

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE TO ADD SECTION
17.42.075 "FORMULA BUSINESS
REGULATIONS" TO ARTICLE 17.42
"STANDARDS FOR SPECIFIC LAND
USES" OF THE FORT BRAGG COASTAL
LAND USE AND DEVELOPMENT CODE

ORDINANCE NO. XXX-2026

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the City Council amended Inland Land Use and Development Code to regulate Formula Businesses at a noticed public hearing on August 9, 2021 (continued from July 26, 2021), at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council seeks to similarly amended the Coastal Land Use and Development

Code to regulate Formula Businesses; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and a resolution was transmitted to the City Council on **DATE**, 2026 that represents the Planning Commission’s recommendations; and

WHEREAS, the City Council has considered all public comments and a staff report dated **DATE**, 2026 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in **Section 2** below; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long-range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)).

NOW, THEREFORE, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; State law; all reports and public testimony submitted as part of the City Council meeting of **DATE**, 2026 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does ordains as follows**:

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

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On **DATE**, 2026, the Planning Commission held a properly noticed public hearing to consider recommending the proposed amendments to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council’s adoption of the amendment to the CLUDC.
3. On **DATE**, 2026 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws as codified in California Government Code sections 66310 through 66342; and
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including its Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; The proposed amendment is consistent with CLUDC standards; and
6. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act;

and

7. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
8. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

Section 2. Based on the foregoing, the City Council hereby adds chapter 17.42.075 Formula Business Regulations to Article 17.42 Standards For Specific Land Uses” of the Fort Bragg Coastal Land Use And Development Code

17.42.075 Formula Business Regulations

This Section establishes standards for the development and operation of Formula Business where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Definitions.

The specialized and technical terms and phrases used in this chapter are defined in Article 10 (Definitions), under “Formula Business.”

B. Required Findings for Approval.

In addition to the findings required by 17.71.060 (F) as prerequisite to the issuance of a use permit, the Planning Commission shall make all the following findings prior to the issuance of a Use Permit for a Formula Business, unless the project is exempt in conformance with Section 17.42075C:

1. The Formula Business will add to, rather than detract from, the overall economic and cultural vitality of the City; and
2. The Formula Business will not result in an over-concentration of Formula Business establishments in its immediate vicinity or in the City as a whole; and
3. The Formula Business will complement existing businesses; and
4. The Formula Business will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
5. The Formula Business has been designed to preserve and enhance the City’s small town character; and
6. The Formula Business’s exterior design limits “formula” architectural, sign and other components; and
7. The Formula Business’s exterior design integrates existing community architectural design features.

C. Exemptions. This Chapter shall not apply to:

1. A Formula Business that is less than 2,000 square feet of gross floor area;
2. Formula Business, which if approved, would not result in Formula Business(es) occupying more than twenty-five percent (25%) of the total gross floor area of a Retail Complex or Mixed-Use Project, except those uses prohibited by Section 17.42.175D;
3. A Formula Business, which if approved, would not result in Formula Business(es) occupying

more than thirty-five percent (35%) of the total gross floor area of a Mixed Use Project in which at least thirty-five percent (35%) of total gross floor area is a residential component, except those uses prohibited by Section 17.42.175D; or

4. Changes in ownership of existing Formula Businesses where there is no substantial change to the land use classification of the use, or in the mode or character of the operation.

D. Prohibited Formula Business Uses. Formula Business Payday Lending or Check Cashing Commercial Establishments are prohibited in all Zoning Districts.

E. Burden of Proof. If the City determines that a permit application or permit is subject to this chapter for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.

Section 3. 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 4. 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.

Section 5. Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, 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.

Section 6. Fort Bragg City Council does hereby recommend that the Coastal Commission approve this LCP Amendment to amend Division 17 to the Fort Bragg Municipal Code.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

AYES: NOES:
ABSENT: ABSTAIN:
RECUSE:

Jason Godek, Mayor

ATTEST:

City Clerk

PUBLISH: **Date**, 2026 and **Date**, 2026 (by summary).

EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission