MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES

1A. 20-634 Approval of the February 12, 2020 Minutes.

Attachments: Minutes of February 12, 2020

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

4. PUBLIC HEARINGS

4A. 20-632 Receive Report, Conduct Public Hearing and Consider Use Permit (UP 1-20) to Establish Multifamily in Central Business District Zoning Located at 127 E Laurel Street

Attachments: 02262020 Tong Staff Report
Attachment 1 - Floor Plan
Attachment 2 - CBD Memo

5. CONDUCT OF BUSINESS

5A. 20-641 Receive Report from Mill Site Land Use Map Ad Hoc Committee on Draft Mill Site Land Use Map

5B. 20-633 Zoning Ordinance Interpretation for Extension of Non-Conforming Use at 225 N Main Street

Attachments: 02262020 225 N Main Street Staff Report
Attachment 1 - February 12, 2019 Staff Report

6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF
ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

State of California    )
                     ) ss
County of Mendocino   )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on February 20, 2020.

____________________________________________
Joanna Gonzalez
Administrative Assistant, Community Development
Approval of the February 12, 2020 Minutes.
MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Commissioner Michelle Roberts, Chair Jeremy Logan, and Commissioner Nancy Rogers

1. APPROVAL OF MINUTES

1A. 20-616

Approval of the January 8, 2020 Minutes.

A motion was made by Commissioner Miklose, seconded by Commissioner Roberts, that the Minutes of January 8, 2020 be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Miklose, Vice Chair Andreis, Commissioner Roberts, Chair Logan and Commissioner Rogers

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

4. PUBLIC HEARINGS

4A. 20-590

Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 13-19 and Design Review Permit 2-19 to Authorize Removal of Six Hazard Trees from 100 West Cypress Street (APN 018-030-45 and 015-020-01)

Commissioner Miklose recused himself as he owns property within 1,000 feet of the proposed development.

Chair Logan opened the Public Hearing at 6:03 PM.

Senior Planner Perkins presented the prepared report to the Planning Commission. Senior
Planner Perkins stated that Special Condition 1 should be amended adding the word “bird” prior to the word “survey” to read as no additional bird surveys are required if vegetation removal is to occur during the non-breeding season.

Commissioner Roberts asked clarifying questions regarding the original request to remove 4 trees and asked if the additional 2 trees being requested have been removed. Senior Planner Perkins clarified that those additional trees should have not been removed. Commissioner Roberts requested clarification in the difference between statutorily and categorically exempt from CEQA.

**Public Comment**

Amy Wynn from Wynn Coastal Planning and Biology addressed the Commission from the podium as the agent for the applicant. Amy stated her agency is available for questions.

Jennifer Bosma, the applicant approached the podium, and stated that she and the other applicants are available for any questions. Jennifer thanked staff and the Commission for their work and being present.

Public Comment:
Leslie Kashiwada asked for clarification on the number of trees that were cut and stated that the trees that were cut look good but change the ecological function of the forest and ask the Commission to hear her recommendation.

Annemarie Weibel read Leslie Kashiwada’s recommendation that no further vegetation removal be approved until further surveys are performed. Annemarie Weibel stated that she also endorsed Leslie's recommendation. Annemarie stated that she submitted a map from 1919 showing how the area was covered in trees. Annemarie asked for a full CDP with MND because we have studies.

Gabriel Quinn Maroney stated we are blessed to have to live in an area with such rich local history. Gabriel stated that he would like to see further studies to evaluate the historic value of this site.

**Deliberation**

Vice Chair Andreis asked the applicant if they are financially responsible if a tree falls. Applicant Jennifer Bosma confirmed that yes they are responsible. Vice Chair Andreis also asked what machinery was used for the tree removal. The applicant confirmed that the trees were cut in sections not fallen to be less invasive. Vice Chair Andreis asked what the reseeding plan is and the applicant Jennifer Bosma stated there is not a reseeding plan at this time and confirmed that the grass is already growing on site.

Commissioner Roberts asked why a Mitigated Negative Declaration was not performed. Senior Planner Perkins reported that per staff's opinion, based on research and requests for
comments from agencies this project was determined to be exempt from CEQA. Commissioner Roberts asked what the difference is between sensitive natural habitat and an ESHA. Senior Planner Perkins explained there is no definition for a sensitive natural habitat per our Land Use and Development Code.

Chair Logan asked the applicants if they have plans to plant more trees, and the applicant Jennifer Bosma stated that they will try to replant however there is no water on site therefore as of now the issue is lack of water.

Chair Logan closed the Public Hearing at 6:36 PM.

