

April 25, 2017

City of Fort Bragg Planning Commission Members (5)
Marie Jones
Linda Ruffing
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APR 25 2017
CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

Dear City of Fort Bragg Planning Commission Members;

Re: Fort Bragg Planning Commission Meeting dated: ~~March 22, 2017~~ ^{April 17} Agenda Item 3 A 17-139: *To be continued for a vote on March 26, 2017 Planning Commission Meeting, and, the Agenda Item now changed to* “Agenda Item 3 A 17-209.”

Agenda Item 3A 17-209: “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 Code) And Certify The ILUDC: Inland Use Development Code “Negative Declaration.”

We need to now provide an Amendment to our previous letter for the March 22, 2017 Planning Commission Meeting *with further new input to you* regarding: the current demand by the City of Fort Bragg Managers: That we must immediately (**with no development code regulations under CEQA (California Environmental Quality Act) having been considered by the Planning Commission**) in order to make all sorts of immediate changes to the ZONING of the City of Fort Bragg General Plan; and, especially to: suddenly and immediately allow: TEN VACATION RENTAL UNITS (*never permitted before for decades within the mixed-use CBD*) with neither a Use Permit nor a Minor Use Permit). These Transient Vacation Rental Units *to be allowed now* with a MINOR USE PERMIT: upstairs above our downtown retail stores, and *adjacent* to permanent residential areas: *some with common walls* in our most vital Central Business District downtown area.

This idea will eventually ultimately destroy our downtown safety, and the peace and quiet at night for everyone including shoppers and tourists (and especially for the existing downtown property owners, business owners, *and permanent residents* (within the unique historical downtown areas of the City of Fort Bragg).

WOW! I just realized that “A NEGATIVE DECLARATION” is being demanded of YOU (The Planning Commission) by the City Managers): This “negative declaration” means that these new ZONING changes: are to be considered by you as so minor as to not significantly impact the current zoning uses! You’ve got to be kidding!

Remember to “Keep the critic close to your garden and he (she) will keep the weeds out for free.” And always to “Question Authority.” We are the gate keepers to our currently safe place to live. Let’s not give up that authority to *outside* internet veters such as UBER.

We, Dan Hemann and Pam Morey 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 AND 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 E. Laurel Street addresses within the CBD downtown, we have YET to be *properly notified in writing* by the City of Fort Bragg Planning Dept. of these proposed drastic Zoning Changes within the Mixed-use Zone of the CBD...

And this also with the very first “Minor Use Permit” request to change residential uses upstairs above retail stores within the mixed-use- CBD area downtown into transient Vacation Rental uses to be allowed: *WOW right on the other side of the adjoining fire wall to our upstairs residence/commercial retail store building downtown!*

Zoning changes about to be voted upon by the Planning Commission on March 26, 2017. *Proposed Zoning changes that will take away the decades long General Plan zoning protections for the permanent residential upstairs uses as well as highly impact in a negative way: the retail shops downstairs, and the other permanent residential homes existing within this mixed use Commercial Residential area.*

Many people are *not* aware that the Mixed-Use CBD Downtown has a HIGHER concentration of permanent residential uses than the (R) purely residential zones. For the Mixed-Use Downtown CBD AREA: **There are 40 Residential Units Per Acre- that’s almost twice as many residential units allowed as in purely residential areas (R) which is only 24 residential units per acre.**

Ask yourself the question: Would you want your residential next-door neighbors to turn their residential home into a transient Hostel /Hotel or a number of vacation rental units? *How would that impact your quiet enjoyment of your residence and neighborhood?*

It would certainly ADD:

- 1.) More traffic, more dogs, more trash and mess, (and, also maybe more homeless people...)
- 2.) More cars competing for the *few* street parking spaces
- 3.) More NOISE especially LATE AT NIGHT (because vacationers don’t keep normal hours and party quite a bit more, and, come and go at all hours, packing up their cars to catch plane schedules etc.)
- 4.) More theft -especially when *any* residential homes are vacant and obviously not occupied. This goes for businesses too~
- 5.) Less quality sleep!
- 6.) More likelihood of fires from tourists smoking cigarettes /or marijuana due to the addition of careless and confused out-of-towners!
- 7.) MORE out-of-control kids because their parents just let them run wild (when there’s no consequences from the neighbors (where they don’t actually live), and when... hey- “They are “on vacation!”
- 8.) No way to keep the streets swept clean anymore *as vacationers are completely unaware of street sweeper signs!* They will then park on the wrong side of the street.
- 9.) A lot more mice and rat invasions of other homes and apartments/businesses because vacation rental *users often leave lots of spoilable food behind- that they don’t want to take with them while driving in their cars.* (I KNOW this because I used to “manage” and clean vacation rental units in a tourist town like this one).
- 10.) Nobody is responsible for these vacationers and *the mess* they can make of a neighborhood because with VACATION RENTALS, especially, there is No On-Site

Manager there! (Motels *always* have a Manager on-site; Hotels *may* have them; Hostels *rarely* have them, and Vacation Rentals *almost never* have them!)

