
- Highway Visitor Commercial
- Office Commercial

Industrial Land Uses

- Heavy Industrial
- Light Industrial
- Timber Resources Industrial

Other Designations

- Harbor District
- Parks and Recreation
- Open Space
- Public Facilities and Services
- Coastal Zone
- Scenic Corridor





Mendocino Coast Hospitality Center

P.O. Box 2168, Fort Bragg, CA 95437

Main Phone: (707) 961-0172 Fax: (707) 961.0217

www.mendocinochc.org - admin@mendocinochc.org

"...shelter the homeless, feed the hungry, and provide a path to personal self sufficiency..."

September 26, 2016

Marie Jones, Community Development Director

Scott Perkins, Associate Planner

416 N. Franklin Street

Fort Bragg, CA 95437

Marie and Scott,

We appreciate the time you took to discuss some of the upcoming zoning changes that the city of Fort Bragg is considering. We also thank you for taking into consideration the suggestions sent to you by Disability Rights California Staff Attorney Pamela Cohen on behalf of Mendocino Coast Hospitality Center (MCHC) and other Nonprofit Social Service Organizations in our community.

Mendocino Coast Hospitality Center Board and Staff remain deeply concerned about some of the zoning issues. It is our understanding that our Hospitality House homeless shelter and our "Emergency Weather Shelter" may now be under the category of "emergency shelter" and thereby restricted to locations in the "Light Industrial Land Use" designations.

Restricting emergency shelters to this small area out of town that has no sewers and minimal other amenities is exclusionary and unacceptable. As you know, the "Light Industrial" areas are located in a limited few blocks at the far northern edge of Fort Bragg. Furthermore, this would change the designation of our 30-year location of MCHC's Hospitality House on N. McPherson Street into a legal, non-conforming structure which is unacceptable as well.

Emergency housing should be considered a form of housing, nothing more, for that's exactly what it is---housing. Your own City attorney has eloquently opined about discrimination in housing being violative of state and federal laws. Imagine being someone caught in the unfortunate circumstance of requiring emergency shelter, when upon inquiring, being told that she must be herded into the light industrial area of the city as far away from other residents as possible. The city surely must not turn its back on those most in need of emergency shelter.

Affordable housing also remains a critical issue. MCHC is committed to helping curb homelessness and locating permanent housing for those we serve, but our community cannot end homelessness if there is no affordable housing available. The Obama administration is encouraging smart land use regulations and is releasing a new toolkit today that “highlights best practices that localities have employed---including streamlining permitting processes, eliminating off-street parking requirements, reducing minimum lot sizes, and enacting high-density and multifamily zoning polices---to reduce overly burdensome land use restrictions and promote mobility and economic growth.” (Article attached) We ask that the city and the community look at creative ways to encourage affordable housing as you revise your zoning ordinances.

We request that MCHC be notified of upcoming zoning discussions and changes that are being considered so that we can participate in this important decision-making process that affects the ability of nonprofit Social Service Organizations to provide affordable and accessible housing for so many deserving families and individuals in our community.

Thank you for considering our concerns.

Respectfully,



Lynelle Johnson, Board President

Mendocino Coast Hospitality Center

CC:

Linda Ruffing, City Manager

Dave Turner, Mayor

Council Members

Attal Simet: Better to Move Down

OPEN FORUM On Land Use Reform

Promote Shared Housing Growth

By Jason Furman

It is no secret that cities like San Francisco, New York and Washington, D.C., face challenges in the availability and cost of housing. But policymakers and economists have increasingly recognized both the role that certain inappropriate land use restrictions play in raising housing costs — not just in major cities but across the country — and the opportunity for modernizing these regulations to promote shared growth.

When certain government policies — like minimum lot sizes, off-street parking requirements, height limits, prohibitions on multifamily housing, or unnecessarily lengthy permitting processes — restrict the supply of housing, fewer units are available and the price rises. On the other hand, more efficient policies can promote availability and affordability of housing, regional economic development, transportation options and socioeconomic diversity.

Research suggests that local barriers have become more restrictive in recent decades. One way to measure this is comparing the sale price of houses with construction costs. This gap typically reflects the cost of buying land — which increases with tighter land use restrictions. Indeed, the gap has increased in the past two decades: House prices from 2010 to 2013 were 56 percent higher than construction costs, a 23 percentage-point increase over the average gap during the 1990s.

Of course, many land use regulations can have benefits for communities. Environmental reasons in some localities may make it appropriate to limit high-density or multiuse development. Similarly, health and safety concerns — such as an area's air traffic patterns, viability of its water supply, or its geologic stability — may merit height and lot size restrictions.

But in other cases, barriers to housing development can allow a small number of individuals to enjoy the benefits of living in a community while excluding many others, limiting diversity and economic mobility.

This upward pressure on house prices may also un-

determine the market forces that typically determine patterns of housing construction, leading to mismatches between household needs and available housing.

Improving land use policies can also create benefits for the U.S. economy as a whole. High-productivity cities offer higher-income jobs than low-productivity cities and often attract workers who move from other cities, naturally bringing more resources to productive areas of the country. But when unnecessary barriers restrict the supply of housing and costs increase, then workers — particularly lower-income workers who would benefit the most — are less able to move.

All told, this means slower economic growth. Some researchers have estimated that GDP could have been almost 10 percent higher in 2009 if workers and capital freely moved so that the distribution of wages across cities was the same as in 1964.

