

From: [Jones, Marie](#)
To: [Gonzalez, Joanna](#)
Subject: FW: Tonights Town Meeting 6-13: Franklin St. East bar location Mat Hoover property
Date: Wednesday, June 13, 2018 12:36:16 PM

Johanna,

Please include the email below in your republish of tonight's packet. Thanks!

Marie Jones

Community Development Director

City of Fort Bragg

707-961-1807 or

707-961-2827 ext 112

From: [REDACTED]
Sent: Wednesday, June 13, 2018 12:33 PM
To: Jones, Marie
Subject: Tonights Town Meeting 6-13: Franklin St. East bar location Mat Hoover property

Greetings, I would like to make a comment about tonights town meeting 6-13, in regards to Franklin St. East bar location Mat Hoover property.

The increase in Internet retail sales has completely changed the dynamic for small town retail stores. We may never fill these empty locations with retail stores again. Therefore an option could be service industries. In my opinion, Franklin St. looks empty and dilapidated.

If someone is willing to come to this town, purchase materials from our lumber yard, hire our contractors, and rebuild one of our towns beautiful buildings. In turn creating a business that supports many full time jobs for our local community, we should be grateful and support them.

Thank You

Kind Regards

Diana Esser

SPEAKER CARD

- ☐ I would like to speak to the Planning Commission on Agenda Item No. 3 A
- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

NAME: MARSHA HAWKINS

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): We Really Need this place to enhance Franklin St + make it a real pleasant place to shop + entertain guests + the people

This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.

Completion of this document is voluntary; all persons may attend the meeting regardless of whether a person completes this document (Government Code §54953.3)

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- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

NAME: Macey Nelepovitz

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): I own 2 businesses downtown, one located at 322 N. Franklin st. I am for the new bar going in. I think it will help bring some life to Franklin St.

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SPEAKER CARD

- ☒ I would like to speak to the Planning Commission on Agenda Item No. _____
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- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

NAME:

Kyle Arnold

3A

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK):

I would like to say "yes" to the new location of Tucker's bar. This is/was a very nice bar to go to, to relax and have good times. Live music (helping local bands) and Karaoke. Always a fun time. Never witnessed anything wrong or illegal there, unlike the other bars.

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SPEAKER CARD

- ☐ I would like to speak to the Planning Commission on Agenda Item No. 3A
- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

Name:

Lynn Black / Mike McHenry

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK):

We believe that Valerie Thornton + Jim Charter's owning the bar with food, would be an asset on Franklin. Their venue would be great!

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- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☐ I do not wish to speak but want to submit the following comments to the Planning Commission

Name: Aleena Armas

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): As An Employee of Tucker's place I would like to say that moving the bar to the new location would be an amazing add on to the businesses on Franklin Street. It was never a bar that had any noise complaints or any violence associated with the business. I hope that we get this chance to move the bar.

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- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

Name: Eddie Martinez

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): I would like to say yes to ^{3A} 18-201, I would turn an empty store front to a bar/lounge allowing new owners to remodel and bring some life back to an empty location with some very much needed updates. Also Tucker has been a mellow more lounge type business that a lot of people really enjoyed. Thank you

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SPEAKER CARD

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- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

Name: Caitlin Hogan

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): Tuckers is a really nice upscale bar. A great place to relax at after a long day of work. The music is also nice to listen to. It would do the city good to let them remodel the building, and would make Franklin st. look better.

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SPEAKER CARD

- ☐ I would like to speak to the Council on Agenda Item No. 3A
- ☐ I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar & Closed Session Items"
- ☒ I do not wish to speak but want to submit the following comments to the Council

NAME: Denise Kresenhop

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): I am in support of the new business development at 338 N Franklin St. Tucker's will greatly improve an old building in desperate need of repair. It has been neglected for years. This business will greatly improve our downtown, historic, central business district. I feel that a fresh remodel will appeal to tourists + locals as well. Please allow this business to improve our downtown.

