

A Guide to Doing Business in

FALLBROOK

**Prepared by Eileen Delaney for
The Fallbrook Chamber of Commerce**

Starting & Owning a Business Is an Exciting Time . . .

It's a lot of hard work, but being your "own boss" has countless rewards for many business owners.

In order to help our Fallbrook businesses to succeed, the Fallbrook Chamber of Commerce has compiled this checklist of some of the important steps that business owners should take to make sure that they are in compliance with the local, state and federal regulations and requirements.

Depending on your type of business, this list may not include all of the agencies that may require some type of license or application, but it will definitely get you started.

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FALLBROOK is an unincorporated area in the County of San Diego. Since it is not a city, it is ultimately governed by the County Board of Supervisors. The Board of Supervisors sets the policies for zoning, permits and licenses.

BUSINESS LICENSES

Licenses to conduct business are not required in Fallbrook. However, depending on the type of business that you are conducting, there may be other licenses or permits that you may be required to obtain. Examples of businesses that may need additional permits are: recycling, food, automotive, body art, waste & water.

For more information, go to the San Diego County website:

www.sdcountry.ca.gov/cs/businesslicenses.html

ZONING ORDINANCES

Prior to buying, leasing or building a business location, check the zoning to make sure that the type of business you conduct is allowed at the location that you are interested in. Some zones may allow your type of business, but you should always check further to make sure that HOW you conduct your business is permitted.

For example, if you plan to display or sell merchandise outside of your building, be sure that this is allowed. In the C-36 commercial zones in Fallbrook, this is not allowed. If you have a business that has a "drive-through," be sure to confirm that this is permitted, since this may also be restricted in many zones in Fallbrook.

For more information go to the Zoning Ordinance page of the San Diego County Planning & Development Services website:

www.sdcountry.ca.gov/content/sdc/pds/zoning.html

FICTITIOUS BUSINESS NAME STATEMENT

Business owners or corporations that do business under a fictitious name in San Diego County are required to file a Fictitious Business Name Statement.

According to the San Diego County Recorder/ Clerk, the definition of a Fictitious Business Name is: *"A business name that DOES NOT include the surname of the individual owner, AND EACH of the partners or the nature of the business is not clearly evident by the name."*

A Fictitious Business Name should be filed within 40 days of first transacting business. Once registered, it is effective for 5 years. You will need to re-register prior to the date of expiration or if the business location changes. Fictitious Business Names are filed only in the county where the business is located. Statewide registries do not exist.

The fee to register a Fictitious Business Name is \$42.00 for the first business name and owner and \$5.00 for each additional business name OR owner name.

When filing a Fictitious Business Name Statement for the first time, you will also need to publish your statement in a local newspaper. Your bank may also require a copy of your Fictitious Business Name Statement to open your business bank accounts.

For information on filing a Fictitious Business Statement, go to the San Diego County Recorder/Clerk's website for forms at:

<https://arcc.sdcounty.ca.gov/pages/all-forms.aspx>

SELLERS PERMIT

"You are generally required to obtain a sellers permit if you sell or lease merchandise, vehicles or any tangible personal property in the State of California."

- California State Board of Equalization

Every retail business should have a seller's permit. This permit or resale certificate is obtained from the California State Board of Equalization. It allows you to purchase merchandise for resale from your suppliers without paying sales tax. You are required to keep records of your sales, file quarterly or yearly returns and pay the sales tax that you have collected from your retail sales.

To obtain the application for your seller's permit or get more information, go to the California State Board of Equalization's website:

www.boe.ca.gov/sutax/faqseller.htm

FALLBROOK DESIGN GUIDELINES

Although businesses in Fallbrook are not required to have a business license, they do need to comply with zoning ordinances and regulations. This includes conforming with the Fallbrook Design Guidelines for architecture, aesthetics, signs, landscaping and parking.

The Fallbrook Design Guidelines were written in the late 1980s. Many Fallbrook residents who were concerned about preserving the town's rural community character contributed to writing these guidelines. In 1989, the Fallbrook Design Guidelines were enacted by the San Diego County Board of Supervisors.

The Fallbrook Design Guidelines apply to zoning areas which have B Designator. This covers commercial, industrial and multi-family. There are also some single family homes that have a B Designator because of their location near the downtown commercial or industrial area or Interstate 15.

For most exterior additions, signage or modifications, a permit or waiver may be necessary.

For more information contact:

Eileen Delaney, Chair of the Fallbrook Design Review Committee at:

eileendelaneymail@gmail.com

SIGN GUIDELINES

For businesses, one of the most important subjects of the Design Guidelines is signs. The guidelines allow for many different sign types, designs and sizes. However, new businesses or existing businesses who are updating their signs can sometimes be confused when they see old "existing, nonconforming" signs which are no longer permitted, but still remain from years past. Examples of some of these old signs are roof signs and tall pole signs.

Businesses should also be aware of the number and size of signs that are permitted. Prior to having a sign made or replaced, the Design Guidelines should be reviewed and a sign permit obtained. This is often a fairly simple process.

Businesses should also be aware that banners and portable or "A Frame" signs are subject to certain regulations in the County of San Diego and Fallbrook. Banners are permitted on-premise for special events, but only for a period of 60 days. Portable or "A Frame" signs are prohibited in Fallbrook.