Many of these rental Vacation “units” or “homes” are now “managed” by companies on the internet like UBER.~ How much help are YOU going to receive as a business or homeowner from a distant “Manager” like the internet “management” company UBER? Good Luck~ *This negative impact will significantly undermine the real estate property value of your residential/ business neighborhood as well.*

The City of Fort Bragg says, “They will demand that there be an “On Site Manager” for these individual vacation rental units. Hmm...How will *they* (The City) enforce this rule? They aren’t even there after 5:00 p.m. weekdays, and are never there on the weekends! (The Fort Bragg Police are too busy these days to even ticket cars that block the street sweeper for a week at a time- Will the Police help then when the vacationer kids run wild upon our adjoining rooftop upstairs? Unlikely~

(Yes, there is unfortunately, *a door* leading to our downtown CBD residential area rooftop from the upstairs of the adjacent 400 N. Main Street building (Which used to be Fiddles and Cameras and used upstairs only by Cordelia Shampanier). *How* will we be able to keep these unknown vacationers from exiting this upstairs door on the North Main side *to then walk upon the flat area of our building’s roof?* How will we keep these unknown vacationers out when we want to leave our *upstairs* residence windows and door open during the summer? (Not even considered by the City in changing the use from permanent residents to vacation rental units!) **This constitutes “regulatory taking” of residential property rights and values by the City of Fort Bragg with these zoning changes:** not even previously allowed under a permit within the mixed use CBD for many decades; and for very logical and practical reasons.

11.) Vacation rentals also are *not* considered “Residential uses” by PG&E. PG&E says these are “Commercial Uses” also by the City of Fort Bragg. Only Residential Uses are guaranteed an “opt-out” privilege from a wireless Smart Meter installation per PG&E. This means ten more wireless smart meters will be installed in the upstairs residential areas above our retail stores downtown.

These additional smart meters will *wirelessly* “dirty-up” the power for the electricity in the entire building and the shared neighborhood electrical transformers downtown. Dirty power lines carrying more high frequency transients means: a need for more electricity to run equipment. This significantly increases your electric power bill and causes premature failure of your business electronics and home appliances. It is also an increasing health and fire hazard! (For food stores downtown microwave RF wireless WiFi and wireless Smart Meters also increase premature food spoilage.) **Only the Corporate Monopoly: PG& E Profits.**

Is the above List of Impacts: compatible with the quiet enjoyment of residences? **NO, NOT AT ALL**

Other eventual impacts within the CBD will be: The permanent downtown residents will *eventually leave and desert the downtown Central Business areas.* Who will make sure that the streets get swept clean then by the street sweeper on designated dates for street

sweeping? Who will then responsibly notify the Police when there's suspicious activity/theft/ fires/ flooded stores about to happen downtown from heavy rain etc.?

It's the permanent residents that are "the eyes and ears" for the Police and Fire Departments- especially overnight downtown that keep City Downtown areas SAFE for tourists and residents! When these residents leave, these downtown city areas then deteriorate and become vacant, even dangerous. Would you consider this to be a "minor impact" then? No, far from it~

Let's take our downtown residence upstairs as a "test case." We as business retail owners work seven days a week. We have to because of the slow economy now for art sales and for security reasons. We have a residence upstairs. We are one of the most re-visited businesses downtown- why- because we are a working fine art gallery and artist's studio. Our business is a local tourist attraction due to its scarcity and novelty as an artist-owned business/ workshop as well as the beautiful fine art. We own/manage 111, 115, 117, 121 addresses on E. Laurel Street downtown.

Our large commercial building within the CBD was divided between two separate property owners in 2004. We have a firewall between both halves of this large historical commercial/residential building. The "half" we own consists of: 3 retail shops, and upstairs: two apartments. We use only the addresses 111 upstairs as our residence, and use downstairs addresses 121 and 117 as our gallery/shop; and then rent out only 115 as a shop retail store. (There is a stair well to our upstairs residence on our side of the firewall divide). The other half of the building consists of the address: 400 N. Main now which used to be Fiddles and Cameras at the corner of Main street/E/ Laurel Street for decades, and two small separate clothing retail shops located on East Laurel Street: GG's and Fractionalize with previously only a single permanent residence upstairs.

Now, 2017, there's a *new owner* of the N. Main Street side of our shared building that wants to rent out the entire upstairs area of the 400 N. Main Street as numerous "vacation rentals." **This Owner is only identified as ORZO PALLAZO LLC** with "Managers" of Jamie Campione and John Scott. We have no address nor phone number to call if there is a problem with the other half of our shared downtown building! (This was not the case with Cordellia Shampanier who we formerly could reach at any time.) The current "Manager," John Scott, has already *made many demands to inconvenience us since "managing" to renovate the upstairs area of this downtown property.* He first expressed his desire to turn the upstairs area he "manages" adjacent to our residence into an undesirable Hostel. (See further information re John Scott "Manager" included our last letter submitted for the March 22 City Council Meeting.)