Deliberation:

Commissioner Roberts stated she is concerned with staff’s opinion of this project being exempt from further studies. Commissioner Rogers asked who would pay for further studies. Senior Planner Perkins confirmed that the applicant would pay for staff time. Commissioner Rogers asked for more clarity on how staff made the determination to exempt this project. Senior Planner Perkins explained that staff made the determination for the exemption based on agency input and policy interpretation. Commissioner Rogers stated that she feels that staff did an adequate job and that this is a straightforward project. Vice Chair Andreis stated that he feels Staff did a great job and understands the need for property owners to maintain their property for public safety. Commissioner Rogers stated that she would not like to have this discussion for anything smaller than a tree.

A motion was made by Commissioner Rogers, seconded by Vice Chair Andreis, that Coastal Development Permit CDP 13-19 and Design Review be approved based on the following conditions and findings:

GENERAL FINDINGS
1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of the environmental determination, the project is exempt under Section 15303c of the California Environmental Quality Act (CEQA).

VISUAL RESOURCE FINDINGS
The following findings of approval are required for projects in scenic areas listed...
in CLUDC Section 17.50.070(B). This project is located west of Main Street.

1. The project minimizes the alteration of natural landforms;
2. The project is visually compatible with the character of the surrounding area;
3. The project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
4. The project restores and enhances visual quality in visually degraded areas, where feasible.

COASTAL DEVELOPMENT PERMIT FINDINGS
1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg’s certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. The proposed use is consistent with the purposes of the zone in which the site is located;
4. The proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan;
5. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
6. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The resource as identified will not be significantly degraded by the proposed development;
8. There is no feasible less environmentally damaging alternative;
9. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and
10. The resource as identified will not be significantly degraded by the proposed development.

STANDARD CONDITIONS
1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
4. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
   (a) That such permit was obtained or extended by fraud.
   (b) That one or more of the conditions upon which such permit was granted have been violated.
   (c) That the use for which the permit was granted is so conducted as to be
detrimental to the public health, welfare or safety or as to be a nuisance.
(d) A final judgment of a court of competent jurisdiction has declared one or more
conditions to be void or ineffective, or has enjoined or otherwise prohibited the
enforcement or operation of one or more conditions.
5. This permit is issued without a legal determination having been made upon the
number, size or shape of parcels encompassed within the permit described
boundaries. Should, at any time, a legal determination be made that the number, size
or shape of parcels within the permit described boundaries are different than that
which is legally required by this permit, this permit shall become null and void.
6. This Coastal Development Permit approval shall lapse and become null and void 24
months from the date of approval unless before the passing of 24 months, a Final
Map examined and approved by the City Engineer is approved by the City Council
and recorded or an extension is requested and obtained.

SPECIAL CONDITIONS
1. No additional surveys are required if vegetation removal occurs in the non-breeding
season (September to January). If development is to occur during the breeding
season (February to August), a pre-construction survey is required within 14 days of
the onset of construction to ensure that no nesting birds will be disturbed during the
effort.
2. If active special status bird nests are observed, no activities with potential to
impact the birds or their nesting efforts shall occur within a 100-foot exclusion zone.
These exclusion zones may vary depending on species, habitat and level of
disturbance. The exclusion zone shall remain in place around the active nest until all
young are no longer dependent upon the nest. A biologist shall monitor the nest site
weekly during the breeding season to ensure the buffer is sufficient to protect the
nest site from potential disturbance.
3. Vegetation removal shall occur during daylight hours to limit disturbing noise and
minimize artificial lights.
4. If vegetation removal occurs during the bird breeding season, (February to August)
a preconstruction survey shall occur within a maximum of 14 days prior to the start
of activities with the potential to impact nesting raptors. Areas within ¼ mile of the
vegetation removal activities shall be surveyed, directly if accessible or viewed from
accessible areas when in inaccessible areas.
5. An unoccupied nest large enough for raptors was found within the study area. If
active raptor nests are present within ¼ mile of the project area, then CDFW shall be
consulted to determine an appropriate buffer distance. No activities with potential to
impact the raptors or their nesting efforts shall occur within the exclusion zone
determined. These exclusion zones may vary depending on species, habitat and level
of disturbance. The exclusion zone shall remain in place around the active nest until all
young are no longer dependent upon the nest. A biologist shall monitor the nest
site weekly while vegetation removal activities are occurring during breeding season
to ensure the buffer is sufficient to protect the nest site from potential disturbance. If
it is necessary to conduct vegetation removal or construction activates within ¼ mile
of an active raptor nest, and if deemed appropriate by CDFW, a biological monitor
shall make observations during activities to ensure that the raptors’ behavior is not
affected. The biological monitor shall have the authority to suspend any activities
negatively impacting the active nest.
6. Vegetation removal will ideally occur between September 1st and October 31, after
young bats have matured and prior to the bat hibernation period. If it is necessary to
disturb potential bat roost sites between November 1 and August 31,
pre-construction surveys shall be performed by a qualified biologist 14 days prior
to the onset if development activities. If active bat roosts are observed, no vegetation removal or other activities with potential to disturb bats shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.