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I appose approval of Use Permit 1 – 18 because a Bar/Tavern at this location is not compatible in the neighborhood. The Agenda Item Summary Report fails to address the impact the bar would have to the residences behind the bar along the alley. Although the report states on page 1 that land use to the east is residential and page 4 that the subject property is located within 500 feet of the Very High Density Residential zoning district, it seems to be referring to the residences over a block away to the east of McPherson Street and implies that this can be easily mitigated. However, the report does not even mention that the alley behind the proposed bar/tavern is primarily residential with houses and apartments all along the alley, some less than 50 feet away from the proposed patio. Page 3 of the report states that the project will primarily serve alcoholic beverages for on-site consumption – it's a bar! Page 4 recognizes that the Tip Top Lounge on the same block has a negative impact on the downtown environment due to patrons loitering outside. The city has been unable to eliminate this problem; I've been told by store owners around the Tip Top Lounge that they deal with urine, vomit, fights, and broken windows, in addition to the loitering problem. Since the bar will have a patio out the back adjacent to the alley, these same problems are likely to happen on the alley (the patio will be closed at 10 but the door will be closed and left unlocked until closing allowing easy access to the patio and alley late at night). In addition to this, the alley could become an area where patrons smoke. Also if patrons park on the alley or in the public parking lot, there could be traffic on the alley late at night – cars or motorcycles with loud "mufflers"!

A bar/tavern with a patio by the alley will destroy our quality of life. Renters will look for other places to live making it difficult for property owners to rent out their units. It will also lower property values and make it more difficult to sell the properties. The purpose of the Use Permit is to establish operating standards that ensure compatibility with neighboring uses. From what I've heard about the bars that already exist in the area, this cannot be done.

Bill Casalegno
Bill Casalegno
333 N McPherson St.

Response to Application for Use Permit 1-18 (USP 1-18)

“Not only is the purpose of a Use Permit to verify consistency with planning policies, but also to establish operating standards that address incidental uses and ensure compatibility with neighboring uses.” (Agenda Item Summary Report page 4). It is my opinion that the creation of a Bar/Tavern located at 338 N Franklin St. is not “a compatible use in the neighborhood.”

It has been noted, in the Agenda Item Summary Report, that the subject property is located within 500 feet of the Very High Density Residential zoning district and subject to the City’s Noise Ordinance (Fort Bragg Municipal code chapter 9.44). This does not adequately indicate the extremely close proximity of the residential community to the proposed establishment. The subject property shares a property line with rental residences and lies approximately 20-25 feet (across the alley) from other residences (primary and rental). The proposed outdoor patio establishes a bar, with its potential adverse impacts, within a residential neighborhood.

Goal LU-3 is stated as ensuring “...that the CBD remains the historic, civic, cultural, and commercial core of the community.” Webster’s dictionary defines “civic” as, “relating to the duties or activities of people in relation to their town, city or local area.” Though the needs of the business community existing along Franklin have been addressed, the situation of the considerable residential community (existing in the alley between Franklin St. and Mc Pherson St. and along the west side of Mc Pherson St.), have been largely ignored.

The Agenda Item Summary Report states on page 4, “A bar on the same street already has a negative impact on the downtown environment...” I would like to list some of the potential adverse impacts on the residential presence in close proximity to the proposed project as I perceive them:

1. The presence of a bar on the alley, within the residential community, would be materially injurious to the home owners within the area. Michelle Deering, an area real estate specialist for the past 15 years and Fort Bragg city resident, states, “It will have a detrimental disruption to the residential use and enjoyment of the homes along that stretch and have a fairly significant effect on property values.”
2. The revenue which may be earned from rentals in the area will decline. There is a smaller pool of renters which would not object to a location next to or near a bar, and therefore the rent would need to be reduced in order to fill these buildings. This will prove materially injurious to property owners in the area.

***** The proposed patio at the back of the building creates many detrimental conditions. A few detrimental conditions are as follows:

3. Noise.

3A. Though the patio will close at 10:00 P.M., and the back door will be closed, it will remain unlocked. Patrons will be going in and out this door until closing. The sounds of music and raucous talking do not remain in the building when the door is opened.

3B. During daylight hours the noise associated with drinking and visiting will be fairly constant from the patio area. This will adversely affect the quiet, peaceful nature of my residence and therefore be detrimental to my enjoyment of home.

3C. The Agenda Item Summary Report, Special Condition 6 states, "Preferred delivery shall occur on-site from rear of property...". This method is to be considered, "...to avoid potential adverse impacts." There is no mention of hours when deliveries shall be made. Potentially trucks could be unloading either early in the morning or late in the evening. The noise from this may be disruptive to sleep for residential neighbors.

3D. Under Special Condition 3 of the Agenda Item Summary Report, there is no percentage of operating hours listed for playing of music.

4. Smoking. Special Condition 5 "informs patrons that smoking in front of bar and neighboring businesses is prohibited..." This will cause patrons to smoke at the rear of the building. Since California State Law allows no smoking within a set distance from public buildings, patrons will have to move closer to the existing residences in order to comply. Smoking will be even closer to the residences during the hours before 10:00 P.M. as patrons will have to allow distance from the patio.