On the other hand, smarter land use and housing policy can promote both growth and equity. While most land use policies are appropriately made at the state and local level, the federal government can also play a role in encouraging smart land use regulations.

Today, the Obama administration is releasing a new toolkit at <http://bit.ly/2d4dVAc> that highlights best practices that localities have employed — including streamlining permitting processes, eliminating off-street parking requirements, reducing minimum lot sizes, and enacting high-density and multifamily zoning policies — to reduce overly burdensome land use restrictions and promote mobility and economic growth.

Reforming land use policies can have important benefits for local residents and the nation as a whole, not only raising economic growth, but ensuring that its benefits are widely shared among all Americans.

Jason Furman is the chairman of the White House Council of Economic Advisers.



SACRAMENTO REGIONAL OFFICE

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August 8, 2016

Marie Jones
Community Development Director
416 N Franklin Street
Fort Bragg, CA 95437

Re: Fort Bragg Measure U

Dear Ms. Jones:

I am an attorney at Disability Rights California, a non-profit agency serving Californians with disabilities each year through advocacy, legal representation, abuse investigations, and public education initiatives. Disability Rights California is the nation's largest disability rights organization, and is the agency mandated to provide protection and advocacy services for those individuals in California who have developmental, physical, sensory, and/or mental disabilities, pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§ 15001, 15041, et seq., as amended, 45 C.F.R. § 1386; Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801, et seq.; the Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e; the Assistive Technology Act, 29 U.S.C. §§ 3011, 3012; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20; the Children's Health Act of 2000, 42 U.S.C. § 300d-53; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62; and California Welfare & Institutions Code §§ 4900 et seq.

I am writing to express Disability Rights California's concerns about Measure U, which would have amended the Fort Bragg zoning code to prohibit social service organizations from operating in the Central Business

Marie Jones
August 8, 2016
Page 2

District without a special use permit if they were not in operation prior to January 1, 2015, and restricted the growth of pre-existing social service organizations. We understand that the Fort Bragg City Council unanimously opposed Measure U, and that it was narrowly defeated in the June, 2016 election. That ordinance, or any similar measure, would have had significant negative effects on people with disabilities in the Fort Bragg area. It also would have violated state and federal anti-discrimination and land-use laws. For the reasons discussed below, we urge the City Council to reject these types of ordinances in the future.

Many people with disabilities in the Fort Bragg area rely on social services in the Central Business District. For example, one of our clients is an older adult with a developmental disability who works with the Art Explorers creative arts program and the Parents & Friends support agency, both of which are located in the Central Business District. Art Explorers has given this individual opportunities to express himself through art and to exhibit and sell his work, and has connected him with the Mendocino Coast art community. Parents & Friends has provided him with someone to assist with activities of daily living such as transportation, budgeting, and medical services. Having worked with him for over twenty-five years, each of these agencies has helped him achieve a sense of purpose and a sense of belonging. They have also increased his self-confidence and self-sufficiency, allowing him to become an active participant in the larger Fort Bragg community.

If Measure U were enforced against Art Explorers, Parents & Friends, and other social service agencies that have been in the Central Business District since before January 1, 2015, they would not be allowed to enlarge or increase the use of their space in the Central Business District, and could be forced out of the Central Business District if their rent increased or other conditions changed.

Social service organizations that have located, or try to locate, in the Central Business District since 2015 would require a special use permit to operate or continue operation. Given the "Not In My Backyard" (NIMBY) climate surrounding such an ordinance, a special use permit requirement would likely prevent social service organizations from locating in the

downtown area, where their clients need them most, and could prevent them from operating at all.

If enacted, Measure U would have constituted a discriminatory and unlawful ordinance.

We agree with the City Attorney's September 4, 2015 legal analysis that it would be illegal to enforce Measure U against pre-existing social service organizations, and would violate state and federal antidiscrimination and land use laws as applied to social service organizations which located in the Central Business District after 2015.

Measure U would have been subject to challenge as discriminatory and unlawful under state and federal disability rights laws. These laws were intended to protect people with disabilities "from deprivations based on prejudice, stereotypes, or unfounded fear." *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 737 (9th Cir. Cal. 1999) (citing *School Board of Nassau County v. Arline*, 480 U.S. 273, 287 (1987)); *Chalk v. United States Dist. Court*, 840 F.2d 701, 707-08 (9th Cir. 1988) ("To allow the court to base its decision on the fear and apprehension of others would frustrate the goals of Section 504."); *Innovative Health Systems, Inc. v. City of White Plains*, 117 F.3d 37, 49 (2d Cir. 1997) ("Although [a city] may consider legitimate safety concerns in its zoning decisions, it may not base its decisions on the perceived harm from . . . stereotypes and generalized fears.").

An ordinance based on Measure U would violate the federal Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Within the text of the ADA, Congress set forth its broad goal of "providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1). Title II of the ADA protects people with disabilities from discrimination by public entities, and from being excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity because of a disability. 42 U.S.C § 12101 et seq. Similarly, under Section 504 of the Rehabilitation Act, as a recipient of federal financial assistance, the City

may not discriminate against people with disabilities or which utilize criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination. 29 U.S.C. § 794 et seq.; 24 C.F.R. § 8.4(b)(4).