7. No vegetation removal shall occur within 100ft of the wetland and/or riparian habitat.

8. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that a special status amphibians are observed during construction.

9. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.

10. During debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

11. If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming project activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, project activities may resume. If a special status amphibian is detected, crews shall stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW shall be needed prior to reinitiating work. CDFW shall be consulted and shall be in agreement with protective measures needed for any potential special status amphibians.

12. All materials and equipment shall be staged in upland areas greater than 100 feet from all ESHAs. Equipment shall be staged on existing asphalt or concrete pads whenever feasible.

13. No trees shall be removed within 100ft of the Bishop pine and Grand fir forest plant communities. This will preserve canopy microclimate and prevent trees being exposed to wind from directions they were previously not. No standing dead trees shall be removed within 100ft of the Bishop pine and Grand fir forests. Vegetation removal within 100ft of the Bishop pine and Grand fir forest shall be limited to mowing of herbaceous vegetation, the removal of non-native shrubs, and limbing up of trees only as necessary for ladder fuel removal, fire suppression, and health and human safety.

14. Should ground-disturbing activities be required beyond what is necessary for tree removal and understory vegetation management and beyond the scope in the Project Description, the applicant shall consult with the Community Development Department to review the change in scope and refer the change in scope to the Sherwood Valley Band of Pomo to determine if further archaeological analysis is required.

Planning Staff Report be approved as amended. The motion carried by the following vote:

Aye: 3 - Vice Chair Andreis, Chair Logan and Commissioner Rogers

No: 1 - Commissioner Roberts

Recuse: 1 - Commissioner Miklose
5. CONDUCT OF BUSINESS

5A. 20-607


Senior Planner Perkins presented the prepared summary of work done by the Fort Bragg Planning Commission, and Perkins asked for feedback on what the Commissioners would like to see for future reports. Commissioner Miklose stated he would like to have an update on the LCP amendment. Commissioner Andreis would like an update to items sent to Council by the Commission. Commissioner Roberts would like a report on developments within the City. Vice Chair Andreis would like to know the status of funding sources yearly or quarterly. Commissioner Miklose stated it would be nice to know who the applicants are. Chair Logan stated he would like a heads up on projects that are coming to the Commission. Senior Planner Perkins reported that he now has a feel for what the quarterly reports should look like.

6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Chair Logan asked the Commission if Wednesday is still good day for the Planning Commission meetings. The Commissioners agreed to keep Wednesdays as the day of the week. Chair Logan reported that the Mill Site ad hoc committee is meeting and working on the Land Use Map. Chair Logan stated they have been focused on the north side of the Mill Site for the time being. Chair Logan stated he does not have a date for the next ad-hoc committee meeting.

Assistant Planner McCormick stated that next Wednesday MCOG will hold a CEQA workshop to show how traffic impacts development.

Commissioner Miklose asked if staff knows why there are a lot of trucks in town. Senior Planner Perkins stated that PG&E has contracted the companies.

ADJOURNMENT

Chair Logan adjourned the meeting at 7:05 PM.

Jeremy Logan, Chair

Joanna Gonzalez, Administrative Assistant

IMAGED (_______)
Agenda Number: 4A.

Receive Report, Conduct Public Hearing and Consider Use Permit (UP 1-20) to Establish Multifamily in Central Business District Zoning Located at 127 E Laurel Street
APPLICATION NO.: Use Permit 1-20 (UP 1-20)

OWNER/APPLICANT: Tiffany Tong

REQUEST: Use Permit to convert an existing commercial retail unit into two residential units, creating a multifamily project at 127 E Laurel Street.

LOCATION: 127 E Laurel Street

ASSESSOR’S PARCEL NO.: 008-056-27

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.

SURROUNDING LAND USES:
- NORTH: Residential
- EAST: Mixed Use Project and Retail
- SOUTH: Retail
- WEST: Mixed Use Project

APPEALABLE PROJECT: ✗ Can be appealed to City Council

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.
PROJECT BACKGROUND AND DESCRIPTION

In 2016, the City approved Minor Subdivision 1-16 (DIV 1-16) to subdivide a 6,250 square foot parcel in the Central Business District into two parcels of 3,825 SF (Parcel 1) and 2,425 SF (Parcel 2).

Parcel 2 is the subject site of this Use Permit application, with an address of 127 E Laurel Street. The two-story structure depicted along the alley is the building proposed to be converted. The existing residential dwelling on the second floor would be unchanged, and the commercial use on the ground floor would be remodeled and converted into two studio apartments (Attachment 1 – Floor Plan).
USE PERMIT ANALYSIS

The proposed site is located in the Central Business District (CBD) zoning district, which is applied to the core of downtown: the civic, cultural, and commercial center of the City. The City’s Inland Land Use and Development Code requires that Use Permits for projects within a commercial zoning district must first comply with findings for the specific commercial district in which it is located, in addition to the standard Use Permit findings.