The many inconvenient demands of "Manager" John Scott and the inability to reach this man who lives out-of-town makes it very worrisome that he now wants us to allow numerous transient vacationers upstairs during his long absences. We have been advised that these vacation rentals **will likely be "managed" by a distant UBER company employee on the internet** (disclosed to us by someone that knows John Scott and his current tenant upstairs). UBER is NOT an "On Site Manager."

There are approximately 6 existing separate bedrooms and two complete kitchens in the upstairs area of 400 N. Main Street (the other half of our shared building).

Each bedroom can have one car per the City “rules” for this Zoning change. That’s at least 6 more cars parked in a limited parking street area (a consistently busy very limited street parking area). These 6 cars also stay overnight, (unlike city shoppers); and, will come and go at all hours. Very disruptive for the permanent residents that already have some extra noise at night and very limited close parking places for their permanent residents.

**** Also, We have notified the City of Fort Bragg that there is a major structural defect in the 400 Main Street Building in need of attention: This STRUCTURAL DEFECT should be “red-tagged” for obvious seismic weakness: An existing original red brick wall 75 feet long and 26 feet high as seen when looking at the North-West corner of this historical building from Main Street/ or when viewing this Main Street building from the alley way. (This is a correction to our previous warning that this brick wall was 12 feet high (when indeed, it is 26 feet high –approximately).**

This original brick wall is completely subcode and is a massive seismic threat for any use- much less a use change with increased use of the stair well adjoining this shaky, brick wall.

Also, if anyone views the North West corner of this building from N. Main Street, it is easy to see that this very old brick wall is actually leaning to the South which needs to be considered as “very dangerous” indeed.

We also note the fact that John Scott has only “noticed” his current written request for a *Minor Use Permit* to change both: the use and zoning; and that he has posted this Public Notice only on a small old red door about eight feet high and out-of-view by the general public on the N. Main Street side. The City of Fort Bragg has allowed this blatant example of hiding John Scott’s USE PERMIT request for numerous vacation rentals at this site with a necessary Zoning Change for the Mixed-Use CBD! They have even hidden it from us- the next-door neighbors that share a common wall upstairs!

So far, of all the businesses downtown I questioned recently, nobody was aware of this Zoning Change/Use Permit Request that appears to be happening on a “fast track” as facilitated by the City Manager of Fort Bragg in favor of ORZO PALLAZO LLC as “managed” by John Scott (an out-of town “manager”) and against the interests of the retail shop businesses and residents within the Mixed Use Central Business District Downtown~ And most especially against the interests of a 19 year resident, property owner, and business person right next-door! Very STRANGE~~

Therefore, please consider these “recommended” zoning changes very carefully. There’s quite a few *unnecessary changes* here to the General Plan- some minor- yes, but many MAJOR like this one that will have a huge negative impact on the “historical small town atmosphere” of our Central Business District Area. It is this “safe unfettered historical atmosphere” that draws most tourists to shop here downtown.

I have taken the time *to interview* most retail businesses on the 100 block of East Laurel Street: from Main Street to N. Franklin Street on East Laurel Street: *The opinion of both businesses and employees within this area interviewed by me (Pam Morey) just a few days ago- Was an overwhelming 100%: NO! The CBD downtown employees and business/property owners agree with us with that changing the CBD Zoning to allow 10*

transient vacation rentals directly above retail stores will likely result in the elimination of upstairs permanent residents downtown (who keep the city downtown areas safer for everyone).

How is it that while these *continued* City Planning Meetings to change City Zoning laws for the CBD area *are happening*: that the people that live and work here *don't know anything about these* proposed Zoning changes to our CBD?

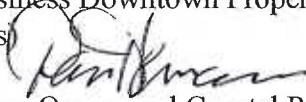
It can only be because the City's current proposals to change the F.B. General Plan *are disguised by their use of abbreviated city planner language: "ILUDC," "Title 18," "CBD," etc.* City planning language that is *unfamiliar* to the general public as in "GREEK;" and, because the actual first Public Notice posted for this CBD zoning change *has been hidden from the people working and/or living on East Laurel Street downtown as currently "Posted" only high up on an obscure door on N. Main Street- completely out-of-view.*

Therefore, we urge you as Planning Commissioners to carefully comb through all these City "recommendations" *to change the Zoning Rules for the Fort Bragg General Plan, and especially: Please Vote **NO** Against A Zoning Change for the Mixed Use CBD: To allow an incompatible mix of previously banned Vacation Rental Units to co-exist upstairs right alongside longtime downtown Permanent Residences.*

Thank you for considering our important concerns with these new proposed zoning changes by the City of Fort Bragg.

Most sincerely,

Dan Hemann: Longtime Resident/Business Downtown Property Owner
(Downtown CBD Fort Bragg 19 years)



Pam Morey, Long Time Local Business Owner and Coastal Resident since 1990.