The ADA and Section 504's prohibition on discrimination on the basis of disability includes discrimination in land-use and zoning ordinances. Public entities are prohibited from making zoning decisions which have the effect of excluding individuals with disabilities from, denying the benefits of, or otherwise subjecting them to discrimination, or which tend to screen out individuals with disabilities from fully and equally enjoying any public program or service. 28 C.F.R. §§ 35.130(b)(4)(i), 35.130 (b)(8). See *Bay Area Addiction Research Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999) (holding that Title II of the ADA and Section 504 apply to discriminatory zoning practices because zoning is a normal function of a government entity); *Innovative Health Sys., Inc. v. City of White Plains*, 117 F.3d 37, 44-49 (2d Cir. 1997) (holding that the ADA applies to zoning decisions involving drug and alcohol rehabilitation center); and the Americans with Disabilities Act: Title II Technical Assistance Manual ("TA Manual") § II-3.6100, illus. 1 (1993) (identifying zoning as covered by the statute).

If passed, Measure U would have violated the legal provisions discussed above. These provisions prohibit the City from enacting and enforcing land use provisions that have the intent or effect of discriminating against people with disabilities in their access to social services and transitional or supportive housing. Measure U on its face targets people with disabilities, and is clearly designed to restrict a particular facility that serves people with disabilities. It also has a disparate impact on people with disabilities, who use these services much more than general population.

An ordinance based on Measure U would also violate California State law. The California Disabled Persons Act (CDPA) gives people with disabilities or medical conditions the same right as the general public to the full and free use of public places as people without disabilities. Cal. Civ. Code

§54(a). Any violation of the ADA is also a violation of the CDPA. Cal. Civ. Code, § 54(c).

California Government Code § 65008 makes “null and void” any zoning action that “denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use” on the basis of certain factors, including low income and disability. Discriminatory intent is not necessary, as long as the effect of the land use decision is to discriminate against a protected class. *See, e.g., Keith v. Volpe* C.D. Cal. (1985) 618 F. Supp. 1132, 1158 (city’s restrictions on development to replenish housing lost to freeway construction discriminated against people with low incomes in violation of § 65008); *Bruce v. City of Alameda* (1985) 166 Cal. App. 3d 18, 22 (ordinance prohibiting the development of government subsidized rental housing without voter approval violated § 65008). In addition, as a recipient of state funds, the City may not make land use decisions that discriminate against people with disabilities in access to social services. Government Code § 11135.

An ordinance based on Measure U may also violate state and federal housing discrimination and planning laws as applied to social service organizations that provide housing. California’s Fair Employment and Housing Act (Government Code § 12900 et seq.) and the federal Fair Housing Act (42 U.S.C § 3601 et seq.) prohibit zoning ordinances that have a discriminatory effect on housing for people with low incomes or people with disabilities. If the ordinance were applied to social service organizations that provide transitional or supportive housing for people with disabilities, it may be discriminatory because it disproportionately affects people with low incomes and people with disabilities, and would therefore violate these antidiscrimination laws.

Pursuant to federal law, the City has an affirmative duty to further fair housing choice. Last year, HUD issued a final rule on Affirmatively Furthering Fair Housing (AFFH), clarifying communities’ obligations to report to HUD on their efforts to reduce barriers to fair housing for people with disabilities and other populations. State and local governments must

certify that they are complying with AFFH obligations as part of the Consolidated Plan process, which prioritizes and plans how they will allocate community development funds received from the federal government. 42 USC §12701 et seq.; 24 CFR Parts 91 & 570. If the proposed ordinance had been adopted, the City would have been in violation of this duty. A violation of this duty jeopardizes federal funding in that HUD may withdraw its funds, or seek reimbursement of its funds, as it has done in other jurisdictions across the country. In addition, California Housing Elements obligations requires local governments to plan for housing to meet the needs of certain populations, including people with disabilities and people with low incomes. Govt Code §65580 et seq. California's Housing Accountability ("Anti-NIMBY") Act prohibits local governments from making land use decision that disapprove, or make infeasible, housing developments without specified written findings. Govt Code §65589.5. Measure U would have violated any or all of these obligations.

Please note that this is not a comprehensive discussion of the unlawful components of Measure U, but simply highlights some of our major concerns. There are additional unlawful aspects to Measure U. For example, we agree with the City Attorney that if enacted, Measure U could not have been legally enforced against social service organizations located in the Central Business District before the ordinance was passed. Where "a retroactive ordinance causes substantial injury and the prohibited business is not a nuisance, the ordinance is to that extent an unreasonable and unjustifiable exercise of police power." *Jones v. City of Los Angeles* (1930) 211 Cal. 304, 321. Specifically, zoning ordinances may not retroactively interfere with a property owner's vested rights in the property. *Avco Cmty. Developers, Inc. v. S. Coast Reg'l Com.* (1976) 17 Cal. 3d 785, 791. Measure U would have caused substantial injury to social service organizations located in the Central Business District. Therefore, it would have been an illegal retroactive ordinance.

Social services and transitional and supportive housing are critical to providing people with disabilities in Fort Bragg the opportunities to live

Marie Jones
August 8, 2016
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independently and to fully participate as active members of their community. Measure U would have significantly curtailed those opportunities by making those services less available in the Central Business District, where people with disabilities need them most, and would likely have had an impact felt throughout the area.

Finally, we are aware that Fort Bragg Zoning Code 18.100.010 defines "social service organization" as a separate land use category. This enables the City to make land use decisions that target organizations that provide social services to people with disabilities. For the reasons discussed above, land-use decisions that disproportionately affect people with disabilities violate state and federal law. Therefore, we urge the City to remove this provision.