5. Possible smoking of marijuana. The same conditions of proximity to residences apply and associated detriments as above.

6. Possible drug activity. These are illegal activities and conditions favorable to their creation should be avoided, not encouraged.

7. Vomit in the alley and surrounding residential area. This creates a health hazard as well as being disgusting. Diseases can be spread through bodily wastes.

8. Patrons urinating in alley and surrounding areas. Again this is a health hazard as well as being extremely distasteful.

9. Possible lewd acts in the alley or surrounding areas.

10. Loitering. This is an existing problem with a bar on the same street as referred to in the Agenda Item Summary Report. Special Condition 5, "informs patrons that loitering in front of bar and neighboring businesses is prohibited." This creates a condition where patrons tend to congregate behind the Bar/Tavern in the existing residential neighborhood.

11. Safety. There will be strangers and patrons with impaired-judgment routinely in the alley and surrounding areas. The residents, who must use these areas for access to their homes, will be at risk from individuals who may be unscrupulous.

"In order to approve this use permit, Planning Commission must find Bar/Tavern at this location to be consistent with land use planning and policy, and a compatible use in the neighborhood." (page 3 paragraph 1 of the Agenda Item Summary Report).

I strongly disagree with approval of Use Permit 1-18 based on the above listed concerns.

Arleta Casalegno
333 N Mc Pherson St.
Fort Bragg, CA. 95437

Arleta Casalegno
6/13/2018

***** It has been relayed to me that employees of the city have a vested interest in this project. Though I have no personal knowledge of this, it is easily checked and calls into question whether there exists a conflict of interests concerning approval of the proposed project. The Agenda Item Summary Report states that, "Staff has recommended special conditions for planning Commission to review in order to make the required findings to approve Use Permit 1-18." It appears that requirements are being altered in order that the project may "fit" within compatibility guidelines.

We the undersigned oppose approval of Use Permit 1-18 to convert 336 North Franklin Street, Fort Bragg to a bar/tavern with live music and a patio behind the building next to an alley that is primarily residential.

Name (print)SignatureAddress

- | | | | |
|-----|---------------------|----------------------------|---|
| 1. | Jon Klein | <i>Jon Klein</i> | partner in the
mendocino coast photography
Gallery 357 N. Franklin St |
| 2. | Dylke Briggs | <i>Dylke Briggs</i> | 451 - west FR. |
| 3. | Molly Byrnoff Klein | <i>Molly Byrnoff Klein</i> | Photo Gallery
357 N. Franklin St |
| 4. | Jenney O'neal | <i>Jenney O'neal</i> | 322 nd Franklin St |
| 5. | Vernice McIntyre | <i>Veronica McIntyre</i> | 320/322 N. Franklin St |
| 6. | Kathryn Lynch | <i>KATHRYN LYNCH</i> | 321 N. McPHERSON |
| 7. | Andrea Luna | <i>Andrea Luna</i> | 321 1/2 McPherson |
| 8. | Arlita Casalegno | <i>Arlita Casalegno</i> | 333 N. McPherson St. |
| 9. | Bronda McCormick | <i>Bronda Mc</i> | 321 N. McPherson St. |
| 10. | Bill Casalegno | <i>Bill Casalegno</i> | 333 N. McPherson St. |
| 11. | | | |
| 12. | | | |
| 13. | | | |
| 14. | | | |
| 15. | | | |

We the undersigned oppose approval of Use Permit 1-18 to convert 336 North Franklin Street, Fort Bragg to a bar/tavern with live music and a patio behind the building next to an alley that is primarily residential.

Name (print)

Signature

Address

1. Gayle Markley Gayle Markley 335 N. McPhersonst 1A
2. Janie Reznier Janie Reznier 349½ N. McPherson
3. Jimmy Powell Jimmy J. Powell 320 N. McPherson
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

We the undersigned oppose approval of Use Permit 1-18 to convert 336 North Franklin Street, Fort Bragg to a bar/tavern with live music and a patio behind the building next to an alley that is primarily residential.

Name (print)

Signature

Address


1. Laurina Lee L Lee 21595 Forster Ln.
2. Rachel Juntz RJ 350 N. Main St.
3. Kylie A Heldstab Kylie A Heldstab 800 Woodward St.
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

We the undersigned oppose approval of Use Permit 1-18 to convert 336 North Franklin Street, Fort Bragg to a bar/tavern with live music and a patio behind the building next to an alley that is primarily residential.

