



RESPONSE TO GRAND JURY REPORT

Report Title: **Formula Business Restriction, Nimby Overreaction?**

Report Date: **August 2, 2017**

Response by: **Ukiah City Council & Sage Sangiacomo, City Manager**

FINDINGS

I (we) agree with the findings numbered: **F5**.

I (we) disagree wholly or partially with the findings numbered below, and have attached, as required, a statement specifying any portion of the Findings that are disputed with an explanation of the reasons therefore: **F1, F3, F4**.

RECOMMENDATIONS

The following Recommendation(s) numbered **xxx** have been implemented.

Attach a summary describing implemented actions.

The following Recommendation(s) numbered **xxx** have not yet been implemented, but will be implemented in the future.

Attach a timeframe for implementation.

The following Recommendation(s) numbered **xxx** require further analysis.

Attach an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed.

The following Recommendations will not be implemented because they are not warranted and/or are not deemed reasonable: **R2, R3**.

Attach an explanation therefore.

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 2

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: JIM O. BROWN

Title: MAYOR

Signed: 

Date: 8.18.17

FINDINGS explanation:

I (we) disagree wholly or partially with the finding numbered: **F1**. I (we) disagree with the statement that formula businesses are restricted or prohibited, except when they are not. I (we) also disagree with the statement that ordinances are applied differently in the City's jurisdiction. I (we) agree that the Downtown Zoning Code does not allow formula fast food restaurants.

I (we) disagree wholly or partially with the finding numbered: **F3**. I (we) disagree that the City applies its zoning ordinance inconsistently. Since adoption of the Downtown Zoning Code in October 2012, six restaurants have opened in the downtown, and none of them have been formula fast food restaurants.

I (we) disagree wholly or partially with the finding numbered: **F4**. I (we) disagree with the statement that the downtown Ukiah formula business prohibition reflects an anti-business attitude that stymies growth. The concept behind the Downtown Zoning Code was to preserve community character and streamline development to be more business-friendly. Reducing discretionary review is one way to provide more certainty to businesses considering the Downtown Zone. Minimizing discretionary review when deemed appropriate through policy facilitates planning and financing for development. The Downtown Zoning Code was established with significant public input, including numerous open workshops and public hearings, and is the current policy applied to the downtown.

RECOMMENDATIONS explanation:

Recommendation number **R2** will not be implemented at this time. The current Downtown Zoning Code, which does not allow formula fast food restaurants, was established through a very thorough public process. Any future changes to the Zoning Code will be made by the City Council when found to be necessary and vetted through the appropriate public process.

Recommendation number **R3** will not be implemented at this time. Any future changes to the Zoning Code will be made by the City Council when found to be necessary and vetted through the appropriate public process.