As the CBD represents the civic, cultural and commercial center of the City, it is vital that commercial uses take priority over other land uses in this zoning district. That said, residential uses in the CBD can be a positive contribution and help activate downtown streets. With the inclusion of Special Condition 1 drafted below, future residents of the proposed multifamily
project would be aware of the commercial nature of their neighborhood. This means that street parking could be challenging because parking is available on a first-come, first-served basis, often with a posted two-hour time limit between the hours of 9:00 a.m. and 6:00 p.m. Living in the CBD could also mean that the quiet enjoyment of residential homes might be challenging, as people are often coming and going from businesses that keep late hours. In addition, many of our community’s events, including the weekly Farmer’s Market, annual car show and numerous parades involve street closure, which could also prove challenging.

Below is an analysis of the proposed project as it relates to specific Use Permit findings for the CBD.

<table>
<thead>
<tr>
<th>§18.22.030 Commercial District Land Uses and Permit Requirements</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Central Business District</strong></td>
<td></td>
</tr>
<tr>
<td>The use compliments the local, regional and tourist serving retail, office and commercial services functions of the CBD, and will not detract from this basic purpose of the CBD.</td>
<td>Yes see Special Condition 1</td>
</tr>
<tr>
<td>Residential uses in the CBD can be a helpful tool to activate the downtown. However, living downtown could also impede on the quiet enjoyment of homes. To ensure future residents of the proposed multifamily project are aware of the many businesses, events and activities of the CBD, staff has drafted a template memo and included Special Condition 1 (Attachment 2 – CBD Memo).</td>
<td></td>
</tr>
<tr>
<td><strong>Special Condition 1:</strong> Prior to finalization of building permit, the applicant will draft a memo to future potential residents that clearly states the objectives of the CBD and provides examples of the many events downtown and limitations of on-street parking.</td>
<td></td>
</tr>
<tr>
<td><strong>Uses proposed for the intense pedestrian oriented retail shopping areas of the CDB, which include the 100 blocks of East and West Laurel Street, the 300 block of N Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian oriented uses on the street-fronting portion of the building.</strong></td>
<td>Yes</td>
</tr>
<tr>
<td>The proposed project is located on the alley between E Laurel Street and Pine Street. Therefore, the pedestrian oriented street-fronting portions of the CBD would not be impacted.</td>
<td></td>
</tr>
</tbody>
</table>

ILUDC §18.71.070(F) establishes the other findings that Planning Commission must make in order to approve the requested Use Permit:
1. **The proposed use is consistent with the General Plan and any applicable specific plan;**
   The proposed use is consistent with the General Plan because it would not adversely affect the primarily commercial character of the Central Business District (CBD) as the project is not located on the pedestrian oriented street-fronting portions of the CBD. Additionally, future prospective residents would be notified of the commercial character of their neighborhood prior to taking up residency. The proposed project aligns with several goals and policies of the CBD, as well as policies of the City’s Housing Element:
   The following General Plan Policies have bearing on the proposed project:
   - **Policy H-1.7 Workforce Housing:** Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.
   - **Policy CD-2.1 Adaptive Reuse:** Facilitate the adaptive reuse of existing older buildings in the Central Business District;
   - **Policy CD-2.2 Pedestrian Activity:** Encourage increased pedestrian movement and activity in the Central Business District.

2. **The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;**
   The CBD zoning district allows *Multifamily* with Use Permit approval. There are no exterior modifications proposed to the structure and therefore any nonconforming external development standard would be allowed as legally nonconforming.

3. **The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
   **Design.** No external development is proposed.
   **Location.** The zoning designation of the subject parcel is Central Business District, which represents the City’s commercial core. Allowing residential in the Central Business District could help activate downtown streets and contribute positively to the neighborhood.
   **Size.** The existing commercial unit is approximately 1,000 SF and comprises the ground floor of the structure. This unit would be split into two studio apartments that are approximately 500 SF each. The size would allow sufficient space for living, sleeping, eating and sanitation.
   **Operating Characteristics.** The residential characteristic of the proposed project would provide sleeping, eating, sanitation and living spaces for residents 24-hours a day, seven days a week. With the inclusion of Special Condition 1, future tenants would be notified of the commercial nature of the neighborhood, prior to taking up residency.

4. **The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard**
to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

E Laurel Street and the alley serving the proposed project provide sufficient access for emergency vehicles to serve the site. The Fire Marshal has requested the following, included herein as Special Condition 2:

**Special Condition 2:** Prior to finalization of a building permit implementing this Use Permit approval, the Fire Marshal shall inspect and approve the following:

- Interconnected smoke detectors throughout the building (1st and 2nd floor);
- Fire Sprinkler System shall bear a current 5-year certification; and
- Extinguishers shall be installed in each unit.