Name (print)

Signature

Address

1. Susan Juntz  340/344 N Franklin
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

June 13, 2018

To: City of Fort Bragg
416 N. Franklin Street,
Fort Bragg, CA 95437

From: Veronica McIntyre, Owner of 320/322 N. Franklin Street,
Fort Bragg, CA 95437. Local address 320B N. Franklin Street.

Re: I vote NO on the City allowing another Bar in less than one
block on North Franklin Street.

To the Fort Bragg Planning Commission;

I am voting NO on the addition of another Bar on North Franklin Street. This would make three Bars in less than one block not counting the Eateries that also serve Alcoholic Beverages in our one to two block area.

The Planning Commission has not considered the multiple Apartments, Residences and Retail Businesses that would be adversely affected by another bar especially when the City has demonstrated that it can not handle the situations that arise from the current Bars on this street.

The people who either live or conduct their retail businesses deal with just some of the following situations:

The unacceptable noise levels especially after 12 midnight,

Multiple fights and altercations,

Smoking in front of the Bars and up and down the street with the odor drifting across the street into the retail businesses and apartments plus leaving their cigarette butts in front of our buildings, they actually stand under the No Smoking Sign,

Store Owners and Apartment residents having to bring pails of soapy water to clean up the vomit on the street in front of their businesses,

This also includes having to clean up the urine in store entry alcoves,

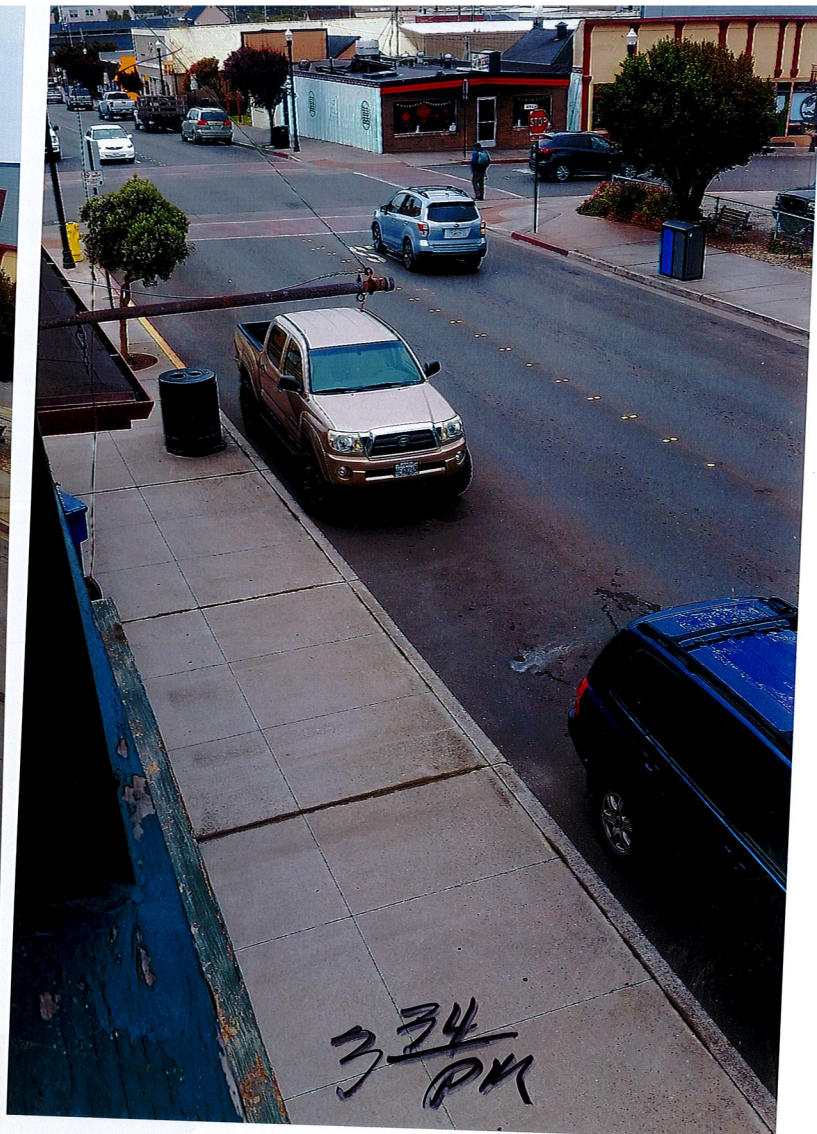
Damages to buildings other than the Bars, ie windows broken, graffiti etched on the buildings, etc,

But most important of all, the bar customers taking up parking on the street for four, five, six or more hours eliminating parking for retail business customers. I have enclosed photos documenting the parking situation and others.

