

From: [O'Neal, Chantell](#)
To: [Stump Valerie](#); [Gonzalez, Joanna](#)
Subject: FW: 451 N. McPherson applicant- Regarding the public Hearing Request
Date: Wednesday, April 07, 2021 2:51:09 PM
Attachments: [image004.jpg](#)

Valerie/Joanna

Chantell O'Neal

From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]
Sent: Monday, March 22, 2021 12:58 PM
To: O'Neal, Chantell <COneal@fortbragg.com>
Subject: Re: 451 N. McPherson applicant

you are being silly

On Mon, Mar 22, 2021 at 12:28 PM O'Neal, Chantell <COneal@fortbragg.com> wrote:

Mr. Patterson,

The City has a process to respond to your public records request. Please visit:
<https://cityoffortbraggca.nextrequest.com/requests/new>

Alternately, you can confirm if you would like me to process this as a request on your behalf. "Is information available that I might be able to request about if/how this fee has been charged in the past?"

Upon receipt, staff will review what information is available.

Chantell O'Neal

Assistant Director, Engineering Division
Public Works
(707) 961-2823 ext. 133



From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]
Sent: Friday, March 19, 2021 1:11 PM

To: O'Neal, Chantell <COneal@fortbragg.com>; Whippy, Isaac <IWhippy@fortbragg.com>

Subject: Re: 451 N. McPherson applicant

Chantell,

Thank you. First, please note that I did not request a public hearing for MUP 2-21, I only requested a public hearing for MUP 3-21, although I am considering whether to request a public hearing for MUP 2-21 as well primarily so I can see the quality of the work all the new staff performs. The code provisions that allow members of the public to request public hearings for MUPs doesn't clearly permit the City to impose any fees for that request nor is there significantly more staff-level analysis since the review authority also needs to have through written support for any permit decision, particularly concerning the required findings. There is probably additional public noticing costs but that is all. I don't any clear support for this fee from when the City first adopted this particular fee and would certainly object to the fee if it were charged in any particular instance without an adequate level of support (much like how the City has never supported the current General Plan Maintenance Fee and likely could not impose it on a project without remedying that situation).

The way the fee schedule is written and organized, the administrative permit hearing fee looks like it applies to the permit applicant not the neighbor or member of the public making the request for a public hearing. That is consistent with the additional CEQA-related appeal fees for planning permits that are appealed from the Planning Commission to the City Council that are charged to the permit applicant not the appellant, who pays a different fee. Based on my research, I think that was always the intent and is consistent with past practices, although I have not seen all of the City's records concerning how this fee was adopted and how it has been charged in the past, if at all. Is information available that I might be able to request about if/how this fee has been charged in the past? (This might be an Isaac question?)

Moreover, the adopted fee schedule is ambiguous concerning who pays these fees. For most planning permit related fees, the payor is the permit applicant not someone else, with the obvious exception of appeal fees which go to the appellant who may be either the permit applicant or the permit opponent who participated in the public hearing process. The City should probably research and resolve these issues. Maybe that is the reason why the City has not been charging this particular fee.

Thanks again,

--Jacob

On Fri, Mar 19, 2021 at 12:43 PM O'Neal, Chantell <COneal@fortbragg.com> wrote:

Jacob,

While we have not historically charged the administrative hearing fee, the costs of an administrative hearing should be paid by the petitioner (requester) prior to scheduling the hearing. Since this clarification was not on the notice, it will not be charged for this hearing.

Chantell O'Neal

Assistant Director, Engineering Division

Public Works

(707) 961-2823 ext. 133



From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]

Sent: Wednesday, March 17, 2021 3:39 PM

To: Stump Valerie <Vstump@fortbragg.com>

Cc: O'Neal, Chantell <COneal@fortbragg.com>; Whippy, Isaac <IWhippy@fortbragg.com>

Subject: Re: 451 N. McPherson applicat

Valerie,

Thank you and welcome to the City organization. I have a quick question about this permit. The City's adopted fee schedule lists a flat fee of \$966 for a Minor Use Permit (i.e., Fee Schedule Line #97). If I request a (staff-level) public hearing for MUP 2-21, will the applicant incur any additional fees or other costs (e.g., Fee Schedule Line #99, Public Hearing (requested for Administrative Permit))? Please respond prior to Monday, 3/22, at noon to give me enough time to determine if a public hearing is worthwhile. I already requested a public hearing for MUP 3-21 (Kevin's project) but that project involves issues that I don't think apply to this permit application.

Regards,

--Jacob

On Fri, Mar 12, 2021 at 10:33 AM Stump Valerie <Vstump@fortbragg.com> wrote:

Good morning Mr. Patterson,

I received your request for the application materials regarding MUP 2-21. I've attached the application materials for your viewing.

Have a beautiful day!

Valerie Stump

Assistant Planner

City of Fort Bragg

416 N. Franklin St.

Fort Bragg, CA 95437

(707) 961-2827 ext. 112

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Gonzalez, Joanna

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, April 26, 2021 2:51 PM
To: Gonzalez, Joanna
Cc: Stump Valerie
Subject: Public Comment for 4/26/21 public hearing on MUP 2-21

Acting Community Development Director John Smith,

I requested a public hearing for this use permit because the City had not provided timely access to the staff analysis and recommendations prior to the deadline to submit a request for a public hearing. I was concerned that the City might not have prepared adequate support for this decision based on past practices. Now that I have had a chance to review all relevant project review materials including the staff analysis and recommendations, I recommend that this project be approved as recommended. In fact, I believe not approving this proposed project would be inconsistent with the housing element of the City's Inland General Plan.

If City Hall had not been closed to the public because of Covid-19 and the City had provided timely public access to project information, which used to be posted on the active permit applications section of the City's webpage for any member of the public interested in learning more about this project, then I would never have requested a public hearing for this minor use permit (MUP). I recommend that the City restore online public access to information about pending permit reviews and post the staff reports for these administrative reviews when the notice of pending action is sent out soliciting public comment and inquiry about the project so potentially interested parties can review project materials to determine if they have any concerns that would merit requesting a public hearing. Those simple steps promote public transparency and would likely streamline MUP review processes by eliminating the need to request a public hearing for MUPs like this one that are entirely consistent with the City's applicable planning documents and regulations. I am sure the applicants would appreciate that as well.

Thank you for your consideration,

--Jacob

From: [Jacob Patterson](#)
To: [Stump Valerie](#); [O'Neal, Chantell](#)
Subject: Re: 451 N. McPherson applicat
Date: Monday, March 22, 2021 9:36:38 AM

Since it appears that there won't be any additional cost to the applicant for a public hearing (at least in this case), please process MUP 2-21 through a staff-level public hearing rather than whatever staff-level review process happens without a public hearing. (IMO, it shouldn't be all that different because every MUP requires specific findings and those necessarily would have to be in writing if no public hearing occurs.) I imagine a public hearing for MUP 2-21 could happen at the same meeting as the public hearing for MUP 3-21, which was already requested in writing.

On Wed, Mar 17, 2021 at 3:39 PM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
Valerie,

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Valerie Stump

Assistant Planner

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