

## FULL TEXT OF MEASURE U

### INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Be it ordained by the People of the City of Fort Bragg that Title 18, Chapter 18.22 of the Municipal Code (Commercial Zoning Districts) and Table 2-6 are hereby amended as set forth below in italics:

#### 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. ***A social service organization is not a permitted use under any circumstances unless such organization was established and existing at a location within the CBD zoning district prior to January 1, 2015.*** 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.

**FULL TEXT OF MEASURE U - continued**

<b>TABLE 2-6</b> <b>Allowed Land Uses and Permit Requirements</b> <b>for Commercial Zoning Districts</b>	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	<b>Specific Use Regulations</b>

**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	

**SERVICES – GENERAL**

Adult day care	P	P	P	P	--	
Catering service	--	P	--	P	--	
Child day care center	UP	UP	UP	UP	--	
Drive-through service	--	--	UP	UP	UP	18.42.070
Equipment rental	--	--	UP	P	UP	
Kennel, animal boarding	--	--	--	UP	--	
Lodging – Bed & breakfast inn (B&B)	--	--	UP	UP	P	18.42.050
Lodging – Hotel or motel	--	--	UP	UP	UP	
Lodging – Vacation rentals	--	--	--	--	--	
Maintenance service – Client site services	--	--	--	P	--	
Mortuary, funeral home	--	P	--	P	--	
Personal services	P	P	P	P	UP	
Personal services – Restricted	--	--	UP	UP	--	
Public safety facility	--	P	P	P	P	
Repair service – Equipment, large appliances, etc.	--	--	--	P	--	
<b>Social service organization</b>	--	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	

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

Measure U was placed on the ballot by a petition signed by the requisite number of voters.

Measure U would change the City of Fort Bragg Inland Land Use and Development Code ("Zoning Code") in two ways. First, it would amend the definition of the Central Business District ("CBD"), found in Article 2, Section 18.22.020, to state: "[a] social service organization is not a permitted use under any circumstances unless such organization was established and existed at a location within the CBD zoning district prior to January 1, 2015."

Second, it would amend Section 18.22.030, Table 2-6, so that the description of "social service organization" is changed from a "Permitted Use" to a use that is "Not Allowed" in the CBD.

Zoning Code Section 18.100.010 defines a "social service organization" as:

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.

If passed and enforceable, Measure U would prohibit any new social service organization from opening in the CBD. If a social service organization operated in the CBD prior to January 1, 2015, the organization would become a legally nonconforming use, and be subject to restrictions on its ability to expand or intensify its use of its current property. Measure U would ostensibly require all social service organizations currently operating in the CBD, and that began operating in the CBD after January 1, 2015, to either shut down or relocate.

Certain legal questions exist regarding the substance and enforceability of Measure U.

A legal question exists as to whether social service organizations that already exist in the CBD, and opened after January 1, 2015, could legally be required to shut down, as required by the measure, or whether they would simply become legal nonconforming uses. Likewise, a legal question exists as to whether attempts to force social service organizations that opened in the CBD after January 2015 to shut down would interfere with the vested rights of those organizations. A related legal question thus exists as to whether Measure U is enforceable as to any social service organization that is already operating in the CBD as of the effective date of the measure.

A legal question exists as to whether Measure U is discriminatory against individuals based on disability and source of income, in violation of various State and federal laws.

**MEASURE U  
CITY ATTORNEY'S IMPARTIAL ANALYSIS – continued**

If Measure U passes, staff anticipates these legal questions may be litigated prior to enforcement of the measure.

/s/  
Samantha W. Zutler, City Attorney

**ARGUMENT IN FAVOR OF MEASURE U**

Exercise your democratic rights: Vote Yes! This measure is a simple City Zoning Ordinance change that insures the preservation of our Historic Downtown business district-north to Pine Street and South to Oak Street, from Main Street to McPherson. Fort Bragg deserves a downtown that inspires opportunities for business and tourism. Voting Yes on this measure will allow for a zoning ordinance that preserves the historic district and promotes the growth and development of small businesses. Ensure the bright future of Fort Bragg's Central Business District by Voting Yes on the Measure Prohibiting Social Services in the CBD as the city's rich history should be celebrated, and business's allowed to prosper. As a community we must protect economic growth and foster sustainability for our downtown retail stores, art galleries and cultural events. Make your opinion count. This measure does not impact social service organizations established before January of 2015! Vote Yes if you want to preserve the historic use and structure of the Old Coast Hotel. Vote Yes for the responsible use of tax dollars to benefit the vulnerable and needy clientele of service agencies. The Measure Prohibiting Social Services from the Central Business District defines other areas of the city that are conducive to Social Services and will allow for access of all who seek those services. The people of Fort Bragg should dictate the direction of downtown. The City Council ignored the will of the people, this measure restores it. Vote Yes!

The undersigned proponents of the Measure to Prohibit Social Services from the Central Business District primary argument in favor of ballot proposition Measure U at the Special Election Consolidated with the Statewide Primary Election for the City of Fort Bragg, Mendocino County to be held on June 7, 2016, hereby state that this argument is true and correct to the best of their knowledge and belief.

