

03/21/17

To whom it may concern,

We at Roundman's believe that the ordinance allowing short term rentals in the central business district is a good thing. This will have a positive impact the economy, it will generate more patrons for all business in the downtown area, and we fully support the addition. We cannot see any negative factors involved in this new ordnance as it is a welcomed revitalization for the City of Fort Bragg.

Sincerely,



co-owner Roundman's Smokehouse

03/21/17

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Sincerely,

STEPHEN J. RASMUSSEN
CO-OWNER

A handwritten signature in blue ink, appearing to read "Stephen J. Rasmussen", written in a cursive style.

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FindDegreesOnline Sponsored Born Before 1973? Get Grants to Go Back to Women between 45 and 54 who qualify could get up "Jaimie Campione" <jamiecampione@gmail.com> Attach Files To Whom It May Concern, In regards to Vacation Rentals in the downtown Fort Bragg area, I completely support the idea. I think it is a great idea and what a great way to encourage people to our downtown. It would be so convenient for vacationers to park and be able to walk to shopping, dining, or to the Headlands walking trails. We have vrbo's all up and down the coast of California, why not have them here in Fort Bragg! It would create more liveliness to the downtown area, and a place to which people would come back to year after year. In my opinion, its about growth, change and positivity. Monica Wellington

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March 20, 2017

City of Fort Bragg
Planning Commission Members and City Manager
416 N. Franklin Street
Fort Bragg, CA 95437

RECEIVED
MAR 22 2017
CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

RE: OUR OBJECTIONS TO:

The Fort Bragg Planning Commission Meeting dated: March 22, 2017

Agenda Item 3 A. 17-139: "Title: Hold Public Meeting and Adopt Resolution Recommending: City Council Adopt Amendments To Title 18 of the Municipal Code (The Inland Land Use And Development Zoning Code) And Certify The ILUDC Negative Declaration."

Now before we get into these specific criticisms of the above *recommended changes* to the City Land Use and Development Codes, we want to remind you all of an ancient saying which says, "Keep the critic close to your garden and he (she) will keep the weeds out for free."

We are residents and property owners of 121, 115, 117, 111 E. Laurel Street within the Mixed Use (Residential/Commercial) Central Business District of the City of Fort Bragg, California 95437. We have been residents/ business owners on E. Laurel Street for a period of nineteen years (since the year 1998).

However, even though we are still (2017) currently property, business owners, and residents of the above addresses downtown, **we have YET to be notified in writing by the City of Fort Bragg Planning Dept. of these zoning changes within the Mixed-use Zone of the CBD -about to be voted upon by the Planning Commission on March 22, 2017!** (*Zoning Changes which add: Vacation Rental Units -commercial uses-* previously listed as "uses not allowed" within the CBD now being suggested to be added to the upstairs residential uses above the retail stores within CBD ZONING downtown with a Minor Use Permit!

First, It is a violation of the Brown Act with regard to: The required written notices to be delivered to affected properties (residential /commercial) within 10 days of a Public Meeting held by the City of Fort Bragg when decisions of that meeting will impact existing uses as previously zoned. No prior legal written notification to affected properties!

We have studied your Agenda Item Study Report for the Public Hearing of March 22, 2017 calling for a resolution to recommend: that the City Council adopt these Amendments to Title 18 of the Municipal Code, and I'm sorry to say that we as longtime residents/business property owners within the Mixed Use CBD zone vehemently object to the widespread addition of vacation rental units to the 2nd and 3rd stories of the downtown retail CBD area for the very basic reason that the "desires" of transient vacation renters which would then occupy upstairs areas as "vacation rental units" within the downtown CBD would be directly opposed to the "quiet enjoyment" needed by the already permanent residents within the mixed use downtown central business district area,

This zone change would significantly and negatively impact our business/residential uses- and result in a terrible burden for the downtown residences- of which there are MANY because the residential density is actually greater within the CBD Mixed-Use Zone of Residential/Commercial: 40 residential uses per acre within the Mixed-Use CBD zone as compared to 24 residences per acre in purely residential zones!

We discovered on 3/19/2017 that City proposals state that the City of Fort Bragg now DESIRES to change the existing Residential Zoning for 2nd and 3rd floor areas of commercial retail buildings: to Retail on the 1st floor and: Commercial transient vacation rental units permitted on the 2nd and 3rd floors within the CBD Mixed-Use Zone.

