



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, March 11, 2020

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES

- 1A. [20-654](#) Approve the Minutes of February 26, 2020.

Attachments: [Minutes of February 26, 2020](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

4. PUBLIC HEARINGS

5. CONDUCT OF BUSINESS

- 5A. [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.



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Text File

File Number: 20-654

Agenda Date: 3/11/2020

Version: 1

Status: Business

In Control: Planning Commission

File Type: Minutes

Agenda Number: 1A.

Approve the Minutes of February 26, 2020.



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Meeting Minutes Planning Commission

Wednesday, February 26, 2020

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Chair Jeremy Logan, and Commissioner Nancy Rogers

Absent 1 - Commissioner Michelle Roberts

1. APPROVAL OF MINUTES

1A. [20-634](#)

Approval of the February 12, 2020 Minutes.

A motion was made by Vice Chair Andreis, seconded by Commissioner Rogers, that these Minutes be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Miklose, Vice Chair Andreis, Chair Logan and Commissioner Rogers

Absent: 1 - Commissioner Roberts

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

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

Chair Logan and Vice Chair Andreis recused themselves from hearing this item, citing business conflicts of interest.

A random means of selection was used pursuant to 2 CCR 18705(c)(3) to obtain a quorum. Chair Logan was selected to remain for the duration of this hearing, and Vice Chair Andreis left the chamber at 6:04 PM.

Chair Logan opened the public hearing at 6:04 PM.

Assistant Planner McCormick presented the staff report on this item and responded to questions from Commissioners.

Public Comment: None.

Chair Logan closed the public hearing at 6:11 PM.

Discussion: Commissioners agreed that they like the project, which brings activity to the downtown and maintains housing stock. All were in favor of keeping the special conditions.

A motion was made by Commissioner Rogers, seconded by Commissioner Miklose, that Use Permit 1-20 (UP 1-20) be approved, subject to the following findings and conditions:

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 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.

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:
 - (a) Interconnected smoke detectors throughout the building (1st and 2nd floor);
 - (b) Fire Sprinkler System shall bear a current 5-year certification; and
 - (c) 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).

The motion carried by the following vote:

Aye: 3 - Commissioner Miklose, Chair Logan and Commissioner Rogers

Absent: 1 - Commissioner Roberts

Recuse: 1 - Vice Chair Andreis

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

Vice Chair Andreis returned to the meeting at 6:17 PM.

Councilmember Morsell-Haye and Chair Logan presented the Mill Site Land Use Map ad hoc committee's report on this agenda item.

Public Comment was received from:

- Leslie Kashiwada of the Fort Bragg Headlands Consortium thanked the ad hoc committee for seeking their group's input, and said it was important to have the green belt follow the contour of the coast.
- Gabriel Quinn Maroney expressed appreciation for the work that was put into the map, and said a more open process that included input from others who may be considered stakeholders should have been undertaken.
- Robert Pinoli of Mendocino Railway thanked the Planning Commission and City Council for working with stakeholders, saying the meetings were very helpful.
- Amy Wynn of Coastal Planning and Biology noted that the map is a good illustration of how everybody's missions can come together.
- Jenny Shattuck spoke in support of the map.

Now that the zoning map has been presented to the Planning Commission, the ad hoc committee will next present it to the City Council.

This Report was referred to the ad hoc committee for presentation to City Council.

- 5B. [20-633](#)** Zoning Ordinance Interpretation for Extension of Non-Conforming Use at 225 N Main Street

Chair Logan continued this matter to the meeting of March 11, 2020.

6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Senior Planner Perkins reported that Community Development is working on a list of projects they are tracking and will present a status report to the Planning Commission soon.

ADJOURNMENT

Chair Logan adjourned the meeting at 7:04 PM.

Jeremy Logan, Chair

June Lemos, CMC, City Clerk

IMAGED (_____)



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Text File

File Number: 20-633

Agenda Date: 2/26/2020

Version: 2

Status: Business

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 5A.

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

AGENCY:	Planning Commission
MEETING DATE:	Feb 27, 2020
PREPARED BY:	S McCormick
PRESENTED BY:	S McCormick

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

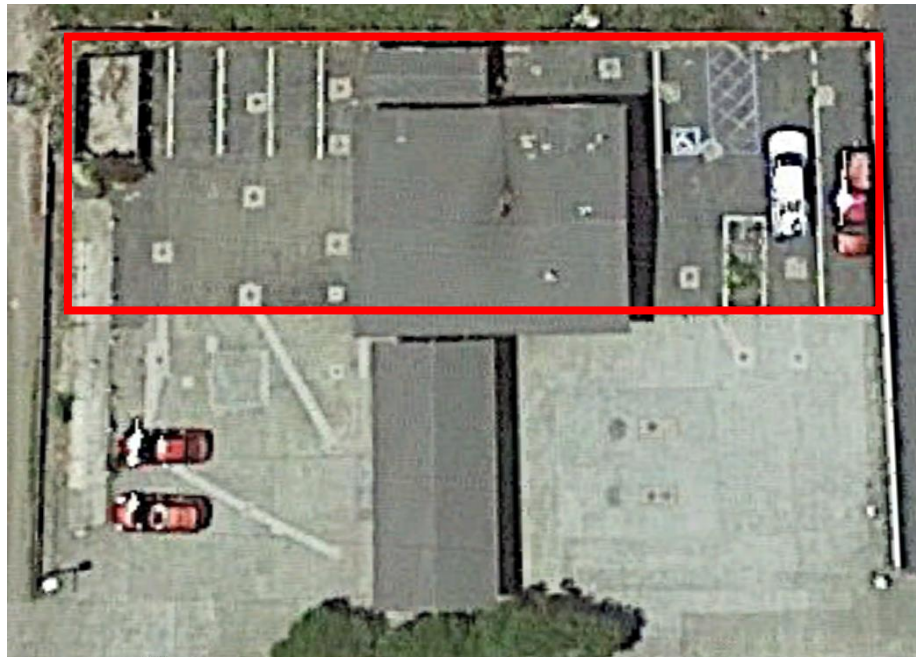
BACKGROUND:

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

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

AGENCY:	Planning Commission
MEETING DATE:	Feb 12, 2019
PREPARED BY:	M Jones
PRESENTED BY:	M Jones

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 possession 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 are 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