

MEETING DATE: November 12, 2015

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Variance 2-15 (VAR 2-15)

APPLICANT: Jeanette Colombi

OWNER: Robert Colombi Family Trust

REQUEST: Variance request to modify off-street parking requirements for change of use from an abandoned non-conforming commercial use to a conforming residential use.

LOCATION: 210 N. Harold Street, Fort Bragg, CA 95437

ASSESSOR'S PARCEL NO.: 008-224-02

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

SURROUNDING LAND USES:

NORTH:	Residential
EAST:	Residential
SOUTH:	Residential
WEST:	Harold Street, Residential

APPEALABLE PROJECT: ☒ Can be appealed to City Council

PROJECT BACKGROUND

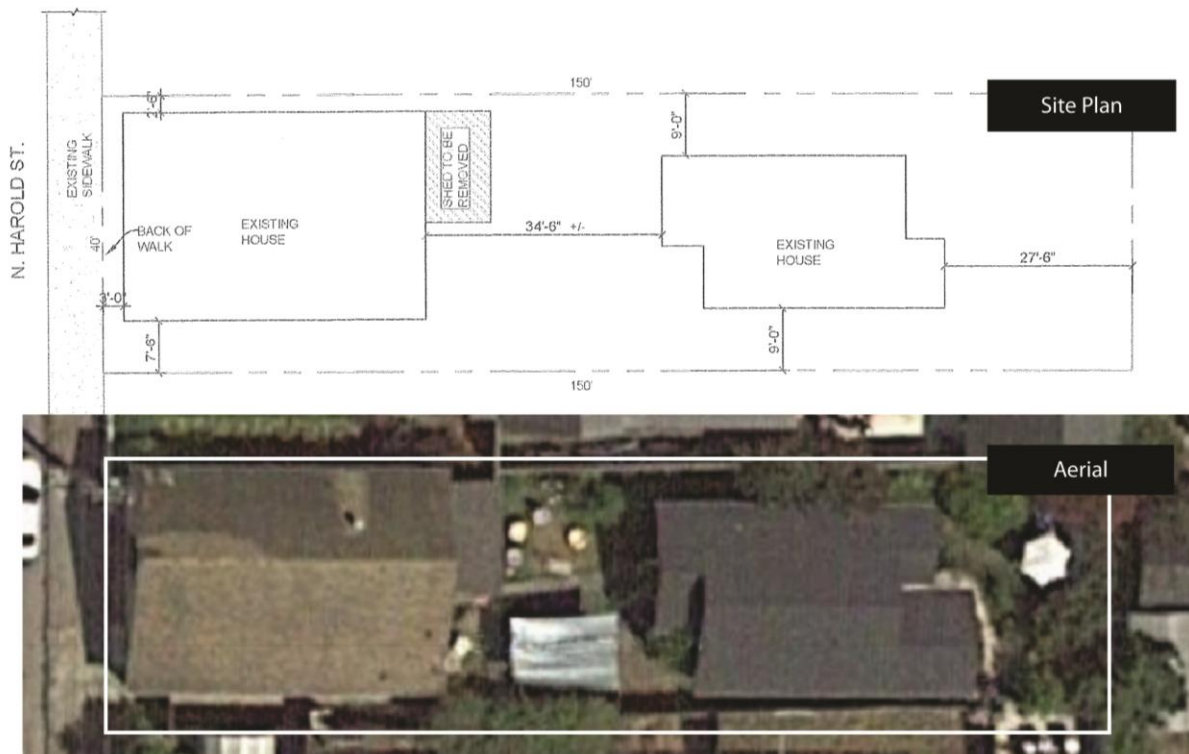
Until 1999, the structure proposed for conversion from a commercial use to a residential use was operated as a grocery store and deli. The parcel is zoned Low-Density Residential (previously Residential One-Family) and the commercial use was legally nonconforming. However this legal non-conforming status was lost when the grocery store ceased operation. The Inland Land Use and Development Code (ILUDC) Section 18.90.050(A)(1) stipulates that when nonconforming uses are abandoned for a continuous period of twelve months or more, all rights to the legal nonconforming status are terminated. The commercial use of the structure ceased in 1999, thus only a conforming use is feasible going forward.

