

THE FACTS ABOUT THE POTENTIAL REZONING OF THE TOWER THEATRE

By the Save The Tower Theatre Demonstration Committee

Q. What is the problem with Adventure Church holding services in the Tower Theatre?

A. The Tower Theatre is not zoned for use for public or religious assembly, and it never has been. If the Tower Theatre is rezoned for use as a church, or if the City allows religious assembly at the Tower Theatre in violation of existing zoning, it will hurt the existing locally owned businesses in the Tower District.

Q. How will changing the zoning of the Tower Theatre hurt Tower businesses?

A. The Tower Theatre is in the center of a commercial district of locally owned bars, restaurants, and nightclubs. Adventure Church plans to buy the entire block that the Tower Theatre stands on, which includes two restaurants that serve alcohol. There is a bar one block north of the Tower Theatre, there are a string of restaurants and bars along Olive Avenue in front of the Tower Theatre and there are two gay clubs one block west of the Tower Theatre.

Ordinarily, businesses like these can't open near churches. If the Tower Theatre is rezoned as a church, it puts the liquor licenses and conditional use permits of these businesses in jeopardy. Maybe these businesses will be allowed to operate for now. But liquor licenses must be renewed periodically. The proximity of a church may prevent these businesses from continuing in the future, no matter what the church leadership says—or even what they want. New bars and restaurants who want to open in the Tower District may not be able to obtain liquor licenses.

Q. But Adventure Church says they don't want to change the zoning of the Tower Theatre.

A. Adventure Church can't decide all by themselves the zoning of the property. Zoning is controlled by city ordinance. If Adventure Church doesn't want to change the zoning of the theatre, then they should not hold religious services there. If they do want to hold services at the theatre, then they must apply for a rezone.

This isn't just our opinion. The City Manager of Fresno informed Adventure Church of this zoning limitation in a letter dated January 5. The City Manager advised Adventure Church on January 5 that if they wanted to use the Tower Theatre for religious assembly, they could apply for a rezoning of the property.

Q. So has Adventure Church applied for a rezone?

A. Adventure Church wants to have its cake and eat it, too. Adventure Church has refused to acknowledge the City Manager's factual determination that the Tower Theatre is not currently zoned for religious assembly. The church has just said they don't believe a rezoning is necessary—and they insist that their own interpretation of the

zoning regulations should outweigh the City Manager's determination. They have offered no legal argument why the Tower Theatre's existing zoning no longer applies—they merely insist that they, and they alone, can interpret how the property is zoned, and the City and the community have no say about it

If Adventure Church does apply for a rezone, the rezone application will have to be approved by the Tower District Design Review Committee, the District 1 Committee, the Planning Commission, and the City Council, and at every stage of that process there will be opportunities for Tower residents to voice their objections to a rezoning.

Adventure Church doesn't want to be subject to that level of public scrutiny. They want to create a de facto change in zoning at the Tower Theatre without going through a formal rezoning process.

Q. Adventure Church says they don't want a zoning change that will harm existing businesses.

A. Adventure Church can't determine by themselves how the zoning of the Tower Theatre will affect other properties. Even if they have the best of intentions and promise to never challenge new or renewed liquor licenses, anyone can challenge a liquor license for a business within 1,000 feet of a church. Adventure Church's assistant pastor has acknowledged that, in the future, the church will have the legal right to object to new and renewed liquor licenses and conditional use permits. All we have is their word that they won't.

Q. Adventure Church says they will still operate the Tower Theatre primarily as a theatre, and that their worship services are only incidental use.

A. The City Manager informed Adventure Church on January 5 that the existing zoning of the Tower Theatre does not permit religious assembly even for incidental use. That's the problem. How the church intends to operate the theatre on days other than Sunday doesn't change the zoning problem.

Q. Isn't a church better for the neighborhood than bars and gay clubs?

A. Not if the church threatens to destroy the economy of the neighborhood. Bars, restaurants, and nightclubs are the primary economic activity in the Tower District. These businesses are owned by local people, many of them Tower residents, and they bring millions of dollars into the neighborhood annually. These are legal businesses that had to jump through every hoop to get the zoning, the approvals, and the licenses to open. The owners of these businesses have invested their life savings and years of work into their businesses, which employ many Tower District residents. These business owners have rights, too. And they were here first. And they are in compliance with existing zoning.