- s/Jeanne Stubenrauch 11-24-15
- s/Carolyn Petersen 11/24/15
- s/Dawn Ferreira 11/24/15
- s/Marissa Colombi 11/24/15
- s/Anne Marie Cesario 11/24/15

**REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE U**

This measure will not accomplish any of the proponents' claims.

The proponents' argument makes it sound like this measure is an economic development initiative. It is not.

Furthermore, their argument implies that Fort Bragg's diverse, well-established, and much-appreciated social service organizations are keeping Fort Bragg from prospering. This is incorrect and terribly offensive.

This measure bans all social service organizations from the Central Business District and it will impact social service organizations established before January 2015.

We ask that you exercise your democratic responsibility in deciding how to vote on this measure. Read the measure text. Read the impartial analysis. Understand what you are voting on and what this measure really will and will not do.

Your vote does matter. You can keep our city out of costly litigation. You can keep this ill-conceived measure from becoming law.

VOTE NO ON MEASURE U: Unnecessary, Unenforceable, Unjust.

The undersigned proponents of the Rebuttal to the argument in favor of Ballot Measure U at the Consolidated Statewide Primary Election for the City of Fort Bragg to be held on June 7, 2016, hereby state that such argument is true and correct to the best of their knowledge and belief.

- s/Scott Menzies, 12/3/15  
Go Fort Bragg
- s/Annie Liner, 12/3/15  
Volunteer Executive Director  
Mendocino Coast Children's Fund
- s/Rick Moon, 12/3/15  
Executive Director  
Parents and Friends, Inc.
- s/Mara Thomas, 12/3/15  
Board President  
Art Explorers
- s/Hilary White, 12/3/15  
Downtown Fort Bragg Business Owners

**ARGUMENT AGAINST MEASURE U**

Vote NO on the Measure to Ban Social Services in the Central Business District. All five City Council members agree: This measure is a bad idea.

The City Attorney has said it could be challenged as discriminatory and unlawful under State and Federal laws and that the retroactivity provision would likely be subject to challenge.

This measure is discriminatory, unenforceable and unjust. It threatens the civil rights of everyone who uses social services, which includes veterans, seniors, and children.

It will expose the City to very costly litigation.  
It will waste your taxpayer dollars fighting lawsuits.  
It will be deemed illegal and unenforceable.

Fort Bragg has a proud history of helping those in need – let's keep it that way. Show your support for organizations like Project Sanctuary, Art Explorers, Parents and Friends, The Food Bank, Hospitality Center, Mendocino Coast Children's Fund, and Habitat for Humanity by rejecting this measure.

We ask you to join us in voting NO on the Measure to Ban Social Services in the Central Business District.

The undersigned proponents of the Direct Argument against Ballot Measure U at the Consolidated Statewide Primary Election for the City of Fort Bragg to be held on June 7, 2016, hereby state that such argument is true and correct to the best of their knowledge and belief.

s/Scott Menzies, 11/24/15  
Go Fort Bragg

Fort Bragg City Council

s/Annie Liner, 11/24/15  
Volunteer Executive Director  
Mendocino Coast Children's Fund

s/Rick Moon, 11/24/15  
Executive Director  
Parents and Friends, Inc.

s/Mara Thomas, 11/24/15  
Board President  
Art Explorers

**REBUTTAL TO ARGUMENT AGAINST MEASURE U**

Measure U is a simple zoning adjustment; smart city planning. The Central Business District (CBD) is a small district; services are best located in other neighborhoods. Hospitals, veterinarians, caterers and thrift shops are "not allowed" in the CBD; the measure simply adds to the "not allowed" list that must be appropriately located elsewhere.

The "Impartial Analysis" states that "legal questions exist....it may be litigated....staff anticipates..."This argument against U spins these questions and presents them as fact; this is just speculation. The argument against U is unfounded.

Legal questions always exist; U is a rational and logical zoning change that may not ever be questioned in court. This argument makes inaccurate, misleading claims only to defeat U. Don't be bullied or manipulated by fear or guilt from City Hall or elsewhere.

Don't be fooled. If U want to preserve the Coast Hotel and move the homeless day shelter VOTE YES. We the people who live and vote in Fort Bragg want to protect and support the service organizations settled into the CBD before January 2015. U supports appropriately located social services in Fort Bragg.

Make your opinion count. U says yes to patient privacy, access for the disabled, responsible use of tax dollars, small business, tourism, and a historic, safe, clean downtown for our children and elders. Everyone wins.

U can make a difference; do the right thing- VOTE YES!

The undersigned proponents of the Measure to Prohibit Social Services from the Central Business District rebuttal argument in favor of ballot proposition Measure U at the Special Election Consolidated with the Statewide Primary Election for the City of Fort Bragg, Mendocino County to be held on June 7, 2016, hereby state that this argument is true and correct to the best of their knowledge and belief.

s/Marissa Colombi 12/4/15  
Multi business owner  
3rd generation Fort Bragg Resident

s/Jeanne Stubenrauch 12/4/15  
Small Business owner in Central District  
of Fort Bragg /Resident for 37 years

s/Anne Marie Cesario 12/4/15  
Registered Voter City of Fort Bragg,  
social worker / counselor

s/Carolyn Petersen 12/4/15  
Occupational Therapist 4th generation  
Mendocino Coast Resident

s/Dawn Ferreira 12/4/15  
4th generation Fort Bragg Native