We hope that the Fort Bragg community and its leaders will take steps to address the fear and stereotypes that led to Measure U, and to prevent similar initiatives from appearing on future ballots. Please feel free to contact us if we can answer any questions, provide more information, or otherwise be of assistance in working to ensure that Fort Bragg fulfills its promise and obligation to integrate people with disabilities as full and active members of its community.

Sincerely,



Pamela Cohen
Staff Attorney

cc: Fort Bragg City Council
Linda Ruffing, City Manager
Jennifer Owen, Special Projects Manager
416 N Franklin Street
Fort Bragg, CA 95437

Marie Jones
August 8, 2016
Page 8

Samantha Zutler
Burke, Williams & Sorensen, LLP
101 Howard Street, Suite 400
San Francisco, CA 94105



City of Fort Bragg

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Text File

File Number: 16-414

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7A.

Adopt City Council Resolution Modifying Authorized Positions in FY 2016/17 Budget to Remove Water Projects Coordinator Position and Add Associate City Engineer Position
The City's Water Projects Coordinator has submitted a notice of resignation effective at the end of October. The City Manager and Assistant Public Works Director met with the Council's Personnel Committee to discuss staff's recommendation that, rather than opening a recruitment for the Water Projects Coordinator position, the City should recruit an Associate City Engineer. The Personnel Committee concurred with staff's recommendation based on the following:

- With some juggling, most of the workload currently assigned to the Water Projects Coordinator can be reassigned to other existing positions in the Public Works Department and to the new Associate City Engineer.
- The Engineering Division has found it challenging to keep the City's many capital projects on track due, in part, to lack of engineering staff. The recent short-term fix of hiring a Temporary Associate City Engineer was short-lived when the new hire found a full-time, permanent, position elsewhere. Having an in-house Associate City Engineer will restore the staffing structure in the Engineering Division to that which was in place prior to elimination of the Associate City Engineer position in 2009-10 (in response to the Great Recession). It will also help reduce the amount that the City spends on outside engineering services which are more costly and oftentimes involve a substantial "learning curve" as the consultants gain familiarity with the City's facilities and procedures.
- While the salary range for the Associate City Engineer positions (\$65,359 - \$79,445) overlaps with that of the Water Projects Coordinator (\$61,345-\$74,564), the incumbent in the Water Projects Coordinator position only worked 80% time so the actual salary topped out at \$59,652. It also should be noted that the fully-loaded cost of a non-sworn City position is typically about 30% greater than the salary. In the long run, the Associate City Engineer position will cost more than the Water Projects Coordinator. However, some of the staff costs for the Associate City Engineer will be offset by grants, by reduced costs for outside engineering services, and by special revenue funds.
- Replacing the Water Projects Manager position with an Associate City Engineer position is an efficient and effective change in the classification of positions in the Public Works Department and will help the Engineering Division remain responsive to the public while keeping the City's ambitious Capital Improvement Program on track.

A resolution is brought forward for Council adoption. If approved, the Human Resources Office will initiate two parallel recruitments - one for an Associate City Engineer and one for an Engineering Technician - and then, one position will be filled. The goal is, first, to cast a broad net to attract a large pool of eligible applicants. Then, the City will seek to hire the most qualified applicant at whatever level is appropriate. This may involve "under-filling" the Associate City Engineer position with an Engineering Technician. Staff recommends that the Council adopt the resolution approving the change in authorized positions.

RESOLUTION NO. ____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL MODIFYING AUTHORIZED POSITIONS IN FY 2016/17 BUDGET TO REMOVE WATER PROJECTS COORDINATOR POSITION AND ADD ASSOCIATE CITY ENGINEER POSITION

WHEREAS, the City's Water Projects Coordinator has announced her intent to separate from City employment at the end of October; and

WHEREAS, the City Manager and Assistant Public Works Director met with the Council's Personnel Committee to discuss staff's recommendation that, rather than opening a recruitment for the Water Projects Coordinator position, the City should recruit an Associate City Engineer

WHEREAS, the Personnel Committee concurred with staff's recommendation that the Water Projects Coordinator position be replaced by the Associate City Engineer position, a part of the Exempt, Mid-Management classification; and

WHEREAS, the workload currently assigned to the Water Projects Coordinator can be reassigned to the Associate City Engineer, Environmental Compliance Coordinator, Engineering Technician, Lead Treatment Operators, and other positions within the Public Works Department; and

WHEREAS, the Engineering Division has found it challenging to keep its many capital projects on track, in part due to lack of staffing; and having another in-house engineer will reinstate the staffing structure that was in place prior to elimination of the Associate City Engineer position in 2010 in response to the Great Recession; and

WHEREAS, the Associate City Engineer position will cost more than the Water Projects Coordinator, but will reduce the amount that the City spends on outside engineering services; and

WHEREAS, replacing the Water Projects Coordinator position with an Associate City Engineer is an efficient and effective change in the classification of positions in the Public Works Department and will help the Engineering Division remain responsive to the public while keeping the City's ambitious Capital Improvement Program on track.

