

July 10, 2017

Daniel J. Hemann
121 E. Laurel Street
Fort Bragg, CA 95437

RECEIVED
JUL 10 2017
CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

Samantha Zutter, Fort Bragg City Attorney
Marie Jones, Community Development Director, City of Fort Bragg, CA 95437
Scott Schneider, Fort Bragg City Administrator
City Council Members
Fort Bragg Planning Commission Members
Sarah Million McCormick, Community Development Department (letter signer)

Re: Your recent letter to me, Daniel Joseph Hemann (as addressed on it's envelope only) dated: 6/26/2017 (as dated on the metered envelope only). No date given on this letter: **See Letter Copy Attached: **This Letter on City of Fort Bragg Letterhead Titled: "NOTICE OF PENDING ACTION."**

Dear Samantha Zutter, City Attorney at Law, Marie Jones, Fort Bragg Community Development Director, Scott Schneider, Fort Bragg City Administrator, All Fort Bragg City Council Members, All Fort Bragg Planning Commission Members, and Sarah Million McCormick, Community Development Department Secretary;

My representative, Pamella Morey, has been informed over and over again -in person- by many City of Fort Bragg Representatives *that there will be no decision that is permanent by the City Planning Commission which makes only recommendations to the City Council Members regarding the City's proposal to change the Zoning* for the Mixed-Use Residential/Commercial Central Business District: in order to now allow *new* Commercial Uses: Vacation Rental Units upstairs above the downtown CBD retail shops.

I have been informed through City Representatives that I can attend the Planning Commission Meeting and voice my opinion, but that the actual voting decision to change the CBD zoning to approve John Scott's Project will be made only at the Public City Council Meeting where City Council vote will take place on the Project of John Scott (a.k.a. Pallazzo LLC) to approve or disapprove of this particular project with its required Zoning Change to allow for John Scott's request to engage in Vacation Rentals: never before allowed within the Mixed-Use Residential/Commercial District- not even allowed with a Major Use Permit!

Why not allowed? TRANSCIENT VISITORS ARE NOT COMPATIBLE WITH THE PERMANENT RESIDENCES NEED FOR THE QUIET ENJOYMENT OF A PRIVATE RESIDENCE ESPECIALLY DUE TO NIGHT NOISE AND PARKING CONCERNS (BOTH FOR RESIDENCES AND BUSINESSES). TRANSIENTS LIVING DOWNTOWN TEMPORARILY ARE ALSO A RISK FOR RETAIL BUSINESSES DUE TO: INCREASED RISK OF FIRE, FLOOD, AND THEFT OR PROPERTY DAMAGE FROM THESE UNIDENTIFIABLE VISITING TRANSIENTS.

This City letter "Notice of Pending Action" only addressed to me on the envelope and without a date on the letter now states:

“Unless a written request for a public hearing is received by the City of Fort Bragg Community Development prior to 5:00 PM, Tuesday, July 10, 2017, the above described project will be approved. If a written request for a public hearing is not received, the project may not be appealed to the City Council.” **Also please note your typo error: July 10, 2017 is a Monday and not a Tuesday!*)

This “Notice of Pending Action” is improper legal notification even according to John Scott’s required Public Notice (which has been posted completely out-of view of the public: 8 feet high on Main Street and not posted on E. Laurel Street): *where property owners, businesses, and retail shops, and permanent residents downtown would actually have a chance to read it:* This improperly posted, Legally Required: “Public Notice” for John Scott’s Project which is readable only from a ladder) states:

“A notice of the public hearing will be mailed 10 days prior to the Public Hearing to the property owners within 300 feet within the project site and to all other interested parties requesting notification.” I BELIEVE ALL PROPERTY OWNERS AND THEIR TENANTS WHETHER RESIDENTS OR RETAIL SHOPS/BUSINESSES WITHIN 300 FEET SHOULD HAVE BEEN PROPERLY NOTIFIED TO ATTEND THE REQUIRED PUBLIC HEARING ON THIS PROJECT.

And now, I receive a “Notice of Pending Action” (not dated) which states that no public meeting/hearing will be held for me (*the adjoining property owner) nor anyone else to attend unless I submit yet another request to the City in order to even hold a Public City Council Meeting where the actual public discussion and VOTE by the City Council Members to vote for or against this Zoning Change/Project by law needs to take place!

