

AGENCY:	Planning Commission
MEETING DATE:	August 26, 2015
PREPARED BY:	Marie Jones
PRESENTED BY:	Marie Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 4-15 (USP 4-15)

APPLICANT/AGENT: Michael Slaughter

PROPERTY OWNER: Kahuna Investments LLC

PROJECT: Use Permit to expand the existing gravel vehicle storage area at Sport Dodge (200 East Chestnut Street) onto the adjoining parcels (520 and 528 South Franklin Street) also owned by the applicant. The expanded vehicle storage area is about 400 square feet (SF). The Use Permit includes associated fencing and drainage improvements and the legalization of the existing unpermitted 900 SF gravel vehicle storage area at 200 East Chestnut.

LOCATION: 520 and 528 South Franklin Street & 200 East Chestnut Street. The project is not in the Coastal Zone.

APN: 018-020-55, 018-020-14 and 018-020-35

CURRENT LOT SIZE: 14,000 SF for 520 and 528 South Franklin.

ZONING: General Commercial (CG)

ENVIRONMENTAL DETERMINATION: Project is Categorically Exempt from CEQA, per Section 15303, Class 3 (c, e), new structures of less than 2,500 SF and accessory structures such as parking lots.

SURROUNDING LAND USES:
NORTH: Banking, Shopping Mall – CG
EAST: Residence – RVH
SOUTH: Residential/Commercial – CG
WEST: Residence, Restaurant – CG

APPEALABLE PROJECT: ☒ **Can be appealed to City Council**
☐ **Can be appealed to California Coastal Commission**

PREVIOUS PERMITS

- DR 17-05. Design Review permit application was submitted to expand the existing parking lot by 8,400 SF. The application was not completed and the permit was not granted.
- Lot Line Adjustment 3-06 (LLA 3-06). Lot Line Adjustment to authorize the adjustment to the common property line and transfer of 8,100 SF from portions of Lots 17 & 18 and Lot 19 of the Mathews Tract to Lots 15 & 16 and a portion of Lot 17 of the Mathews Tract, thus creating two parcels of 5,600 square feet and 33,400 square feet respectively as illustrated on the map prepared by Clifford M. Zimmerman dated "July 2006."

PROJECT BACKGROUND

Sport Dodge applied for a Design Review permit in 2005 to expand its parking area. At that time staff requested a wetland delineation in order to process the permit, because there was some evidence of a wetland on the site. Sport Dodge did not submit a wetland delineation and, instead, expanded the parking lot through grading and installing a gravel surface without a permit. Accordingly, as the applicant completed a project without a permit, it is liable to pay a fine that is twice the amount of the permit cost. Thus, staff recommends **Special Condition 1**:

Special Condition 1: Prior to issuance of the Use Permit for the Vehicle Storage Area, the applicant shall pay a fine of \$1,800.

PROJECT DESCRIPTION

The applicant would like to expand the existing non-permitted gravel vehicle storage area at Sport Dodge (200 East Chestnut Street) onto the adjoining parcels (520 and 528 South Franklin Street) also owned by the applicant. The expanded vehicle storage area would be about 400 SF. The applicant also seeks to legalize the existing unpermitted 900 SF gravel vehicle storage area at 200 East Chestnut Street, which was constructed in 2005 or 2006 without a permit.

CONSISTENCY WITH PLANNING POLICIES

Lot Determination. All three lots are currently owned by Kahuna Investments and per the Subdivision Map Act, it is not possible to do a lot line adjustment between parcels owned by the same property owner. Thus it is appropriate to review the proposed project as one activity on three parcels.

Land Use. Vehicular storage is a permitted use in the General Commercial zoning district with Use Permit approval by the Planning Commission.

Parking Space Requirements. There is no parking requirement for vehicular storage.

Setbacks. As the proposed development consists of a vehicle storage area with associated fencing, fencing is the only "structure" that would have to comply with setbacks. However, fencing of 6 feet or less is exempt from the setback requirements (per Section 18.30.100B2). There is no special setback requirement for outdoor storage uses.

Specific Land Use Standards. There are no specific requirements for vehicular storage facilities; however, the Inland Land Use and Development Code (ILUDC) does include specific standards for outdoor storage (see Section 18.42.140) as detailed below.