By allowing another noisy bar in the above area, the City will affectively kill many of the businesses in "Old Town" Downtown section just when things have been improving in this area.

Please do your research and reconsider allowing another bar in this area.

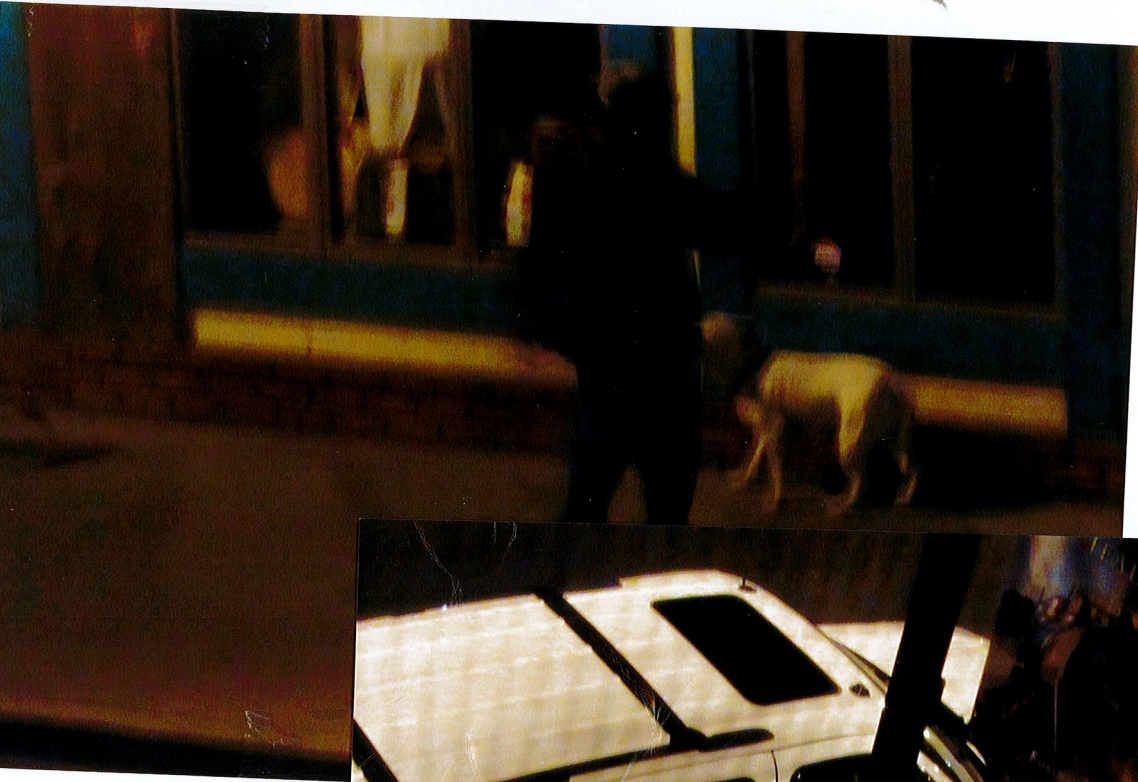
Thank you,





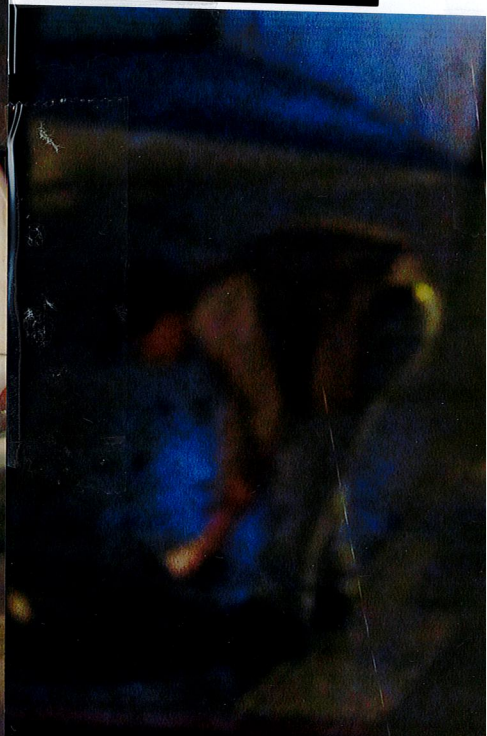
Long term
Vehicles
parked on
St.





Dogs
Barking
for
hours!