Fort Bragg has many empty hotels and motels that need such transient vacationer occupancy and which better serve their daily/ nightly “needs” with an onsite “Manager” 24/7 in order to prevent property damage and strange night “party” behavior by these transient guests. Ask yourself the question: who would desire a vacation rental unit *instead* of just occupying a Motel/Hotel room or suite? The answer is: people that do not want to be supervised in their “upstairs” noise making and partying! People who desire, for instance, to heavily smoke marijuana for recreation or to drink and party with extra noise at late night hours which would not be allowed in properly supervised Motel/Hotel settings!

Whoever came up with this “suggestion” of multiple vacation rental units “upstairs” downtown surely needs to have their reasoning questioned for pairing such diametrically opposed “uses” upstairs with adjoining permanent residents already living upstairs downtown! Permanent residents both live and work downtown. They do not, therefore, desire a “party” all night, every night “atmosphere” such as these vacationers do! Permanent residents need a quiet place to sleep- not the constant frenzied activity of vacationers making noise day and night as well as leaving residents with *a mess* downtown when they leave! People who live downtown often do *not* have a personal place to park, therefore: an intensification of cars parked overnight on the city streets *interferes* with their ability to safely park their vehicle near their residence!

18.42.100 (E) 3- Hours of operation. A mixed-use project proposing a commercial component that will operate outside the hours from 8:00 a.m. to 6:00 p.m. shall require USE PERMIT approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

I then note that Page 2-21 (2014) of Municipal Code, Title 18 ILUDC Section 18.22.030; Table 2-6 of Article 2: Zoning Districts and Allowable Land Use: Gives the following designations for uses: Permitted Use (P)); Use not allowed (-); Minor Use Permit Required (MUP); Use Permit required (UP) for land uses. Then Under the Table Heading of “SERVICES GENERAL” for the use of “Lodging Vacation Rentals” it is designated (-) which means: Use Not Allowed within the mixed use CBD (Central Business District) downtown.

Therefore, to then *change* that commercial use to a (UP) “Allowed with a Use Permit” would require a vigorous review of the incompatibility of a Vacation Rental Use with residential uses already existing downtown! A Minor UP (MUP) is not sufficient investigation (in our opinion) for such a major use change due to so many

incompatible negative impacts to the existing residential use! This is obvious from the Table shown on page2-21 Title 18 of the ILUDC (attached).

Further: Hotels Motels have lists of the names, license plates, credit cards of *their guests* to protect their buildings from damage and theft. Vacation rental property owners/managers rarely know all of the names or permanent addresses of the many people that may occupy their units as a group. **Adjoining residential uses upstairs would have, in contrast: no access to identification information on these transient “vacationers.”**

Vacationers who desire a vacation rental vs. a supervised hotel room usually have “desires” for anonymity in order to party without any supervision by a “Manager.” For the City to require by city ordinance “language” that a vacation rental “Manager” will be available 24/7 and 7 days a week doesn’t make it so! *We have not-to-date witnessed a “vacation rental” with a “Manager” on site or even available 24/7, if at all. That simply does not exist! To legislate something that does not exist to make it all “O.K.” and doable is pure nonsense.

Where is the Law Enforcement Clause with the Penalty for this “required” vacation rental Manager ordinance to back it up? *Let’s be honest there isn’t any such thing!* Therefore, the “MESS” this is going to create for the downtown residents then becomes THEIR PROBLEM! NOT FAIR!

It appears that the City that plans to “gain” financially with this extra “vacation” bed tax, levied on such transient commercial uses, and not the property owners/ businesses or residents! SHAME! Residents that live downtown in heavily trafficked areas by pedestrians already have enough “mess” to deal with downtown from the pedestrian tourists which includes: left behind trash on the sidewalks and street, cigarette butts, vomit, urine, and dog shit. Let’s not add to that “clean-up” list for residents and businesses: PLEASE.

Also: How will we keep our streets clean with these overnight vacationers parking on the wrong side of the street blocking access to the early a.m. city street sweeper? (It’s hard enough to keep this straight for the permanent home and apartment “renters” much less numerous changing transient vacationers!)