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The proposed recruitment of an Associate City Engineer to replace the current Water Projects Coordinator will provide for critical operational support necessary to carry out the mission and organizational goals of the City.
2. The proposed compensation is consistent with the Citywide Compensation Plan, and
3. While there may be a need to amend the FY 2016/17 Budget to appropriate additional funds for the reclassified position, it is appropriate to wait until after the position is filled so that an accurate estimate of the incremental additional costs can be made.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby modify the authorized positions in the FY 2016/17 Budget to Remove Water Projects Coordinator position and add Associate City Engineer position.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of October 2016, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

DAVE TURNER,
Mayor

ATTEST:

June Lemos
City Clerk

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City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Text File

File Number: 16-408

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 7B.

Adopt by Title Only and Waive Reading of Ordinance No. 925-2016 Authorizing the Implementation of a Community Choice Aggregation Program

On October 11, 2016, the City Council of the City of Fort Bragg will consider adoption of Ordinance No. 925-2016, said ordinance having been introduced for first reading (by title only and waiving further reading of the text) on September 26, 2016.

The proposed ordinance authorizes implementation of a Community Choice Aggregation Program within the City of Fort Bragg through the City's participation in the Sonoma Clean Power Authority's Community Choice Aggregation Program with an estimated start date of June 1, 2017.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AUTHORIZING THE
IMPLEMENTATION OF A
COMMUNITY CHOICE
AGGREGATION PROGRAM BY
PARTICIPATING WITH THE SONOMA
CLEAN POWER AUTHORITY**

ORDINANCE NO. 925-2016

The City Council of the City of Fort Bragg ordains as follows:

SECTION 1. The City of Fort Bragg has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.

SECTION 2. On September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, Ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the “Act”), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation (“CCA”).

SECTION 3. The Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 4, 2012, the Sonoma Clean Power Authority (“SCPA”) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time (“SCPA Joint Powers Agreement”).

SECTION 4. On October 4, 2013, the California Public Utilities Commission certified the “Implementation Plan” for SCPA’s CCA program and on February 20, 2015, approved a First Revised and Updated Implementation Plan, confirming SCPA’s compliance with the requirements of the Act.

SECTION 5. On June 16, 2015, the Board of Supervisors of Mendocino County adopted Ordinance No. 4337, determining that implementation of a CCA program is in the public interest and welfare of its residents, and elected to authorize and implement a CCA program within the unincorporated areas of the County of Mendocino; and on September 13, 2016, the Board of Supervisors of Mendocino County adopted Ordinance No. 4363, authorizing the implementation of the SCPA’s CCA program within the unincorporated areas of Mendocino County.

SECTION 6. On April 11, 2016 and September 12, 2016, the City Council of the City of Fort Bragg heard presentations and received public comment regarding SCPA’s CCA program. In order to participate in SCPA’s CCA program, the Act requires the City of Fort Bragg to adopt an ordinance electing to implement SCPA’s CCA program in its jurisdiction.

SECTION 7. Based upon all of the above, the City Council of the City of Fort Bragg elects to implement a Community Choice Aggregation program within the City of Fort Bragg, through the City’s participation as a “Participant” in the SCPA CCA program as defined in the

SCPA Joint Powers Agreement. The City Manager is hereby authorized to execute any documents necessary for the City's participation in the program.

SECTION 8. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Fort Bragg hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 9. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Councilmembers voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Cimolino at a regular meeting of the City Council of the City of Fort Bragg held on September 26, 2016, and adopted at a regular meeting of the City of Fort Bragg held on October 11, 2016, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Dave Turner
Mayor**

ATTEST:

**June Lemos
City Clerk**

**PUBLISH: September 29, 2016 and October 20, 2016 (by summary).
EFFECTIVE DATE: November 10, 2016.**

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City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-399

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7C.

Approve Minutes of Special Meeting of September 12, 2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, September 12, 2016

3:00 PM

City Hall Upstairs Conference Room
416 N. Franklin Street

Special Closed Session

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 3:03 PM.

ROLL CALL

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

2. CLOSED SESSION

Mayor Turner recessed the meeting at 3:04 PM. The meeting reconvened to Closed Session at 3:05 PM.

2A. [16-370](#)

Closed Session - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9; Number of potential cases: One (1)

Mayor Turner reconvened the meeting to Open Session at 4:09 PM and reported that no reportable action was taken in Closed Session.

ADJOURNMENT

Mayor Turner adjourned the meeting at 4:10 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)

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City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-415

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7D.

Approve Minutes of September 12, 2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, September 12, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:02 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-358](#)** Presentation of Proclamation Recognizing Ruth Sparks as the 2016 Jere Melo Foundation Volunteer of the Year

Vice Mayor Peters presented a Proclamation recognizing Ruth Sparks as the Jere Melo Foundation Volunteer of the Year. Ms. Sparks expressed thanks and spoke of her love for the community.

- 1B. [16-352](#)** Presentation of Proclamation Announcing September 2016 as National Preparedness Month in Fort Bragg

Councilmember Cimolino announced September 2016 as National Preparedness Month in Fort Bragg and presented a Proclamation to Police Chief Lizarraga. The Chief said emergency preparedness is truly essential and that homes, families, communities and neighborhoods need to be prepared in order to respond to natural and man-made disasters.

- 1C. [16-347](#)** Presentation by Farmers Market Manager Julie Apostolu and Nutrition Educator Petra Schulte Regarding the Fort Bragg Farmers Market "Market Match" Program

Nutritionist Petra Schulte and Farmers Market Manager Julie Apostolu reported on the Farmers Market "Market Match" Program.