Vomiting
on lamp
post across
from Bar



June 13, 2018

Dear Fort Bragg Planning Commission

I am writing concerning the application for a permit for the Bar tabern in the Huller building on W. Franklin St.

Please approve the permit. Ms. Thornton is an upstanding citizen and will ~~be~~ run a good business as she did when she owned "Fuchs" ~~Bar~~ on Franklin St. There have been vacant and this will be an opportunity to bring life to downtown Franklin St. Thank you

Jenae B. Spudis

RECEIVED

JUN 13 2018

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

June 12, 2018

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



Subject: Opposition to Issuance of a Permit for The Cube Party of Three to Open a Bar
with Live Music at 336 N. Franklin Street in Fort Bragg, CA

Dear Planning Commission Members,

I am a lifelong resident and long-time business owner in Fort Bragg. My current business, Wellhouse West, is located at 311 N. Franklin Street, which is in the same block as the proposed location of The Cube Party of Three bar, also known as Tucker's Bar. I strongly oppose the issuance of the permit for the bar with live music at the proposed location for many reasons, including the following:

1. The proposed bar is within 1.5 blocks of three other bars (Tip Top, Welcome Inn, Golden West). As a property owner in the immediate area of these bars, I can personally attest to the fact that the area does not need additional bar patrons. My business incurs significant expenses and hassles dealing with the patrons at the current bars. These expenses and problems include cleaning urine, vomit, spit, and garbage from my sidewalks and parking lot; and, often dealing with abuse from drunk bar patrons.
2. The area surrounding the proposed location already has parking problems. I have a **PRIVATE** eight-car parking lot next to my business at the corner of Franklin and Redwood Streets. Many people, who do not enter my store, already park their cars illegally in my lot. Most of the illegal parkers are customers of the three existing bars. I do not want to have to deal with additional illegally park cars from the patrons at a new bar.
3. The area surrounding the proposed new bar is zoned for residential and commercial use. There are several apartments within a block of the proposed location. It is my understanding that the building at the proposed site is not well insulated. I believe live music at that location will be very disruptive to the residential and business owners and tenants in the area. During a recent live music event at the Golden West, the music was so loud the vibration from the music or the number of people in and around the bar caused the alarm system to go off at my business. My daughter and employee had to go down to the business very late at night to deal with the alarm.
4. The police in Fort Bragg are already unable or unwilling to deal with crimes in the area of the proposed bar. There are already significant problems with loitering, public urination, vandalism and littering in the area. The offenders are generally not arrested and/or punished by the police and judicial system.

It is my opinion that another bar in the area of so many other bars will only increase the problems and crimes in the area. I strongly hope that the Planning Commission will deny the permit application for the bar with live music at 336 N. Franklin Street.

Sincerely,

A handwritten signature in black ink that reads "Gayle Bowman". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.

Gayle Bowman

June 13, 2018

To whom it may concern at City Hall,

As a resident of Fort Bragg, I wish to express my support for the bar, formally Tucker's, to be allowed to reopen on Franklin Street. I was a customer of Tucker's and I found the business to have a welcoming and refined atmosphere.

I would hope that reopening this bar in a new location across from another bar and in close in proximity to two other bars should not be a problem. I fully support the owners and staff in their new location and their plans to make a respectable establishment.

Sincerely,



Kimberly Mallory

RECEIVED

JUN 13 2018

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

June 13, 2018

To whom it may concern:

As a lifelong resident of the wonderful town of Fort Bragg I would like to express my support for the move of the bar formerly known as Tuckers to Franklin St. I feel that Tuckers offers a more modern and refined feel in addition to the local dive bars available to the town's residents.

I fully support the owners and staff in the reopening of this business in it's new location.

Thank You,



Jennifer Sanchezllanes

RECEIVED

JUN 13 2018

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

338 N. Franklin Street

Fort Bragg, California

APN: 008-154-05



IMAGE 1: IDEA FOR STOREFRONT AREA
WITHOUT THE BRICK WALLS



IMAGE 2: IDEA FOR BAR AREA WITH
DROPPED CEILING & BRICK WALLS



IMAGE 3: IDEA FOR MEZZANINE AREA
WITHOUT BRICK WALLS

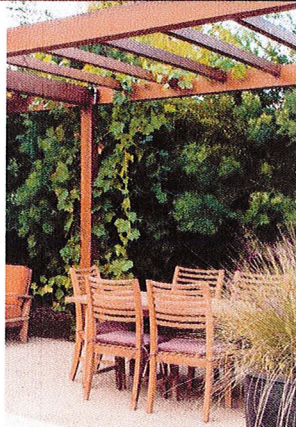


IMAGE 4: IDEA FOR OUTDOOR AREA WITH
PAVILION, CEDAR FENCING & LANDSCAPING



← No on USP 1-18 6-13-18

From: Andrea Luna (aluna@mcn.org, 972-4494)

6-13-18

To: Ft. Bragg Planning Commission re Use Permit Application 1-18 Request: Convert existing vacant storefront in CBD to a bar with live music (Bar/Tavern) at 338 N. Franklin St., Fort Bragg.