In terms of access to public services and utilities, the current connection to a water meter appears to be on the adjacent parcel and needs to be moved. The fee for the connection is paid; however, at the request of the former owner was not installed. The applicant must connect the building to a water supply located on the same parcel as the building, prior to issuance of a building permit for this project. In addition, the conversion of commercial use to multifamily will increase water use, and additional capacity fees shall be collected, prior to issuance of building permit.

**Special Condition 3:** Prior to issuance of this Use Permit, the applicant shall work with Public Works to determine if an upgraded water meter is required, and relocate the water meter on to the subject parcel.

5. **The proposed use complies with any findings required by §18.22.030 (Commercial District Land Uses and Permit Requirements).**

The residential use of the proposed multifamily project would be suitable with the pedestrian oriented commercial activities of the Central Business District zoning district because the pedestrian oriented commercial activity of the 100 block of Laurel Street, 300 block of N Franklin Street, and 100-200 block of Redwood Avenue would not be impacted. In addition, the commercial character of the neighborhood would be conveyed to potential residents prior to taking up residence.

Based on the analysis, findings and conditions of this staff report, staff recommends approval of Use Permit 1-20, to permit a multifamily project at 127 E Laurel Street.

**PLANNING COMMISSION ACTION**

1. Hold a hearing, close the hearing, deliberate and approve Use Permit 1-20 (UP 1-20) subject to the required approval findings and subject to standard and special conditions as outlined in the staff report and provided below.

**ALTERNATIVE ACTIONS**
1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
3. Deny the Use Permit.

**GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Inland General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
4. The project complies with Specific Use Regulations established for the project; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

**USE PERMIT FINDINGS**

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

**CENTRAL BUSINESS DISTRICT COMMERCIAL USE PERMIT FINDINGS**
1. The use compliments the local, regional and tourist serving retail, office and commercial services functions of the CBD, and will not detract from this basic purpose of the CBD.

2. Uses proposed for the intense pedestrian oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of N Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian oriented uses on the street-fronting portion of the building.

**SPECIAL CONDITIONS**

1. Prior to finalization of building permit, the applicant will draft a memo to future potential residents that clearly states the objectives of the CBD and provides examples of the many events downtown and limitations of on-street parking.

2. Prior to finalization of building permit, the Fire Marshall shall inspect and approve the following:
   - Interconnected smoke detectors throughout the building (1st and 2nd floor);
   - Fire Sprinkler System shall bear a current 5-year certification; and
   - Extinguishers shall be installed in each unit.

3. Prior to issuance of this Use Permit, the applicant shall work with Public Works to determine if an upgraded water meter is required, and relocate the water meter on to the subject parcel.

**STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.

2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.

5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.

6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
   (a) That such permit was obtained or extended by fraud.
   (b) That one or more of the conditions upon which such permit was granted have been violated.
   (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
   (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

ATTACHMENTS
1. Floor Plan
2. CBD Memo

NOTIFICATION
- Applicant
- Residents within 100 feet, Property Owners within 300 feet
- Advocate News, February 13, 2020
- “Notify Me” subscriber lists: Fort Bragg Downtown Businesses; Current Planning Permits; and Public Hearing Notices
MEMORANDUM

DATE: FEBRUARY 26, 2020
TO: TIFFANY TONG, APPLICANT
FROM: SARAH MCCORMICK, ASSISTANT PLANNER
SUBJECT: Use Permit 1-20 Special Condition 1

Please provide this memo to your prospective tenants.

The Central Business District (CBD) represents the civic, cultural and commercial center of our community. This zoning designation accommodates government and professional offices, retail stores, theatres, restaurants and other similar pedestrian oriented businesses. Residential uses on the upper floors and on the ground floor at the rear of buildings is encouraged, however potential residents should consider the following:

Parking: Street parking cannot be reserved and is available on a first-come, first-served basis. Much of the CBD has posted 2-hour time limits between the hours of 8:00 AM and 6:00 PM. There is no special permit available to residents.

Events: There are several events in the CBD that involve street closures, such as the weekly Farmers Market, Paul Bunyan Days Parade, Holiday Light Parade, Nor Cal Rodder’s Car Show, among others. Public notification of street closures is provided at least 24-hours in advance, with the placement of barricades along affected areas. All events requiring limited term permits are posted in the City Hall kiosk, City Hall Lobby and on the City’s website.

Commercial Activity: Commercial activities can interfere with the quiet enjoyment of residences in the CBD. Please consider your sensitivity to noise that general commercial activity generate, prior to taking up residence.