Downtown residents want their downtown areas to be maintained as “clean,” and with close places for them to park their vehicles safely overnight. Permanent residents also do not want their paid-for personally owned trash receptacles invaded by departing transient vacationers (who don’t want to take their trash home with them in their vehicles and who often leave a great deal of trash behind!)

Vacation beach goers also tend to mess with the building plumbing with all that beach sand from their scuba diving, sunbathing etc. This could be a real problem for the downstairs first floor retail stores where their merchandise downstairs gets flooded by the partying vacationers stopping-up the upstairs plumbing and/or the toilets! The biggest complaint besides *losing the keys* I have heard about for Manager/ Owners of vacation rentals: **is what happens to the destruction of their plumbing;** (as well as the trash and left-over food *mess* left behind inside these vacation rentals. Note: left-over food can lead to infestation of the buildings by mice or rats...)

Also: the City of Fort Bragg coincidentally already has a recent written application for a “Minor Use Permit” for Vacation Rental Units by ORSO PALAZZO LLC (Jamie Campione and John Scott Renters) Parcel # 008-056-24 at: 400 N. Main Street 2nd Floor. Wow, that’s directly adjoining our second story residence upstairs at: 111 E. Laurel Street (above 121, 117, 115!) This even BEFORE the Planning Commission votes upon this radical zoning change to allow vacation rentals! (See Map attached showing how vacationers at 400 N. Main Street address could easily from their second floor: enter our 2nd floor residence and walk all over our roof!)

WHY we were never notified in writing by the City of Fort Bragg for their “Minor Use Permit Request that requires a change of our building’s zoning along with these Public Planning Meetings for such a Zoning Change that were happening for the past 6 months? Again, a *violation* of our current property *right to know* of this “pending” significant impact to our CBD residential property! Exactly what is “requested” by these renters directly adjacent to us, and sharing a common fire wall to our upstairs residence the City has *not* been willing to share! TO DATE we have no notification to Daniel Hemann, Business Owner, Property Owner and long time Resident in writing from the City of Fort Bragg for this “Minor” USE PERMIT REQUEST which requires a change to the Title 18 CBD Zoning Code which will negatively effect our properties at 111, 115, 117, 121 E. Laurel Street. (We do know there are two kitchens existing on the other side of this subdivided building upstairs. *Two kitchens* would allow *large groups* of people vacationers to party upstairs!)

This is a violation of California State Constitutional Property Rights with regard to the quiet enjoyment of Residential Property: Rule 61.24, Chapter 1, Title 4 of the California Code of Regulations that entitles California residents to the quiet enjoyment of their home.

And, according to these “new zoning” rules: these Vacation Rental Uses; “Will be on a 1st come 1st serve basis” for receiving approval on a Minor Use Permit! Is this a “shoe-in” then for our adjoining upstairs 2nd story residential use to be invaded by new noisy vacationers day and night at 400 N. Main Street (on the other side of the adjacent fire wall (that we built to subdivide this residential commercial property with Cordelia Shampanier in 2003-2004?) The fire wall we built to separate these residential commercial properties within the same building will stop a fire hopefully, but it does not keep smoke out- as we learned recently when our upstairs 2nd story bedroom was invaded by heavy marijuana smoke, loud music, and extreme oil painting odors from a temporary “renter” using a “space” at 400 N. Main Street upstairs adjoining our 2nd story property (AS APPROVED by the current Renter/Manager: John Scott).

Mr. John Scott has yet to win our confidence in his “style of management” where he asked us for: *our retail store fees per foot*, and then stole our only retail tenant (for the past 12 years) by lowering her rent for his retail store as compared to ours; and then also he next requested the *temporary use* against our outside garage wall for a large covered metal dumpster, *but neglected to brace it so that it would not hit our outside wall*. Therefore we had to brace it away from our wall. Then, upon removal of this agreed upon “temporary” large dumpster, he *insisted* that he had the prescriptive “right” to now continue storing *other removable* “messy” trash receptacles there daily and permanently! (Steve of Roundman’s said that John Scott and Understuff were, after-all, his renters and *not* ours, and so he politely solved this problem for us by moving his renters four trash and recycle cans against *his* outside wall and not ours! (The presence of these large trash

cans already starting to *grow moss on the asphalt and create cracks there* from the moisture and lack of sunlight AS COVERED CONTINUOUSLY WITH MULTIPLE TRASH CANS- and, this trespass would lead eventually to mold in our garage wall.)

