



SACRAMENTO REGIONAL OFFICE

1831 K Street
Sacramento, CA 95811
Tel: (916) 504-5800
TTY: (800) 719-5798
Toll Free: (800)776-5746
Fax: (916) 504-5801
www.disabilityrightsca.org

July 20, 2017

Marie Jones
Director of Community Development
416 North Franklin St.
Fort Bragg, California 95437

By Email: mjones@fortbragg.com

Re: Mendocino Coast Hospitality Center

Dear Ms. Jones:

We are writing on behalf of the Mendocino Coast Hospitality Center (MCHC) to appeal the City of Fort Bragg's Notice of Potential Type VI Municipal Code Violation (Notice of Violation) dated July 7, 2017 concerning MCHC's operation of Hospitality House.

As discussed below, the violations cited in the Notice of Violation are based on a misunderstanding of Hospitality House's operations. MCHC is taking measures to ensure that Hospitality House is a good neighbor, and is open to additional suggestions in that regard. We would appreciate the opportunity to meet with you to discuss this before the matter goes to a hearing.

Purported Violations

a. Number of Beds

The Notice of Violation states that Hospitality House has expanded its number of beds from 24, as permitted in its use permit, to 35. MCHC's understanding has been that the City intended to limit the number of overnight guests to 24, and not the number of physical pieces of furniture. With rare exceptions, Hospitality House has not served more than 24 overnight guests at a time. Hospitality House has acquired more than 24 physical beds in order to serve the homeless population, which includes a significant number of women and families with children in addition to single men. Having additional furniture allows men, women and families to sleep separately without the need to move bunk beds (which are heavy and unwieldy) based on the changing population each night.

MCHC is committed to serving no more than 24 overnight guests at Hospitality House each night. MCHC will remove the additional furniture if the City so requires. However, this will limit Hospitality House's ability to maximize the permitted use of up to 24 guests per night. In order to meet the privacy needs of families with children and other guests on nights when the number of male, female and family guests does not match the number of beds in each room, MCHC would then be required to turn people away who might otherwise be sheltered.

b. Hours of Service and Dining Area

The Notice of Violation states that Hospitality House has expanded its hours of service and dining area in violation of Municipal Code section 18.9 0.030 A1. In fact, Hospitality House has not expanded its hours of service or its dining area since it became a non-conforming use in 2004. The hours of overnight shelter service for Hospitality House guests are from 4:00 p.m. – 9:00 a.m., the same as they have been for over a decade. Breakfast has always been served from 7:00 a.m. – 8:00 a.m. for both Hospitality House guests and outside guests. Dinner has always been served for a two-hour period. This period was previously 4pm - 6pm. MCHC still provides dinner to Hospitality House guests from 4pm - 5pm. MCHC moved the dinner hour for outside guests from 5:00 p.m. – 6:00 p.m. to 3:00 p.m. – 4:00 p.m. in

response to community input. The square footage of the dining area has also remained the same since the City issued the 2003 Use Permit.

c. Nuisance Allegations

The Notice of Violation includes a list of potential nuisance violations that purportedly took place on the block where Hospitality House is located. The Notice does not include any indication that MCHC or Hospitality House is responsible for these behaviors. MCHC has and is committed to taking measures to alleviate any conduct that might constitute a nuisance. Some of the measures that MCHC has already taken include the following:

- * Ceasing staging operations of the Extreme Weather Shelter at Hospitality House;
- * Requiring that meals be eaten on the property;
- * Actively discouraging loitering in and around all MCHC facilities;
- * Eliminating the use of paper products at meals to decrease littering;
- * Requiring that guests waiting for meals wait in a fenced courtyard;
- * Increasing Hospitality House staffing, including a street monitor to patrol the streets around Hospitality House during and after meal times, discouraging loitering and picking up litter; and
- * Locking the gate to Hospitality House's alley entrance.

If there are further measures that the City believes would be helpful, we would be happy to discuss those with you.

Moving Forward

For over thirty years, Hospitality House has been providing daily hot evening meals 365 days a year to those community members suffering the effects of poverty and homelessness. MCHC also provides other critical community services, including wellness programs, vocational programs, case management, and clinical health services in addition to feeding the hungry, sheltering and procuring long term housing. These programs are designed to promote hope, health, and well-being and serve to help their consumers improve their physical and mental health. These services are integral to reducing any "nuisance" behaviors caused by people who are homeless in Fort Bragg – just as they are critical for MCHC's efforts to

provide the homeless men, women, and families with children in the City a path to self-sufficiency.

We would very much like to meet with the City to discuss your concerns. This is particularly important because MCHC does not have sufficient information regarding the allegations in the notice, including any facts supporting Hospitality House's purported responsibility for nuisance behavior in the neighborhood, or the conditions that the City proposes be added to Hospitality House's use permit.

We understand that this information will be included in the packet that the City will provide to MCHC on July 21, in advance of the hearing that is scheduled for July 26. That is only three business days before the hearing, and does not provide MCHC sufficient opportunity to prepare its response to the allegations and proposed conditions. Additionally, you have requested that MCHC submit its own hearing materials (which you suggest should include statistics on services, measures that MCHC has already taken to address community concerns, success stories of clients, letters of support from neighbors and downtown businesses) on July 20. It is simply not possible for MCHC to provide information in response to the City's concerns the day *before* those concerns are set forth in the hearing packet. The City must provide MCHC with reasonable notice to respond to the Notice of Violations. To do otherwise violates the City's obligation to provide due process.

The City has likewise failed to comply with Section 6.12.065 of its Municipal Code, which provides for a 20-day notice period. Even if the Notice had contained sufficient information, it was not served on MCHC until July 10, and the earliest that the City appears to intend to provide MCHC with sufficient information is July 21. The currently scheduled hearing of July 26 is less than 20 days from either of those dates.

We would like to schedule a meeting with the City after the hearing packet is released, with sufficient time before the hearing to adequately prepare. If the hearing packet is released on July 21 as planned, we propose that we meet in Fort Bragg on July 27 and that the hearing be rescheduled for August 23.

Marie Jones
July 20, 2017
Page 5

Please contact me by phone at 916-504-5978, or by email at pamela.cohen@disabilityrightsca.org, to discuss this further. I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Cohen". The signature is fluid and cursive, with the first name "Pamela" and last name "Cohen" clearly distinguishable.

Pamela Cohen
Staff Attorney

Cc:
Samantha Zutler: szutler@bwslaw.com
Linda Ruffing: lruffing@fortbragg.com