I request that this application as presented be DENIED.

1. Existing adjacent residential uses and density are *misrepresented and not compatible* with the proposed "Bar/Tavern with live music," contrary to line 2). under "General Findings", p. 5.
2. The proposed use is also *not physically suitable* in terms of location and operating characteristics and *would endanger the public interest, health, safety, convenience, and welfare of the persons living adjacent to the alley*, and passing the front of the business on Franklin, contrary to what the "General Findings" say on p. 5 say.
3. The UP on p. 4 cites it's goal to "address incidental uses located within 500 feet of the Very High Density Residential (RVM) zoning district" but *ignores the fact, the property is adjacent to much closer, a Very High Density Residential neighborhood on the alley east side, and to second floor dwelling units on the adjacent south side and neighbors on down the alley.*
4. Amplified music at any hour and duration is not compatible with the adjacent residential neighborhood, and would "cause annoyance or discomfort to a reasonable person of normal sensitivities" . We all live too close to the venue not to find it disturbing, especially after 6pm when the neighborhood is quiet. Vehicle traffic on the alley disappears after 6, and it is extremely quiet all night. All day Sunday it is dead quiet.
5. Spunky Skunk patrons are not the only ones that would will be negatively impacted by a bar/tavern with live music" on the proposed site. The UP admits (p. 4, condition 4) that "a bar on the same street already has a negative impact on the downtown environment due to patrons loitering outside. A SAFEGUARD TO PREVENT LOITERING AND DISORDERLY CONDUCT ...MIGHT BE APPROPRIATE." This admits to a present (the Tip Top??) problem site which this would add to: an increased inevitable negative impact with this proposed use which could not really be mitigated. Loitering is inevitable, and Special Condition 5 proposes constraints that are unenforceable on all three sides: Franklin Street, the alley on the side between Spunky Skunk, and the back alley that borders our residential alley neighborhood. We have bedrooms and living rooms set right on this alley. Honestly, would you want this scene right up against your house??
6. All of the above applies to the inevitable presence of more people smoking on Franklin, the side alley, and the back alley adjacent to our homes: negative effect, impossible to patrol and enforce prohibition.
7. I and my neighbors love our Alley neighborhood, and the quality of our lives here. Please let that continue and deny this proposed permit.

—

Lemos, June

From: Miller, Tabatha
Sent: Tuesday, July 17, 2018 10:58 AM
To: Lemos, June
Cc: McCormick, Sarah
Subject: FW: Public Comment -- Appeal of U1-18 (for 7/23/18 CC mtg.)

From: Jacob Patterson [mailto:jacob.patterson.esq@gmail.com]
Sent: Tuesday, July 17, 2018 9:58 AM
To: McCormick, Sarah
Cc: Miller, Tabatha
Subject: Public Comment -- Appeal of U1-18 (for 7/23/18 CC mtg.)

City Council and staff,

I attended the public hearing where the Planning Commission approved U1-18 to allow for Tucker's to relocate to Franklin Street and contribute to the revitalization of our Central Business District (CBD). I spoke in favor of the use permit as did many members of the public in attendance. I also heard from the opposition to this project and found their arguments unpersuasive.

The primary argument in opposition to this use permit is that the tavern would potentially not be compatible with the residential units along the alley to the rear of the proposed location between Franklin and McPherson Streets. The alley to the east of the property was described by the detractors as a quiet residential alley neighborhood. I believe this is a misleading description of that alley and there is no such incompatibility of uses.

The CBD is not limited to Main and Franklin Streets; it includes the western half of McPherson Street between Pine and Oak Streets, all of which is zoned Central Business District. CBD is not a residential zoning district; it is a commercial zoning district, including all property that adjoins the alley behind the intended location. [Fun fact: my first house after coming home from the OB department at the MCDH was right there at 333 N McPherson Street.] Many of the uses along the west side of McPherson Street are commercial in line with the zoning. Now that short-term vacation rentals are permitted in the CBD, even some of the residential components are being converted to short term rentals. This is a good thing because it contributes to the renewed vitality of our CBD and should generate TOT (unless we don't charge TOT on short term rentals).

