

Public Comment

Michael Bluto [REDACTED]

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To: Orozco, Uriel <uorozco@cityofpetaluma.org>

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Dear Commission Clerk:

My firm, CJH & Associates, P.C., represent owners (the Landowners) of the real property (the "Property") located at 146-148 Kentucky St. The Landowners lease the Property to Notato, LLC, the operators of Jamison's Roaring Donkey.

The Landowners have given a notice to quit the Property to Notato for commission of a nuisance, as well as a notice to cure or quit regarding the City of Petaluma's requirement of an approved security plan. The first notice expires on Wednesday, May 15, and the second notice expires on Friday, May 17. I have cause to believe Notato will comply with the notices by quitting the Property, and a casual inspection through the Property's street-front windows shows Notato is in the process of moving out. If Notato does not vacate, the Landowners intend to proceed with legal action to retake possession of the Property. My clients are doing all they can to legally end Notato's tenancy or bring them into compliance with the CUP, and are doing so of their own accord, without any prompting from the City.

Despite the Landowners' actions, which have been communicated to the City of Petaluma, the Planning Commission is considering a revocation of the CUP. The CUP runs with the Property, and a revocation thereof would unjustly affect their property right, materially affecting their ability to attract a new tenant. The Landowners therefore respectfully ask that the CUP be suspended until Notato vacates the property or complies with the CUP, but not revoked.

Unlawful detainer actions can move more quickly than other civil actions, but nonetheless do take some time. Even if Notato does vacate in a timely manner, it is quite possible that a new tenant will not be operating at the Premises before the end of a 90-day suspension, and so there will not be a business to whom an amended CUP is applicable. If the Planning Commission does revoke the CUP, my clients request that the tolling of revocation may be extended past 90 days, if necessary, to allow a new tenant to be able to commit to an amended CUP.

Regards

Michael D. Bluto

CJH & Associates, P.C.
[REDACTED]

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