The applicant seeks a building permit to convert the old grocery store structure to a single-family residence, a use in conformance with the Low-Density Residential district; however, establishment of the residential use is subject to the City's land use standards, including off-street parking requirements. Additionally, there is some evidence that a portion of the former grocery store was utilized as a residence by the former retailer in a limited way.

PROJECT ANALYSIS

The applicant is requesting a Variance to reduce the requirement for two (2) off-street parking spaces for the conversion of the structure from the nonconforming commercial use to a residential unit. The applicant has indicated that the parcel cannot accommodate two additional off-street parking spaces.

The parcel is presently developed with an existing single-family residence on the eastern side of the property, with the proposed residential use located in a structure on the western side of the property. The ILUDC Section 18.36 requires two off-street parking spaces for a single-family residence. The current residence has two parking spaces. There is no on-site parking for the existing retail (to be converted to a residence) structure.



Site Plan provided by applicant. Aerial provided by Google Earth.

Presently, the residents of the unit on the eastern side of the property park in the rear of the lot, accessed from E. Alder Street to the south. The conversion of the other structure from commercial to residential use would require two (2) additional off-street parking spaces (ILUDC Section 18.36.030). The applicants request a reduction of this requirement from two (2) spaces to zero (0) spaces. Parking for the unit would be located on the street.

VARIANCE

In order to approve this Variance, the Planning Commission must make the following findings, pursuant to ILUDC Section 18.71.070(F)(1):

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

For the reasons set forth in the staff report, there are special circumstances that are applicable to the property. The parcel was developed with the existing structures prior to the City's current off-street parking requirements, leaving limited space for off-street parking. The existing residence is situated nine (9) feet from both the north and south property lines, which fails to provide the adequate width for parking spaces abutting fences and walls (at least ten (10) feet is required). Off-street parking spaces are required to comply with the minimum dimension standards specified by ILUDC Section 18.36.030(D) of nine (9) feet by eighteen (18) feet. The ILUDC also states that "when the length of a parking space abuts a fence or wall, the required width of the parking space shall be increased by at least one foot."

The structure proposed to be converted from a commercial use to a residential use is situated less than eight (8) feet and less than four (4) feet from the south and north property boundaries, respectively. The existing shape of the parcel, in concert with the existing development, restricts access to the area between the structures and prohibits use of the area for off-street parking.

These special circumstances applicable to the property prohibit siting the required off-street parking to convert the structure to a residential use—a use that is consistent with the General Plan, zoning district and enjoyed by other properties in the vicinity. Conforming parking could only be provided on the site if a portion of the existing building were demolished, such that a ten foot parking lane can be added.

- b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

The proposed Variance does not require Special Conditions of Approval, as the project as proposed will not grant special privileges. The proposed residential use would be consistent with the proximate parcels along Alder Street and Harold Street. Granting the Variance would permit the applicant to utilize the property in a manner consistent with the properties in the vicinity and within the Low-Density Residential district.

- c. The Variance is consistent with the General Plan and any applicable specific plan.

This finding can be made as the General Plan specifically encourages the development of residential units within the residential zoning districts. The Inland General Plan and the Zoning Map designates the parcel as Low-Density Residential, where single-family dwellings are permitted uses. Granting the proposed Variance would allow the conversion of a commercial

use to a permitted residential use, bringing the property in conformance with the General Plan and the ILUDC.

Staff recommends that all findings can be made to grant a Variance reducing off-street parking requirements from two (2) spaces to zero (0) spaces.

PLANNING COMMISSION ACTION

1. Approve a Variance to the ILUDC off-street parking requirements (Variance 2-15) allowing for a zero (0) off-street parking spaces where two (2) are required.

ALTERNATIVE ACTIONS

1. Approve the Variance with a revised parking requirement; and/or
2. Deny the Variance.

RECOMMENDATION

Staff recommends approval of Variance 2-15 based on 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 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. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15303—conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure—in accordance with the California Environmental Quality Act (CEQA).

VARIANCE FINDINGS FOR APPROVAL

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the Inland Land Use and Development Code (ILUDC) deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.

2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
3. The Variance is consistent with the General Plan and any applicable specific plan.

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 Inland Land Use & Development Code (ILUDC) Chapter 17.92 - 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 Inland 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. Site Location Map
2. Site Plan
3. Site Photos