18.42.140 - Outdoor Storage

An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.
- B. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Use Permit for the storage area.
- C. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the setback area shall be landscaped to the approval of the Director, and in compliance with Chapter 18.34 (Landscaping Standards).

As the proposed vehicular storage facility is an outdoor storage use, it must comply with this standard. The proposed site is currently fenced with a redwood fence along the south property line. The western edge of the proposed vehicle storage area will need to be fenced to separate this use from the legal non-conforming residential uses located at 520 and 528 Franklin Street. Additional fencing is required on the east side of the vehicle storage area at 200 East Chestnut Street. **Special Condition 2** is included to address this requirement.

Special Condition 2: Prior to issuance of the Use Permit, the applicant shall construct a six foot high solid wood fence along the east side of Parcel 018-020-55 (200 East Chestnut Street) and between the proposed use and the residential uses at 520 and 528 South Franklin Street.

The applicant has not proposed to install a fence between the current vehicle storage area at the back of 200 East Chestnut Street and the existing parking lot at the front of 200 East Chestnut Street. However, the proposed vehicle storage lot is set well back from the right of way (110 feet) which is much more than the 15-foot setback from the front property line that is required by the Code. Therefore landscaping is not required within the 15-foot front setback. While the purpose of the required fence would be to screen the vehicle storage area from the public right of way, it would severely constrain operations at the existing facility and the vehicle storage area is currently screened by the existing vehicle display and customer parking area. Staff recommends that the Planning Commission not require a fence between the vehicle storage area and the vehicle display and customer parking areas (see site photo below).



Stormwater Management

The project design includes a graveled vehicle storage lot that will allow stormwater runoff to sheet flow into a drainage swell on the east side of the property. The project will be required to pay drainage fees as part of the grading permit process. **Special Condition 3** has been added to ensure that drainage fees are paid for all three lots.

Special Condition 3: Prior to issuance of the Use Permit, the applicant shall pay drainage fees for all three lots.

USE PERMIT ANALYSIS

The Inland Land Use and Development Code allows for the proposed use through a Conditional Use Permit approval by the Planning Commission. In order for the Planning Commission to approve a Use Permit, it must make the following findings (ILUDC Section 18.71.060F):

- F. **Findings and decision.** An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the Review Authority. The Review Authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:
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 this 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.

Staff has analyzed the project below in relation to each of the required findings.

1. The proposed use is consistent with the General Plan and any applicable specific plan;

The Inland General Plan defines the General Commercial zoning intent as follows:

The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, hardware, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.

The proposed use consists of a vehicle storage facility which is specifically listed as a use requiring a Use Permit in this zoning district. Additionally the utilization of a portion of this

lot for vehicular storage will allow the property owner to more effectively run and manage the auto sales and service facility.

- 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 proposed land use is permitted within the CG district with Use Permit approval. Staff has analyzed the project and with the addition of two special conditions is in compliance with the ILUDC. This finding can be made.

- 3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;***

The proposed project is located in the CG zoning district. Existing land uses within the vicinity include a variety of retail uses (including large format), a bank, a strip mall, a nursery, and apartments. With the addition of the required fencing (Special Condition 1), the outdoor vehicular storage facility is consistent with these uses and the Planning Commission can make this finding.

- 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.***

The site is physically suitable for a vehicular storage facility. This finding can be made.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting the 15303 Class 3c&e exemptions for new structures of less than 2,500 SF and accessory structures such as vehicular storage lots.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

ALTERNATIVE ACTION

2. 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.
3. 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.

RECOMMENDATION

Staff recommends approval of **Use Permit 4-15 (USP 4-15)** for the project based on the following findings and subject to the conditions cited below:

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, Inland Land Use and Development Code (ILUDC) 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 environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15303.

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 this 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.

SPECIAL CONDITIONS

1. Prior to issuance of the Use Permit for the Vehicle Storage Area, the applicant shall pay a fine of \$1,800.
2. Prior to issuance of the Use Permit, the applicant shall construct a six foot high solid wood fence along the east side of Parcel 018-020-55 (200 East Chestnut Street) and between the proposed use and the residential uses at 520 and 528 South Franklin Street.
3. Prior to issuance of the Use Permit, the applicant shall pay drainage fees for all three lots.

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 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
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 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 18.76.070B.

ATTACHMENTS

1. Site Location Map
2. Proposed Vehicular Storage Plan
3. Project Photos