Q. But wouldn't Tower residents like a church there?

A. There are already 28 churches within a two-mile radius of the Tower Theatre, including Adventure Church's existing location, which is just a half-mile away from the theatre at Palm and Olive. We have plenty of churches to go to, and all of these churches have been good neighbors for decades. Turning the Tower Theatre into a church doesn't add anything new to the neighborhood--it just takes away from what we already have.

Most people who live in the Tower District **CHOOSE** to live there. They want to live in an eclectic bohemian neighborhood that is gay-affirming, arts-centered, and full of nightlife. They don't want their neighborhood to change.

Q. Aren't you objecting to a church just because you're anti-Christian?

A. Many of us ARE Christians, and we don't like religion being used as an excuse to threaten people's livelihoods. All of us believe in the First Amendment right to religious liberty and freedom of conscience.

Adventure Church has been claiming discrimination because they don't want talk about their zoning problem and the fact that they have been operating in violation of zoning. No one disputes Adventure Church's right to assemble to worship. But churches are not above the law. Every church in Fresno has to abide by zoning ordinances. Why should Adventure Church be allowed to break the law?

Q. Isn't the City of Fresno just picking on Adventure Church because they're Christian?

A. Let's be realistic here. Fresno is one of the most Christian-friendly cities in America. Mayor Jerry Dyer and our city council members are all religious believers. The chance that anyone in Fresno City government is acting out of hatred for religious people is exactly zero.

Q: Why do you say Adventure Church is anti-LGBTQ+?

A: A church that does not perform LGBTQ+ marriages and that does not embrace LGBTQ+ leadership is not an LGBTQ+ affirming church. That makes them anti-LGBTQ+. "Welcoming" the LGBTQ+ community through your doors is not the same as actively affirming their humanity and their worthiness in the eyes of God. An affirming church openly states its embrace of LGBTQ+ people. [This doctrinal statement on marriage and sexuality was on Adventure Church's website](#) and has since been removed. No statements regarding marriage and sexuality have taken its place and in the absence of one, we have to assume they are not LGBTQ+ affirming.

Q: "Why is it a big deal if Adventure Church isn't LGBTQ+ affirming?"

A: The Tower District is an actively queer-embracing community. Many of our residents, business owners, and patrons are in the queer community. By not affirming the full worthiness and equality of the LGBTQ+ community, such groups contribute to mental

health issues, stress, legal inequality, and potentially a lower quality of life for our queer neighbors. It impacts their relationships, their family lives, and their sense of self-worth. Our Tower neighborhood offers a safe place for Fresno's LGBTQ+ folk and placing a non-affirming church in the CENTER of our district directly opposes our community values.

We also assert that it is disingenuous for Adventure Church to say they support all people when, by the apparent tenets of the Foursquare Church, they do not. It is our position that their insistence that the Tower community is being discriminatory toward them by simply pointing out their own doctrines constitutes abusive behavior toward our community.

Q. Do you guys really represent ALL the citizens of the Tower District?

A. We represent the vast majority of Tower District residents. We have posted an open letter to the Fresno City Council that has been signed by over 2,100 Tower District residents and 130 Tower District businesses. We organized a campaign to write letters to the Fresno City Council that generated thousands of responses—folks in city government tell us they have never seen this amount of support on any issue before. We also have support from the California Restaurant Association and the Greater Fresno Chamber of Commerce. A [Save the Tower change.org petition](https://www.save-thetowerchange.org) is ongoing, as well.

Q. But why should anyone listen to you?

A. Because we are the people who will be most affected by any rezone, and we are citizens, too. We own homes and businesses in the Tower District. We pay taxes. We vote. A rezone will threaten our businesses and lower the property value of our homes. We have every right to be listened to.

Q. Why can't you guys work for a compromise?

A. A compromise has been offered, and Adventure Church has refused it. Mayor Jerry Dyer has offered Adventure Church a very generous low-cost lease on the Veteran's Memorial Auditorium downtown, and the church would not take it.

Q. So what do you want to accomplish by demonstrating?

A. We want to keep the Mayor, the City Council, and the general public aware of our opposition to a rezone. We demand that the city continue to enforce the zoning laws so that Adventure Church cannot use the theatre in violation of zoning. And if Adventure Church requests a rezone, we will express united community opposition to changing the zoning of the Tower District