John Scott also seemed to think he had *the right to enter our upstairs home* and have 24 hour access to our inner stairwell as an additional emergency fire exit for his upstairs transient renters! This right to “enter” our 2nd story home upstairs he claimed was guaranteed to him since the firewall Daniel Hemann built *had a door in it*. (The “door” being in existence for the use of Cordellia Shampanier (only) during the time that she was the only owner of the entire 2nd floor of this building: *where she lived upstairs on the east side..*) To date, all “excuses” by this “Manager/Renter” John Scott as to his having to greatly inconvenience us with his demands and needs have been due to per John Scott, “His living elsewhere and not being responsible for what happens when he is not here!” This “style” of “management” is even more worrisome with his “plan” for transient vacation rental units upstairs.

PHYSICAL TRESPASS: A SPECIAL PROBLEM FOR OUR RESIDENTIAL PROPERTY: IF ADJOINING a VACATION RENTAL UNIT(S):

Our upstairs living space is not designed for transient vacation rental use: Because of an existing door on the West side of the upstairs of 400 N. Main Street that opens to OUR ROOF area on the East side where tourists/vacationers can then walk all over OUR ROOF and enter the east side second floor residence through an open window or door (or break-in when we aren't at home). (See map attached)

Any and all foot traffic on our roof is a trespass/ nuisance, and can easily create roof damage and rain water leakage through this roof! For the City of Fort Bragg to suggest: that unknown transient visitors be allowed access to our roof from a vacation rental use permit is both negligent and a threat to our building's safe roof as well as an insurance problem. (A huge liability and insurance risk we are not willing to accept!) And regulatory taking of our right to protect our roof and home from the unwanted access/ trespass of complete strangers!

****Further, the property of 400 N. Main Street also has a structural defect downstairs (within the hidden inner office area). The North facing wall downstairs is a completely subcode original red brick wall (160 years old: 75 feet in length and twelve feet high) that should have been red-tagged decades ago. This structural defect needs to be corrected for earthquake seismic stress / as well as for multiple occupant commercial use *before* any kind of heavier activity “use permit” is granted by the City of Fort Bragg Planning Department.**

We Suggest: No Vacation Rental Units Be Permitted In The Heavily Trafficked Pedestrian Commercial /Residential Areas Of The Mixed Use Central Business District: With Very Limited Day Parking; And, With The Need For Quiet Streets At Night for the many existing permanent residences (up to 40 residential uses per acre within the mixed-use CBD). Such incompatible uses were banned within the mixed use CBD area downtown within Title 18, Article 2, page 2-21 (attached); and should remain banned for all of the reasons we have out-lined in this letter!

NOISE AFTER 10:00 P.M. from “partying” Vacation Rental Units is again a major disturbance and nuisance for residences.. The Fort Bragg Police will respond to noise after 10:00 p.m. within the downtown Central Business “Mixed Use” District.

The pairing of “quiet” Residential uses with “noisy” Commercial Vacation Rental all-night uses is diametrically opposed as to the kind of use “desired” by residents within the mixed use zone of the CBD (40 residential units per acre in the mixed use CBD Zone vs. only 24-26 residential units per acre in purely residential zones!)

Other *new* issues downtown from newer stronger cell phones, Smart Meters & WiFi: CELL PHONES IN USE CONSTANTLY BY VACATIONERS:

Use of wireless devices by multiple vacationers *invading our home area upstairs wirelessly is intolerable*: All vacation transient renters each likely carry (about 99.9%) their own *wireless* cell phones. Use of multiple cell phones emitting wireless microwave RF radiation also attaches to and invades the electrical wiring of any adjacent building exposed. This aggregate microwave RF radiation then is “added” as broadcast to the inside home environment causes health damage, electrical wiring fire hazards and damage to appliances and electronics upstairs. This addition of “added” undesirable EMF aggregated broadcast wireless pollution to our home 24/7 is also an extreme health hazard due to the “Dirty Electricity” it brings into the home environment which is carcinogenic. (Per the World Health Organization).