The CBD is the most important part of Fort Bragg and its vitality is critical for the success and quality of life in the entire city and surrounding community. It seems to be under attack with misguided proposals for new commercial developments at the outskirts of town that will erode the hard-fought successes restoring our downtown by diverting businesses away from the CBD. Now the CBD is under attack by misdirected claims of residential character and alleged incompatibility of uses.

The Inland General Plan establishes the purpose of the CBD:

"This designation applies to the core of the downtown which is the civic, cultural, and commercial center of the community. Uses and site development patterns in the Central Business District are typically pedestrian-oriented. This designation is intended to accommodate government and professional offices, retail stores,

theaters, and other similar uses. Residential uses on upper floors or on the ground floor at the rear of buildings are encouraged at a density of up to 40 units per net acre."

This clearly permits residential uses on upper floors and in alley houses, which are a residential mainstay in Fort Bragg. However, the residential uses are intended to complement and supplement the primary uses and purpose in the CBD, which is to serve as "the civic, cultural, and commercial center of the community." If these secondary residential uses are permitted to be used to stifle the intended purpose of the CBD, the vitality of the entire community is threatened and the intent of the General Plan would be subverted.

If residents of the alley and upstairs apartments in the CBD wish to live in a pastoral or more peaceful setting than the commercial heart of town, they should not live in the CBD, they should enjoy the ample residential or rural locations that are available everywhere else in the community. It is concerning that someone who chooses to live in a residential unit in the heart of the CBD might be able to stand in the way of the continued success of an established local business based on fears of potential problems that could easily be dealt with through the normal code enforcement or law enforcement process should they arise.

These issues were considered and deliberated on by the Planning Commission and they struck the correct balance of approving U1-18 with special conditions specifically tailored to address the kinds of concerns that were expressed. Instead of stopping this business in its tracks and preventing the restoration of a neglected historic building in the heart of our most important block based on fears of potential problems that may or may not come to pass, I recommend that the City Council deny the appeal and trust in our local police and code enforcement staff to properly address any issues that may arise. Should this business become a problem, the use permit can always be modified or revoked to deal with those potential problems. That is why we have these processes in the first place, although I doubt they will ever need to be invoked.

Furthermore, the balance of policies of the General Plan are furthered by approving U1-18 and would be undermined by a denial. In addition to the General Plan consistency analysis provided by City staff (i.e., LU-3.3 & LU-3.6), approving this project is consistent with LU-1.1 and is not inconsistent with any applicable Land Use policy, in my opinion.

Policy LU-1.1 Implementation of the Land Use Designations Map: Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use designations, and ensure consistency between the Inland General Plan and the Inland Land Use and Development Code. LU-1.1 is supported by this project because it is an intended use in the CBD, this location has both a land use designation and zoning of CBD, and approving the development is thus consistent with the land use designation. Denying this permit is not consistent with LU-1.1 for the opposite reason.

Opponents may attempt to point to Policy LU-4.3, Standards for Commercial Uses in Residential Areas as a potential inconsistency. LU-4.3 states "Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area" but this policy does not directly apply to this project because the CBD is not of primarily residential character, it is a commercial district. Even though the east side of McPherson Street is a residential area, it is not "adjacent" to the proposed site because the definition of adjacent requires an actual mutual boundary (i.e., abutting, adjoining, or contiguous properties are "adjacent" to each other). The residential area is not adjacent, it is only nearby because it is separated from the project site by the alley and the west side of McPherson, which is a commercial area. (LU-4.3 would be implicated for a proposed use permit in the properties on the other side of the alley.)

Please approve U1-18 and allow the continued revitalization of our CBD, particularly Franklin Street, which is on a very obvious upswing along with the properties along Redwood Avenue. Granting the appeal and denying U1-18 would not be consistent with the goals and policies of the General Plan and is not supported by the findings that would be necessary for such a denial.

The only possible finding that could support a denial is General Finding No. 2/Use Permit Finding No. 3.: "The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity." But, as discussed above, there is not evidence to support the required conclusion based on the staff report, public testimony, and Planning Commission deliberation so such supporting evidence would need to be explicitly explained and supported should the City Council disagree with the Planning Commission. I do not believe that is merited absent the introduction of new evidence of actual incompatibility.

Side note: the public hearing notice for this appeal indicated that it would be heard at a special meeting but the 7/23/18 6 PM meeting would normally be a regular meeting so this may be a typo or error in the notice.

Regards,

--Jacob