Vacation Rentals: Vacation Rentals are only allowed in the Central Business District, and are limited to the second or third floors above a commercial use. An upper floor unit in a neighboring structure could be converted to a Vacation Rental Unit.
Receive Report from Mill Site Land Use Map Ad Hoc Committee on Draft Mill Site Land Use Map
Zoning Ordinance Interpretation for Extension of Non-Conforming Use at 225 N Main Street
AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Interpretation 1-19/20

OWNER/APPLICANT: Michael E. Mihos

AGENT: Rob Borcich

PROJECT: Zoning Ordinance Interpretation for Additional 12-month Extension of Non-Conforming Use at 225 N Main Street.

LOCATION: 225 N Main Street

APN: 008-151-16-00

LOT SIZE: 0.36 acres

ZONING: Central Business District

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to section 015301 existing facilities of the 2020 CEQA Guidelines.

SURROUNDING LAND USES: NORTH: Mixed Use
EAST: CA Hwy 1
SOUTH: Retail
WEST: Offices

APPEALABLE PROJECT: √ Can be appealed to City Council
___ Can be appealed to California Coastal Commission
BACKGROUND:

On February 12, 2019 the Planning Commission considered a zoning ordinance interpretation regarding the continuance of a non-conforming use at 225 N Main Street. The property operated for many years as a gas station and/or an auto repair shop in the Central Business District. The service station closed in 2016 and the former (and current) property owner, who is the applicant for this request did not have control of the property. Typically, the non-conforming status of a non-conforming use is lost if the non-conforming use is discontinued for a period of 12 months or more. However, the Director may grant a Minor Use Permit to allow an extension of that period for an additional 12 months if unusual circumstances prevent the timely re-establishment of the use.

Due to the irregular timeframe and specific circumstances, the Director opted to bring this matter to Planning Commission for interpretation in 2019. At that time, the Planning Commission decided to interpret the zoning ordinance to allow the pre-existing non-conforming use to continue. The basis for the determination was: 1) the uncertainty about when the previous business actually closed, and 2) the lack of site control by the current owner to re-establish the non-conforming use given the foreclosure process.

The following special conditions were placed on the business license, so that the operation of a potential service station would conform with §17.42.180, which provides development standards for Service Stations (Attachment 1 – February 12, 2019 Staff Report).

**Special Condition 1:** Parking shall be limited to the back half of the lot (as illustrated by the red square below) and all vehicles shall be screen from view along the public right of way by a redwood fence and landscaping, as approved by the Director of Community Development. The illegal nonconforming sign on the south east of the property shall be removed prior to approval of a business license.
Special Condition 2: Outdoor activities on the service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Other minor auto repair activities shall occur entirely within an enclosed structure.

Special Condition 3: There shall be no outdoor display of equipment or merchandise.

Special Condition 4: Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.

Special Condition 5: Outdoor storage and display cabinets are prohibited. The outdoor storage of tires such as, property tax relief with the implementation of Mills Act program or developing a business improvement district is prohibited. No outdoor vending machines are allowed.

Special Condition 6: Tow truck operations are allowed, however no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than five days, and all such vehicles shall be stored entirely within an enclosed structure. No more than 8 non-working vehicles may be stored on the facility at any one time.

Special Condition 7: Convenience sales (the sale of beer and wine, other drinks, food, and/or other merchandise) is allowed however the floor dedicated to such activities shall be limited to 1,000 SF. Additionally, the four parking spaces for this use shall be signed and striped to the approval of the Director of Community Development.

Special Condition 8: If, for any reason, the service station ceases to sell gasoline for more than 115 out of 120 days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or filled in compliance with Federal and State regulations, subject to the approval of the Fire Department.

Special Condition 9: Landscaping shall be installed, permanently maintained and, if necessary, replaced, in compliance (and prior to approval of the occupancy permit) and in accordance with the following standards: 1) minimum of 15 percent of the entire site shall be landscaped; 2) boundary landscaping is required along the property line abutting Main Street, except for driveways; 3) landscaped areas shall have a minimum width of eight feet, and 4) shall be separated from abutting vehicular areas by curbing at least six inches higher than the abutting pavement.

ISSUE:

The applicant is requesting a second and final extension for a 12-month period of non-conforming status in order to settle environmental issues on the site, prior to reestablishing a service station. The Coastal Land Use and Development (CLUDC) Code Chapter 17.90 establishes regulations for nonconforming land uses, structures, and parcels that were lawful
before the CLUDC was adopted. A detailed set of requirements for the loss of the non-conforming status is provided, as follows:

17.90.050 - Loss of Nonconforming Status

A. Termination by discontinuance.
   1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
   2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
   3. The Director may grant a Minor Use Permit to allow an extension of that 12-month period for a period not to exceed an additional 12 months if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use.
   4. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the regulations of the applicable zoning district and all other applicable provisions of this Development Code.

As noted above in section A3, an extension of the 12-month period allowing non-conforming use could be granted for an additional 12-month period, if the review authority finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of use.