“Land,” says Blackstone, “in its legal significance has an indefinite extent, upwards as well as downwards; whoever owns the land possesses all the space upwards to an indefinite extent; such is the maxim of the law.” *Herrin v. Sutherland, Supreme Court of Montana, 1925. 74 Mont. 587,241 P. 328*

Note that the airborne radioactive particles of microwave frequency RF radiation do accumulate on private land and *inside* residential homes as the microwave RF radiation signals first invade the walls of the home, and plumbing, and then attach themselves to home electrical wiring and/ the metal support beams (if applicable in house construction); and these electrical signals do not quickly dissipate nor pass away, but re-radiate out into the environment, therefore, a trespass has occurred.

If Commercial Vacation Rental Units are *added as permitted* within the mixed-use area of the CBD, additional PG & E wireless Smart Meters will also likely invade private home inner space and the electrical wiring with their broadcasting *wireless* pulsating MW RF Signals which is a Trespass to Land. **This is because PG&E maintains they can invade commercial uses with their Smart Meter Grid, but not residential uses**. (We believe this is incorrect as to PG&E’s current stand on *new* commercial uses- but for sure there will be a “battle” over this “assertion” by PG&E if the City votes to *add* commercial vacation units to the upstairs areas above retail stores where there are many existing residential uses!)

“Every unauthorized, and therefore unlawful entry, into the close of another, is a trespass.” *Dougherty v. Stepp Supreme Court of North Carolina, 1835. 18 N.C. 371.* The word trespass may be used to describe the kind of interest that the person has invaded. Traditionally, that interest has been described as the exclusive possession of land (Restatement (Second) of Torts § 165.)

Rather than encourage transient people to damage the downtown buildings and businesses and streets, with: unneeded traffic, trash, no place to park, noise, partying, theft, plumbing problems, more wireless pollution etc., you should be coming up with “ideas” to make the downtown mixed-use CBD more attractive to shoppers, pedestrians,

and visitors. The Hotels and Motels already existing locally already provide overnight and daily parking for transient guests- let's leave that: well enough alone!

Our alley ways especially are already becoming beat-up, dirty, and messy. (Pot holes in the alley ways are worsening daily from heavy early 4:00 a.m. to 6:00 a.m. traffic from multiplying huge semi-trucks. Why is there NO Clean-up nor repair of these broken down alley ways? Why are such large semi-trucks allowed to drive on and damage our alley-way streets?) Why is leaving-out the unsightly personal trash cans all week now being encouraged? Why is the trash spilled from these dumped emptied trash cans never cleaned up?

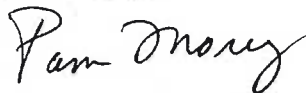
Suggestion: These personal trash cans that are moveable should be stored inside except on trash pickup day. (Only the larger covered trash dumpsters allowed outside daily by the City of Fort Bragg.) Bringing "in" the trash and recycle cans regularly then reveals just what lurks under these receptacles! These are simple "Rules" to follow that would keep our alley ways much more clean and pleasant for everyone downtown! The City has long term plans to make these alley ways appealing to tourism- So *why* is the City allowing these unsightly trash cans to remain out- 365 days of the year? There are not many fences to hide them, therefore, it's best to require *they be kept inside* and only put outside for the trash or recycling day(s) of pick-up.

FINALLY, BY LAW, WE EXPECT PROPER WRITTEN LEGAL NOTICE TO US From the City of Fort Bragg: on any proposed zoning changes within the Mixed use CBD before any votes take place on these CBD Zoning Changes now before the Fort Bragg City Planning Commission. WE EXPECT PROPER WRITTEN NOTICE TO US on any current Use Permit requests (minor or otherwise) that effect our business/residence properties within the mixed use CBD Zone. If Mr. John Scott wants to continue with his Minor Use Permit for Vacation Rentals upstairs on the other side of our subdivided building (in spite of the many problems as well as his structural defects downstairs), + and with sharing a common wall with our upstairs residence- we expect to receive legal notice from the City of Fort Bragg re: this MUP request by Mr. John Scott or Jamie Campione immediately!

We offer these criticisms most kindly with sincerity, experience, and patience for those who have never resided downtown!

Longtime resident and property owner:

Daniel J. Hemann (and Pam Morey)



CITY OF FORT BRAGG MUNICIPAL CODE - TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE

COMMERCIAL ZONING DISTRICTS

18.22.030

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

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	—	
Social service organization	—	P	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	

our walk
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have
Street
H20 N. Main
from upstairs
keep the air
air outside
Door to