2. STAFF COMMENTS

City Manager Ruffing reminded the public about two upcoming meetings on September 19: The joint Board of Supervisors-City Council meeting to conduct a public hearing on the Revised Final Environmental Impact Report for the Central Coast Transfer Station, and a Public Scoping Session

for the Hare Creek Center Project Environmental Impact Report. Chief Lizarraga announced a September 13 Neighborhood Watch meeting and explained how the Emergency Operation Center works. Public Works Director Varga reported on the new Summers Lane Reservoir, which may be filled by Thanksgiving of this year.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner spoke about the death of Barbara Clark, the Jere Melo walk, the Kern County and Cedar fires, and Paul Bunyan Day weekend. Vice Mayor Peters commented on a fundraiser to benefit the Food Bank, the Transient Occupancy Tax increase, a checklist for prospective business owners that is now available from the Community Development Department, and untrue social media rumors about a \$1500 mural fine. Councilmember Cimolino reported on the Lower Lake fire, a Coalition for Gang Awareness and Prevention meeting, and marijuana legalization. Councilmember Hammerstrom reported on a Mendocino Council of Governments meeting and the new Willits Bypass tour. He requested that Public Works Director Varga make a presentation on roundabouts at a November City Council meeting.

4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

- Brent Hagen, executive director for Mendocino County Tourism Commission, stated he will be working with the Promotions Committee to bring people into the Fort Bragg area.
- Scott Menzies announced his candidacy for City Council in 2016.
- George Reinhardt spoke about the fate of the Mill Pond and the spreading of dredge soils on the Coastal Trail property.

5. PUBLIC HEARING

6. CONDUCT OF BUSINESS

- 6A. [16-363](#)** Receive Presentation from Sonoma Clean Power and Mendocino County Representatives Regarding the Possibility of the City of Fort Bragg Joining the Sonoma Clean Power Joint Powers Authority and Provide Direction to Staff

Geof Syphers of Sonoma Clean Power (SCP) made a presentation to the City Council regarding Community Choice Aggregation and the possibility of the City of Fort Bragg joining SCP's Joint Powers Authority to provide customers with an alternative to PG&E for their energy needs. Public Comment was received from Scott Menzies, George Reinhardt, Richard Miller and Irene Malone.

Discussion: The Council was unanimous in its support for the project and instructed staff to move forward with it.

Mayor Turner recessed the meeting at 7:42 PM; the meeting was reconvened at 7:48 PM.

Council directed staff to come forward with a resolution and an ordinance for introduction at the September 26, 2016 Council meeting. The ordinance will return for adoption on October 11, 2016.

- 6B. [16-332](#)** Receive Report and Provide Direction to Staff Regarding Draft Cannabis Manufacturing Ordinance

Associate Planner Perkins presented the staff report on this agenda item.

Public Comment was received from:

- James Goodall spoke in opposition to the ordinance.
- Richard Miller, Simon Smith, Scott Menzies, Gabriel Quinn Moroni, Jon McColley and Richard Mack spoke in support of the ordinance.
- Jean Goodall and David Eyster spoke regarding the water use associated with the manufacturing process.

Discussion: Citing medical benefits and the addition of jobs for the community, the Councilmembers were unanimous in their support of the ordinance. Staff was directed to report back to the Finance and Administration Committee on what is happening with other cities in the state in conjunction with taxation of cannabis manufacturing operations. The Council suggested that the definition of cannabis be tied more loosely to the State code instead of specifically to the Health and Safety Code.

The Council directed staff to prepare an ordinance for introduction at a future City Council meeting.

6C. [16-360](#) Consider Request that City Council Oppose Measure AF - Mendocino Heritage Initiative

Hal Wagonet made a presentation to the Council on behalf of a Committee that opposes Measure AF, the Mendocino Heritage Act. He requested that the Council pass a resolution saying that they support the No on Measure AF group.

Public Comment was received from Sarah Wagner.

Discussion: After much discussion, the Councilmembers agreed to remain neutral on this matter, as it only applies to the unincorporated portion of the County of Mendocino, and to let the voters in the County decide what they want insofar as the Mendocino Heritage Act is concerned.

No action was taken on this matter.

4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)

7. CONSENT CALENDAR

Councilmember Cimolino requested that Item 7D be removed from the Consent Calendar and recused himself from voting on this matter, citing an acquaintance with the claimant.

Approval of the Consent Calendar

A motion was made by Councilmember Cimolino, seconded by Vice Mayor Peters, to approve the Consent Calendar, with the exception of Item 7D. The motion carried by the following vote:

Aye: 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

7A. [16-343](#) Adopt City Council Resolution Authorizing City Manager to Decline the Right of First Refusal to Purchase 435 N Whipple Unit B, an Inclusionary Housing Unit, and Instead Authorize Owner of 435 N Whipple Unit B to Sell the Unit, Subject to City Approval, to an Income Qualified Person with Preference to Essential Public Service Employees (Teachers, Firefighters, Police, etc.)