Do I then play along with such corruption, collusion and chicanery by requesting a Public Meeting of the City Council for them to actually vote on this Project *before* the City Council has held a Public Meeting to vote on the required zoning change to allow such a use change?

YES, I DEMAND THAT A PUBLIC CITY COUNCIL MEETING BE HELD FOR THE CITY COUNCIL MEMBERS TO FIRST VOTE ON A CHANGE OF ZONING IN ORDER FOR THE CITY TO LEGALLY CONSIDER CREATING A “NUISANCE” DOWNTOWN WITH VACATION RENTAL UNITS/ TRANSIENT OCCUPANTS TO BE ALLOWED (WHEN PREVIOUSLY BANNED) WITHIN THE DOWNTOWN CBD ZONE. I DEMAND THIS NOT BECAUSE OF YOUR MANUPULATION IN THIS “PENDNG ACTION LETTER,” BUT BECAUSE IT WOULD BE ILLEGAL FOR YOU TO APPROVE OF IT ANY OTHER WAY.

BUT ALSO, BEFORE YOU HAVE A CITY COUNCIL MEETING, YOU NEED TO PROPERLY POST THE PUBLIC NOTICE ABOUT THIS PROJECT AND IT’S REQUIRED ZONING CHANGE SO THAT THE REST OF THE CBD HAS AN AWARENESS OF YOUR CHANGING THE CBD ZONING TO ALLOW TRANSIENT OCCUPANCY UPSTAIRS ABOVE THE RETAIL STORES AND ADJACENT TO PERMANENT RESIDENCES DOWNTOWN!

Further, I have already informed the City and City Planning Commission members in writing by several letters to Fort Bragg City and City Planning Members that there are

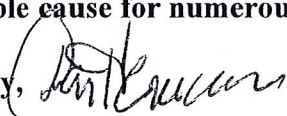
numerous serious problems with the request for a change of zoning/use by John Scott/Palazzo LLC. These serious problems include:

- 1.) Seismically unsafe, load bearing: 130 year old red brick wall, 75 feet long and 26 feet high on the North side and *leaning to the South* must make any use change for 400 N. Main Street portion of Commercial building completely illegal (a red-tagged flaw).
- 2.) No fire escape on the building's East end. AND No exit allowed through my eastside property on my flat roof (which cannot take foot traffic), and, for logistic, security, and insurance reasons!
- 3.) Increased night noise for downtown residents. Interference with CA Law guaranteeing the "quiet enjoyment" of residential property.
- 4.) Parking problems already on narrow one-way street increased for residents and shoppers and business/property owners.
- 5.) Increased risk of fire, flood, property damage for stores, businesses and residents.
- 6.) No on-site manager to deal with the nuisances created by transient occupants. (This is not Uber's job description!)
- 7.) Chipping away at available scarce housing for locals for the City's bed tax monetary gain is anything, but appropriate. (Especially with plenty of empty local hotel/motels for transient occupancy).
- 8.) Diminishment of permanent residents downtown will be the likely result of taking away private property rights in favor of transient occupants. This results in a less safe downtown because permanent residents are the eyes and ears for the police and fire departments.

Further, plans for this project have been previously denied to my partner, Pam Morey, by both the City of Fort Bragg and the County Planning Dept. in Fort Bragg. Just what "2 Units" consists of as to the # of bedrooms to be rented as Vacation Rentals and where located in the adjoining building to my property is still unknown to us, and, there is the possibility that the "2 Units" are both with kitchens and numerous bedrooms. There have been no plans made available at all to read on this project!

All of the above represents the City conducting the "regulatory taking" of private property rights which is unconstitutional at both State and Federal levels and actionable cause for numerous lawsuits against the City of Fort Bragg.

Sincerely,



Daniel J. Hemann, Property owner: Commercial/Residential within CBD
121, 117, 115, 111 E. Laurel Street, Fort Bragg, CA
Copies to: Jim Wood, Representative 2nd District, Diane Feinstein, CA Senator

Sarah Million McCormick
Community Development Department



CITY OF FORT BRAGG
Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437

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