Circumstances on site that have prevented the timely reestablishment of a service station include:
   - Remediation activities involving the previous owner of the site, Phillips-66 and North Coast Regional Water Quality Board;
   - Permitting process with Mendocino County Department of Environmental Health; and
   - Escrow pending on the above processes.

If the Planning Commission chooses to determine that the pre-existing non-conforming use should not be extended for an additional 12-month period, the basis for this decision would be that the one-year non-conforming extension to reestablish a service station has passed and the circumstances preventing the timely reestablishment of service station use does not merit special consideration. If this is the determination of the Planning Department, the City would initiate code enforcement on the property owner requiring:
   1. All above ground gas tanks be removed from the site;
   2. All existing underground storage tanks be removed or filled to the satisfaction of Mendocino County Environmental Health Department and the North Coast Regional Water Quality Board;
   3. The site is remediated from all significant environmental impacts, as approved by the North Coast Regional Water Quality Board and Mendocino County Environmental Health Department; and

Interpretation 1-19/20
225 N Main Street
4. The abandoned signage on the site be removed.

RECOMMENDED PLANNING COMMISSION ACTION

Make a determination/interpretation of the zoning ordinance as to an extension of the non-conforming land use at 225 N Main Street.

ATTACHMENTS
1. February 12, 2019 Staff Report

NOTIFICATION
1. “Notify Me” Subscriber List: Fort Bragg Downtown Businesses
AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Interpretation 1-19

OWNER: Michael E. Mihos

APPLICANT: Michael E. Mihos

AGENT: Michael E. Mihos

PROJECT: Zoning Ordinance Interpretation for Extension of Non-Conforming Use at 225 N Main Street.

LOCATION: 225 N Main Street

APN: 008-151-1600

LOT SIZE: 0.36 acres

ZONING: Central Business District

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to section 015301 existing facilities of the 2018 CEQA Guidelines.

SURROUNDING LAND USES:

NORTH: Duncan Engineering, Qualcomm (windows)
EAST: Mendocino Chocolates, Parking Lot
SOUTH: Fed Ex, Napa Auto Parts
WEST: Alley, Lime Industries

APPEALABLE PROJECT: □ Can be appealed to City Council
□ Can be appealed to California Coastal Commission

ISSUE:

This property was operated for many years as a gas station and/or an auto repair shop in the Central Business District. It was operated as a legal non conforming use since at least 2001, which is defined by the Coastal Land use and Development Code as follows:
D. Nonconforming use. A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained before the effective date of this Development Code or any subsequent amendments thereto, but does not conform to the current Development Code requirements for allowable land uses within the applicable zoning district.

The CLUDC provides a detailed set of requirements for the loss of the non-conforming status as follows:

17.90.050 - Loss of Nonconforming Status

A. Termination by discontinuance.
   1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
   2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
   3. The Director may grant a Minor Use Permit to allow an extension of that 12-month period for a period not to exceed an additional 12 months if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use.
   4. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the regulations of the applicable zoning district and all other applicable provisions of this Development Code.

As noted above in section A1, the non-conforming status for a non-conforming use is lost if the non-conforming use is discontinued for a period of 12 months or more. However, as noted in A2, the Director may grant a minor use permit to allow an extension of that period for an additional 12 months if unusual circumstances prevent the timely re-establishment of the use.

The timeline below does not clearly provide a basis for the Director to allow the property owner to re-establish this non-conforming use at this address:

1. Robs Classic Cars operated a gas station and repair business at this location from 2007 through 2013, as evidenced by a current business license through the entirety of this time period.
2. On July 15, 2014 the current owner, Michael Mihos, sold the property to Randall and Vivian Resse.
3. Randall and Vivian Reese operated 225 N Main Street as a full service gas station with minor repair, however the timeline for this operation is unclear. The Reese’s had a valid business license in 2014, which they did not renew. However, the operation was the subject of multiple code enforcement letters over the years, which may indicate continued operation. The code enforcement record starts in 2015 with letters regarding illegal signage and a fallen down shed, which were
abated in 2015. From 2016 through June of 2017 eight violation letters were sent out for improper storage of tires. The tires were finally removed in late 2017.

4. The current owner began foreclosure procedures on July 30th 2018.

5. The foreclosure was completed on December 12, 2018 and Michael Mihos re-secured possession of the property.

Per section 17.90.050a2, it is difficult to determine exactly when the business ceased operations. As noted above the previous owners (the Reeses) appear to have operated 225 N Main Street as a gas station/auto repair facility at least through 2016 and possibly through sometime in 2017.

The foreclosure process gives the Director sufficient reason to allow the continuation of the non-conforming use, if the use has been abandoned less than 24 months ago. However, if the use was abandoned prior to Feb 2017, the director does not have the authority to provide a continuation of the non-conforming use.

