

Appeal of: August 23, 2017 Planning Commission Public Hearing decision to pass Existing Use Permit 9-03 (USP 9-03) "in regard to the Hospitality House that are TO INCLUDE ADDITIONAL AND REVISED CONDITIONS TO ADDRESS NUISANCE CONDITIONS AND ONGOING VIOLATIONS OF SPECIAL AND STANDARD CONDITIONS OF THE USE PERMIT."

APPEAL OF PLANNING COMMISSION DECISION P.12

Reasons for appeal Addendum :

A petition with 151 signatures of mainly business owners, residents of the neighborhood and people who work in the neighborhood was submitted asking City Government to revoke the Hospitality House permit. (see petitions in part 2 of exhibits, identities of signatures can be verified by city staff, Marie Jones and would be made public should this go to litigation).

In addition, no evidence of written notice appears to have been sent to the neighborhood prior to the Planning Commission Hearing in regard to the permit modifications proposed in July or in August. Evidence of written notice to the neighborhood is contained in exhibit part 2 in the prior hearings that were conducted in 2003 and 1989. Appellants request that this evidence be presented if we are in error.

Due to this request and the failure to notice the neighborhood we feel it is very important to present the City Council with the argument that supports their request.

Appellants argument to REVOKE Hospitality House use permit:

The following use permit violations are documented in City Staff Report dated July 7, 2017 (see letter from City Staff and 2003 permit conditions in part 2 of exhibits, letters from FB Fire Department in parts 1 and 2 of exhibits)

- number of beds found exceeded use permit
- number of meals served exceeded use permit
- numerous nuisance violations with police calls documented and complaints submitted
- fire code requirements that are clearly stated in the 2003 permit packet were also found to be violated:
 - beds blocking egress
 - fire alarms non operable
 - sprinkler inspection tags out dated

August 23, 2017 fire department inspection found:

- some of the fire alarms remained broken after one month

(see page 37 of 44 page letter submitted by Attorney for MCHC at hearing on 8/23/2017 in part 2 of exhibits)

Evidence in the packet proves:

- -that MCHC has housed more than 24 guests (see page 8 of 44 page letter from MCHC attorney)
- -MCHC has provided more meals than allowed (almost double)
- -MCHC emergency shelter has operated in violation of fire codes
- -The presence of MCHC in the Central Business District has and continues to cause public Nuisance violations- photographs and letters from residents and business people document this
- -the fire department has never evaluated occupancy limits and this must be done prior to making a decision in this matter for obvious reasons

APPEAL OF PLANNING COMMISSION DECISION P.13

Reasons for appeal continued:

Evidence that was not presented in regard to MCHC responsibility for Nuisance violations:

- -In 2003 when the permit was granted for expanded use there was a **DAY SHELTER** located next door. From 2003 until recently a **DAY SHELTER** was a component of the programs available to the homeless in Fort Bragg
- -Currently MCHC has decided **to eliminate the DAY SHELTER** from the programs available for the homeless in Fort Bragg

MCHC's decision NOT TO PROVIDE A DAY SHELTER places nuisance responsibility directly on the agency because:

- -MCHC does not allow guests and /or non guest clients in the Hospitality Center located on Franklin Street during the day unless they are meeting with staff or getting coffee. They limit guest/non guest/client stay on the premises to a half hour according to staff interviewed.
- -MCHC does not allow all guests or non-guests/clients on the premises of the Hospitality House during the day

MCHC program policies leave homeless people no place to go but the streets of Fort Bragg during the day.

APPEAL OF PLANNING COMMISSION DECISION P.14

Reasons for appeal continued:

NO DAY SHELTER is one of the main causes of the nuisance conditions found in the Central Business District cited in the City Staff reports and complaints by residents, employees and business owners. (see email dated August 30, 2017 to Marie Jones from Cesario in part 1 in exhibits)

The Appellants believe that the above proven violations of this use permit are grounds for revocation of this permit.

MCHC has violated every component of this non conforming use permit and it is our opinion that consequences are in order. Appellants also ask that the appropriate fines be levied.

Every parent knows that if there are no consequences when a child breaks rules or misbehaves there is no need for them to change their behavior. Appellants believe that

this application of behavior modification is needed in regard to the City of Fort Bragg and MCHC.

The Appellants DO NOT want people to be put out onto the streets.

The Appellants do want the best possible services made available to homeless people in Fort Bragg.

If the City Council decides to revoke this permit due to these violations we ask that a year be given to MCHC to relocate this Emergency Shelter with a Day Shelter component to the program to a site that is large enough and safe enough for the staff and residents.

Appellants ask that the City Council insist that the organization reopen a DAY SHELTER to abate the nuisance conditions caused by its absence.

Appellants ask that a Day Shelter requirement be incorporated into any use permit or use permit modification of any Emergency Shelter in the City of Fort Bragg.