Enactment No: RES 3931-2016

- 7B.** [16-365](#) Adopt City Council Resolution Authorizing City Manager to Sign Program Supplement Agreements with the California Department of Transportation
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 3932-2016
- 7C.** [16-361](#) Adopt City Council Resolution Establishing Schedule for Standing Committee Meetings
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 3933-2016
- 7E.** [16-355](#) Receive and File Minutes of June 22, 2016 Public Works and Facilities Committee Special Meeting
These Committee Minutes were received and filed on the Consent Calendar.
- 7F.** [16-356](#) Receive and File Minutes of August 18, 2016 Public Works and Facilities Committee Meeting
These Committee Minutes were received and filed on the Consent Calendar.
- 7G.** [16-357](#) Receive and File Minutes of July 26, 2016 Community Development Committee Meeting
These Committee Minutes were received and filed on the Consent Calendar.
- 7H.** [16-350](#) Approve Minutes of August 22, 2016
These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 7D.** [16-346](#) Reject Claim of Steve Bradley and the F/V Sound Adventure
A motion was made by Mayor Turner, seconded by Vice Mayor Peters, that the rejection of the Claim of Steve Bradley and the F/V Sound Adventure be approved. The motion carried by the following vote:

 - Aye:** 4 - Vice Mayor Peters, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner
 - Recuse:** 1 - Councilmember Cimolino

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:31 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-401

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7E.

Approve Minutes of Special Meeting of September 19, 2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes Special City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY**

Monday, September 19, 2016

8:00 AM

City Hall Downstairs Conference Room
416 N. Franklin Street

Special Closed Session

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 8:04 AM.

ROLL CALL

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

1. PUBLIC COMMENTS ON CLOSED SESSION ITEM

None.

2. CLOSED SESSION

Mayor Turner recessed the meeting at 8:05 AM. The meeting reconvened to Closed Session at 8:06 AM.

[16-378](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION;
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of
Section 54956.9; Number of potential cases: One (1)

Mayor Turner reconvened the meeting to Open Session at 8:55 AM and reported that no reportable action was taken in Closed Session.

ADJOURNMENT

Mayor Turner adjourned the meeting at 8:56 AM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-404

Agenda Date: 10/11/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7F.

Approve Minutes of September 26, 2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, September 26, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 4 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Doug Hammerstrom and Mayor Dave Turner
Absent: 1 - Councilmember Scott Deitz

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A.** [16-381](#) Presentation of Proclamation Declaring the Week of October 9-15, 2016 as Fire Prevention Week in Fort Bragg

Mayor Turner read a Proclamation Recognizing the Week of October 9-15, 2016 as Fire Prevention Week.

- 1B.** [16-375](#) Presentation of Proclamation Recognizing October 17-21, 2016 as Fort Bragg "Walktober Week" and Proclaiming Wednesday October 19, 2016 as Fort Bragg "Walk to School Day"

Vice Mayor Peters presented a Proclamation declaring October 17-21, 2016 as Walktober Week to Neil Davis; director of Walk and Bike Mendocino. Davis commented on his work with the Safe Routes to School Program and described the activities planned for Walk to School Day on October 19, 2016.

- 1C.** [16-383](#) Receive Oral Update from Renewable Energy Development Institute Staff Regarding HELP Plus and HELP H2O Programs

Keith Rutledge of the Renewable Energy Development Institute (REDI), summarized programs offered by REDI, HELP Plus, and HELP H2O which provide access to energy and water efficiency programs and incentives to the community.

2. STAFF COMMENTS

City Manager Ruffing announced the agenda items of the September 28, 2016

Public Works and Facilities meeting include EV Charging Stations and potential changes to the Skunk Train Parking lot and the Finance and Administration Committee will meet October 5, 2016 at 3 PM in Town Hall. Police Chief Lizarraga announced the next Neighborhood Watch meeting is October 25, 2016 at 6 PM in the Police Department Conference Room where the Community Emergency Response Team (CERT) representative for the County of Mendocino will give a presentation; the Homecoming Parade scheduled for Friday, September 30, 2016 will traverse a new parade route; and the Police Department has purchased and will deploy new battery powered flares for special events and accidents.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner commented on his attendance at the Grand Opening Ceremony of the Mendocino Coast Hospitality Center with Senator Mike McGuire and the negotiations from last week's Fire Board meeting. Vice Mayor Peters commented on his scheduling conflict for the upcoming Finance and Administration Committee meeting where Councilmember Cimolino will attend in his place; his attendance at the Hare Creek Project Scoping session last week; and his upcoming attendance at the League of Cities Conference. Councilmember Hammerstrom commented on disaster preparedness and the importance of CERT.

4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

Mayor Turner announced the topic of discussion for the Closed Session portion of the meeting as Real Property Negotiations with Georgia-Pacific, LLC.

Public Comments Included;

- Dianne Jeffries, Garth Saalfield, Rod Jones, and Al Jordan spoke about their work on the Stop the Butts Campaign with the Progressive Alliance Center.
- David Gurney spoke in favor of moving the Consent Calendar to earlier in the agenda.
- Annemarie Weibel expressed her concerns with the Hare Creek EIR, the timelines established by the Notice of Preparation, and the incompleteness of the reviewing agency list.
- Scott Menzies spoke about upcoming League of Women Voters meeting, Leadership Mendocino meeting, and proposed a change to a ranked voting system for the upcoming election.
- Will Lee a candidate in the upcoming City Council election, commended current Council and his opponents for their service to the community.
- Rex Gressett and Sheila Dawn Tracey expressed their concerns about the impacts of the proposed Hare Creek project on the City's water supply.

Councilmember Hammerstrom recommended the Stop the Butts campaign be added to an upcoming agenda of the Public Works and Facilities Committee.