To view the Fallbrook Sign Guidelines in their entirety go to:

www.fallbrookchamberofcommerce.org/cm/dpl/downloads/content/91/Design_Review_Guidelines.pdf

DESIGN/SIGN REVIEW PROCESS

The most expeditious and cost effective way to get a permit for a sign or minor exterior modification is to file what is called a request for a "Waiver of Site Plan Requirement for 'B' Special Area Regulation." The process is reasonably simple and there is no cost for a waiver.

THE PERMIT/REVIEW PROCESS

1. To File a *Waiver of Site Plan Requirement for "B " Special Area Regulation*, contact Debra Frischer at the County of San Diego Department of Planning & Development Services for an application — e-mail: debra.frischer@sdcounty.ca.gov
They will need:
 - A. Completed Waiver Request form, which should include your name or other contact information, project address and project description.
 - B. Diagram of the sign that shows the colors and dimensions or, for another type of project, the diagram should show a drawing of what changes are being made. This should include colors, materials being used, etc.
 - C. Plot Plan of your parcel. This should show the lot dimensions, building dimensions and the changes being made to the building or parcel. For a sign, it should show the location where the sign will be placed.
2. After your Waiver Request is processed, it will be forwarded to the Fallbrook Design Review Committee and the Fallbrook Planning Group.
3. Your sign project will then be placed on upcoming agendas for the Design Review Committee & the Planning Group meetings. You will be notified of the date, time & place so that you can present your project.
4. The project will be reviewed at the Design Review Committee meeting and they will make a recommendation.
5. The project will then be reviewed by the Fallbrook Planning Group at their meeting. The Design Review Committee will report their recommendation to the Planning group at this time and a final vote will take place. The project plans will be stamped with the local recommendation and then forwarded back to the Department of Planning & Development Services.

If you have other questions, contact:

Eileen Delaney, Chair of the Fallbrook Design Review Committee:

eileendelaneymail@gmail.com

Note: All projects are listed on an agenda that is published in the local newspaper. This is required by law. Both the Design Review Committee and Planning Group meetings are open to the public. Anyone can attend and voice their comments on any project on the agendas.

CODE COMPLIANCE

Code enforcement is not a very popular subject. The best way to avoid any enforcement issues is to be aware of the regulations and comply with them. However, if code enforcement action is necessary, it is handled by the County of San Diego Code Compliance Division.

Anyone with a concern or complaint can contact:

San Diego County Code Compliance ~ Phone: (855) 732-6332 (toll free)

Website: www.sandiegocounty.gov/content/sdc/pds/ce5.html

Note: For the most part, Code enforcement is complaint driven. Generally, Code Compliance officers will only investigate after a complain has been filed.

STATE OF CALIFORNIA

Defining a Business

There are several types of businesses: Sole Proprietor, General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Corporation and Corporation. With each of these types of businesses comes filing and reporting regulations and requirements.

There are many reasons for choosing a certain type of business. For example, corporations are separate legal entities owned by shareholders who have protection from personal liability. Corporations are taxed annually on their earnings; corporate shareholders pay individual income tax on these earnings when they are distributed as dividends. Upon formation of a corporation, documents must be filed with the Secretary of State.

For more information:

<http://business.ca.gov/StartaBusiness.aspx>

<http://business.ca.gov/StartaBusiness/RegisteringaBusiness.aspx>

Employment Development Department

Businesses that hire employees may be required to register as an Employer. There are two types of employers: an Employer that runs a business, and an Employer of Household Workers. Generally an employer that runs a business is required to register and is subject to State Payroll Taxes when they have paid wages over \$100. An Employer of Household Workers is subject to State Payroll Taxes when they pay cash wages of \$750 or more in a calendar quarter.

Employers can register online, by mail or on the phone. Once an Employer has registered, they will be assigned an employer account number. This will be the employer's account for state payroll reporting and tax withholding.

To register as an employer or for more information go to:

www.edd.ca.gov

Other California Databases

"To assist you in finding the appropriate permitting information for your business, the Cal-GOLD database provides links and contact information that direct you to agencies that administer and issue business permits, licenses and registration requirements from all levels of government. Much of the information is specific to the type of business and its location in California."

- California Governor's Office of Economic Development

www.calgold.ca.gov/

www.business.ca.gov/StartaBusiness/RegisteringaBusiness.aspx

Or call:

For general information: (877) 345-4633 / (916) 322-0694

FEDERAL

Federal Identification Number

Many businesses, in particular those with employees, are required to have an Employer Identification Number, also known as a EIN or a Federal Tax Identification Number. This number is used to identify a business entity. You can apply online for a EIN as well as by phone, mail or fax.

For information or to apply for a EIN go to:

www.irs.gov/businesses/small/article/0,,id=98350,00.html

Employment Taxes

Employers are generally required to report and withhold Federal Income Tax, Social Security & Medicare taxes. There may also be other taxes that may be required to be withheld, such as Federal Unemployment Tax & Self Employment Tax.

Employers are also required to report these taxes and withholdings on a quarterly and annual basis. They may also be required to report and file other forms and reports.

For information on Employment Taxes go the IRS website:

<http://www.irs.gov/businesses/small/article/0,,id=172179,00.html>

You can find an answer to just about any IRS/business-related question on their website:

www.irs.gov/businesses/small

Other Federal Resources

Some businesses may also be federally regulated. These business may also require other Federal permits or licensing.

For information about Federal Licenses for Regulated Businesses, go to:

<http://www.business.usa.gov>