

Lemos, June

From: Janet Kabel <jmkabel@sbcglobal.net>
Sent: Monday, August 24, 2015 10:56 AM
To: Lemos, June
Cc: Turner, Dave; Peters, Lindy; Deitz, Scott; dhammertrom@fortbragg.com; Cimolino, Michael
Subject: USP 3-15

Fort Bragg Planning Commission 416 N. Franklin St.
Fort Bragg, CA 95437

Re: USP 3-15, Overtime Brewing, Inc.

Dear Commissioners:

I am writing you to request that you do not rubber stamp yet another flawed Use Permit findings of our Planning Department.

This Use Permits asks that you allow “accessory retail and services in association of a permitted new brewery in the Heavy Industrial (IH) zoning within the city of Fort Bragg.” Staff has performed an “analysis” and has come up with “Use Permit Findings” to support an approval of a Use Permit for Accessory Retail or Services. Some of these findings are incorrect and are not supported by the Development Code and Municipal Code.

First let us get some definitions made. Under the City’s Rules of Interpretation, “is to”, is always mandatory, i.e. if the code says a use IS NOT permitted, it is mandatory that the use not be allowed. Period. Mandatory, per the City’s own standards.

Staff has attempted to circumvent the current Heavy Industrial zoning for the parcel by giving the Commission half the information needed to make a legal decision.

Section 18.42.020, Accessory Retail and Service Uses, Section C:

Review and approval *requirements* . Accessory retail and service uses may require design review in compliance with section 18.71.050. Accessory Retail and Services Uses *require* a Minor Use Permit in COMPLIANCE with Table 2-10 Section 18.24.030.

Left out is Table 2-10, Section 18.24.030.

Section 18.24.030 Table 2-10 states that a Bar/tavern is NOT allowed in IH zone. It does not allow for a Use Permit to be granted for such use in the IH zone. Table 2-10 further indicates that a Restaurant, cafe, coffee shop is NOT allowed in the Heavy Industrial Zoning and NO provisions are shown in the table to allow for a Use Permit to allow such usage. Neither of the proposed Accessory retail and services are in compliance with Table 2-10 and no amount of gloss can make such a use legal in a IH zoning. Accessory use *must* be in compliance with Table 2-10 of Section 18.24.030 for a valid Use Permit to be issued per section 18.42.020, Section C. The requested Use of this parcel is just not keeping with the IH zone per the City’s own Code.

Planning has “determined” that is a “judgement call” at which point accessory retail that includes the sale of beer and food manufactured at the facility could be construed as a bar or restaurant and not be allowed. Let me again quote the City’s own definitions:

Restaurants, cafe, coffee shop. A retail business selling ready to eat food and/or beverages for on-or-off premise consumption (“counter service”); and establishments where customers are served food at their tables for on premise consumption (“table service”) that may also provide food for take out. The definition is very clear if ready to eat food is being sold it is a restaurant. No judgement call is needed. Restaurants are not permitted in IH zoning.

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars taverns, pubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages. The proposed project asks for 15 bar seats with 12 restaurant seats clearly meeting the definition of a bar. Wait — the restaurant is not permitted anyway in IH so the point is moot.

Commissioners if it looks like a duck and it quakes like duck it is a duck. No fancy wording of accessory retail can disguise what this Use Permit is all about, allowing a bar restaurant in a Heavy Industrial Zoning where they are legally not allowed.

I ask that the Planning Commission deny Use Permit 3-15.

While I sympathize with the applicant that the zoning does not allow any for sort of bar or restaurant. It does however allow for retail sales accessory to wholesaling which would allow the sales of growlers and bottled product with a Minor Use Permit and I recommend that the applicants do so.

Sincerely,

Janet Kabel

309 East Bush St
Fort Bragg, CA 95437

Lemos, June

From: Alice Chouteau <alicat@mcn.org>
Sent: Wednesday, August 26, 2015 11:48 AM
To: Lemos, June
Subject: To the Planning Commission, please forward asap

We are urging the Planning Commission to deny a permit for Overtime Brewery, to be located at 190 E. Elm St., Fort Bragg. While the residents and established businesses are under Stage One emergency water restrictions, no business, such as a brewery, requiring high volume water use should be permitted within city limits. Until the planned reservoir is constructed and shown to have sufficient supply for town residents, such projects must be postponed.

We also want to ask the city government whether it is wise to become a town know for breweries. The implications must be thoroughly examined, as such a direction could limit other kinds of development for the future of the town.

Perhaps Overtime Brewery could establish a retail outlet, with food and entertainment at this location, while finding appropriate property outside the city with and independent water supply for the actual brewing process. We also question the city's policy of forbidding legal medical cannabis dispensaries within the city limits while encouraging the sale and production of alcoholic beverages, with many wine and beer festivals annually. With another brewery slated by the city council for the mill site, we are left wondering about this current mayor's vision for the city.

Thank you for your time.
Alice and Douglas Chouteau
Fort Bragg

Ng
Sent from my iPad

Lemos, June

From: Alice Chouteau <alicat@mcn.org>
Sent: Wednesday, August 26, 2015 4:41 PM
To: Lemos, June
Subject: Re: To the Planning Commission, please forward asap

Thanks June

Regarding the letter of support for the brewery project from Brian Storms, I happen to know the Bend area very well, as an Oregon native, and must mention that Bend has an extremely bountiful water table for supporting breweries, which Fort Bragg sadly lacks.

I hope you can attach this to our previous letter.

Thanks!

Alice Chouteau

Sent from my iPad

> On Aug 26, 2015, at 12:02 PM, "Lemos, June" <jlemos@fortbragg.com> wrote:

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> Thank you, Ms. Chouteau. Your comments will be added to the agenda item (3A) for tonight's Planning Commission meeting and the Commissioners will be notified of your letter in opposition to the project.

>

> June Lemos

> Administrative Assistant

> Community Development Department

> City of Fort Bragg

> 416 North Franklin Street

> Fort Bragg, CA 95437

> Phone: 707.961.2827 x 110

> Fax: 707.961.2802

> jlemos@fortbragg.com

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> -----Original Message-----

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