5. PUBLIC HEARING**6. CONDUCT OF BUSINESS**

- 6A. [16-389](#)** Receive Annual Progress Report on the Fort Bragg Inland General Plan and the Fort Bragg Coastal General Plan

Community Development Director Jones presented the Annual Progress Report on the implementation of the Inland and Coastal General Plan.

Public Comment was received from Rex Gressett, Sheila Dawn Tracey, Malcolm MacDonald, and Gabriel Marone.

Discussion: Council reiterated that no changes or decisions were being made to the Coastal or Inland General Plan; this report simply measures progress as required annually by the State.

- 6B. [16-377](#)** Receive Report and Consider Adoption of City Council Resolution Declaring a Stage 2 Water Emergency in Response to Decreasing Source Water and the Possibility of a Delayed Rainy Season

Public Works Director Varga reviewed the rationale for recommending Council declare a Stage 2 Water Emergency including the prolonged state of drought, source flow minimums, forecasts, and potential salt water intrusion during high tides.

Public Comment was received from Rex Gressett.

Discussion: Council clarified the 20% reduction goal was a return to last year's expectations, thanked the Community for their conservation efforts, ensured that flow testing was underway in preparation for using the Summers Lane Reservoir, and recommended postponing the enactment of the declaration until October 1, 2016.

Mayor Turner recessed the meeting at 7:38 PM; the meeting reconvened at 7:43 PM.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that this Resolution be adopted as amended. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

Absent: 1 - Councilmember Deitz

Enactment No: RES 3936-2016

- 6C. [16-387](#)** Receive Report and Consider Adoption of City Council Resolution Requesting that the Sonoma Clean Power Authority Act as Community Choice Aggregator on Behalf of the City of Fort Bragg and Implement the Sonoma Clean Power Community Choice Aggregation Program within the City of Fort Bragg

City Manager Ruffing presented the reports regarding the implementation of the Sonoma Clean Power Aggregation Program Item 6C and the proposed Clean Power Ordinance report Item 6D together.

Public Comment was received from Scott Menzies.

Discussion: Council agreed all pertinent discussion occurred at the September 12, 2016 City Council Meeting.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that this Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

Absent: 1 - Councilmember Deitz

Enactment No: RES 3937-2016

6D. [16-388](#)

Receive Report and Consider Introduction by Title Only and Waiving Reading of Ordinance No. 925-2016 Authorizing the Implementation of a Community Choice Aggregation Program within the City of Fort Bragg by Participating with the Sonoma Clean Power Authority

A motion was made by Councilmember Cimolino, seconded by Vice Mayor Peters, that Ordinance #925-2016 be introduced. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

Absent: 1 - Councilmember Deitz

4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)

7. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

Absent: 1 - Councilmember Deitz

7A. [16-367](#)

Adopt City Council Resolution Approving Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc. to Provide Construction Management Services for the Chestnut Street Corridor Project (Project No. 2015-04) and Authorizing City Manager to Execute Same (Amount Not to Exceed \$120,500) Account No 413-4950-0731; and Amending the FY 2016/17 Budget to Appropriate \$120,500 from 250-7999-0799 for Construction Management and Inspection Services (Budget Amendment No. 2017-02; Amount Not to Exceed \$120,500; Transfer from Fund 250 to Fund 413)

This Resolution was approved on the Consent Calendar

Enactment No: RES 3938-2016

- 7B.** [16-374](#) Adopt City Council Resolution Approving a Professional Services Agreement with Parker Lucas & Associates (DBA Community Development Services) for Community Development Block Grant Funded Business Loan Services and Authorizing City Manager to Execute Same (Amount Not to Exceed \$52,000; Account No. 315-4869-0631)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3939-2016

- 7C.** [16-379](#) Adopt City Council Resolution Consenting to Inclusion of Properties within the City of Fort Bragg in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving the Amendment to a Certain Joint Powers Agreement

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3940-2016

- 7D.** [16-380](#) Adopt City Council Resolution Authorizing Submittal of an Application and Execution of State Parks Grant Agreement, Committing Match of \$7,695, and Amending the FY 2016-17 Budget to Purchase Two Fully Equipment Police ATVs (Amount Not To Exceed \$16,744; Transfer from Grant Funds Account No. 329-7999-0799 to Fleet Account No. 522-4550-0742)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3941-2016

- 7E.** [16-373](#) Adopt Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3942-2016

- 7F.** [16-369](#) Receive and File Minutes of June 1, 2016 Finance and Administration Committee Meeting

These Committee Minutes were received and filed on the Consent Calendar.

8. CLOSED SESSION

Mayor Turner recessed the meeting at 7:51 PM; the meeting reconvened to Closed Session at 7:58 PM.

- 8A.** [16-386](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
Pursuant to California Government Code Section 54956.8
Property: 90 West Redwood Ave., Fort Bragg, CA
(APNs 018-430-21, -22; 018-010-67; 008-161-08; 008-171-07;

008-020-13, -15)

Agency Negotiator: Linda Ruffing, City Manager

Negotiating Parties: City of Fort Bragg and Georgia-Pacific, LLC

Under Negotiation: Real property negotiations, including price and terms of payment.

Mayor Turner reconvened the meeting to Open Session at 9:05 PM and reported that no reportable action was taken.

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:06 PM.

DAVE TURNER, MAYOR

Chantell O'Neal, Administrative Assistant

IMAGED (_____)



City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-417

Agenda Date: 10/11/2016

Version: 1

Status: Closed Session

In Control: City Council

File Type: Report

Agenda Number: A.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of potential cases: One (1)