Staff is seeking an interpretation from the Planning Commission regarding whether or not to allow the property owner to retain the non-conforming status for a service/gas station at this property. Staff has prepared some brief issues for your consideration as you deliberate on this issue:

1. The property owner has not had legal procession of his property for over five years in order to re-establish the non-confirming use status (by either selling or renting the property as a gas station or for minor repairs). Normally a new property owner would acquire such a property with a buyer-be ware decision making frame; as this was a foreclosure the original/current property owner repossessed a property over which they had no site control and over which they could not exercise buyer be ware.

2. The gas station, as a non-conforming use, could be considered compatible with other uses in the direct neighborhood, which include: 1) two other repair shops within the CBD (the Shop, at the corner of Oak and Main Street, and Napa Auto Part’s repair facility at the corner of Alder and Main Street; 2) and other eclectic use types, including the Fire station, Fort Bragg Plumbing and Electrical, Fed Ex, a hair salon, a window retailer, an engineer's office and the outdoor store.

3. The existing building and site lay out do not lend themselves well to reuse by another allowable use type (office, retail, restaurant, etc.), as the existing site improvements are suitable only for a gas station or a minor auto repair and maintenance shop. A new use would likely require the property owner to demolish the existing structures and fill in (and abandon in place) the existing below ground gas tanks, at considerable cost, and redevelop the site for another use.

4. The property owner has had a lot of interest from businesses who would like operate a minor auto repair and maintenance business at 225 N Main Street. Staff can independently confirm that there is a shortage of vacant auto repair shops in town that can serve this purpose.
5. The site was subject to the comprehensive remediation of site soils in 2009 and does not currently pose a risk to health or safety.

6. This site has been underutilized for many years and it has been the subject of multiple code enforcement letters against the interim owners.

Based on these issues, if the Planning Commission decides to interpret the zoning ordinance to allow the pre-existing non-conforming use to continue, the basis for the determination would be two fold: 1) uncertainty about when the previous business actually closed, and 2) the lack of site control by the current owner to re-establish the non-conforming use given the foreclosure process.

If this approach is taken, staff recommends that the following special conditions be placed on the business license for operation of the property, so that the operation conforms with the operating requirements for service stations, which are listed under 17.42.180.

**Special Condition 1**: Parking shall be limited to the back half of the lot (as illustrated by the red square below) and all vehicles shall be screen from view along the public right of way by a redwood fence and landscaping, as approved by the Director of Community Development. The illegal nonconforming sign on the south east of the property shall be removed prior to approval of a business license.

**Special Condition 2**: Outdoor activities on the service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Other minor auto repair activities shall occur entirely within an enclosed structure.
**Special Condition 3:** There shall be no outdoor display of equipment or merchandise.

**Special Condition 4:** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.

**Special Condition 5:** Outdoor storage and display cabinets are prohibited. The outdoor storage of tires such as, property tax relief with the implementation of Mills Act program or developing a business improvement district is prohibited. No outdoor vending machines are allowed.

**Special Condition 6:** Tow truck operations are allowed, however no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than five days, and all such vehicles shall be stored entirely within an enclosed structure. No more than 8 non-working vehicles may be stored on the facility at any one time.

**Special Condition 7:** Convenience sales (the sale of beer and wine, other drinks, food, and/or other merchandise) is allowed however the floor area dedicated to such activities shall be limited to 1,000 SF. Additionally the four parking spaces for this use shall be signed and striped to the approval of the Director of Community Development.

**Special Condition 8:** If, for any reason, the service station ceases to sell gasoline for more than 115 out of 120 days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or filled in compliance with Federal and State regulations, subject to the approval of the Fire Department.

**Special Condition 9:** Landscaping shall be installed, permanently maintained and, if necessary, replaced, in compliance (and prior to approval of the occupancy permit) and in accordance with the following standards: 1) minimum of 15 percent of the entire site shall be landscaped; 2) boundary landscaping is required along the property line abutting Main Street, except for driveways; 3) landscaped areas shall have a minimum width of eight feet, and 4) shall be separated from abutting vehicular areas by curbing at least six inches higher than the abutting pavement.

If the Planning Commission chooses to determine that the pre-existing non-conforming use has been lost, the basis for this decision would be that the two year time limit to re-establish the use has already passed. If this decision is made by the Planning Department the City would initiate code enforcement on the property owner requiring that:

1. All existing underground storage tanks be filled with sand or concrete;
2. All above ground gas tanks be removed from the site; and
3. The abandoned signage on the site be removed.
RECOMMENDED PLANNING COMMISSION ACTION

Make a determination/interpretation of the zoning ordinance as to the status of the non-conforming land use at 225 N Main Street.

1. Shall this non-conforming status be extended or not?
2. What is the basis for your interpretation?

ATTACHMENTS
1. Aerial and Site Photos
2. Letter from Mike Mihos dated January 14, 2019