

The current construction yard use, shown in the attached site photos (Exhibit G), is not permitted by right or by special use permit under the R3A Zone District of the Zoning Ordinance. As the applicant was not able to provide sufficient documentation to demonstrate that the current commercial use has been in continuous operation since 1962, staff believes a finding of legal non-conforming status for the use cannot be made. The current non-conforming use has also greatly expanded beyond previous commercial uses at the site. The submitted site plan, Exhibit E, does not accurately reflect all of the current uses at the subject site, as shown in the attached photos. Prior uses included a nursery. Staff further believes that the construction yard use may be found to be detrimental to the public health and safety pursuant to 17.20.110.B of the Zoning Ordinance.

Should the Planning Commission uphold the staff recommendation below, Code Enforcement typically allows an applicant 30 days to remove the zoning violation. If the violation is not removed within the 30-day period, the case is then forwarded to the District Attorney's Office for further action. Pursuant to 17.12.030 of the Zoning Ordinance, "any person, firm, partnership, association, corporation, or other entity, whether as principal agent, employee or otherwise, violating any of the provisions of this article or any zoning law or ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for a term not exceeding six (6) months or by both such fine and imprisonment." A decision by the Planning Commission to terminate a non-conforming use may be appealed to the Board of Supervisors within 10 working days following the Planning Commission decision.

Recommendation:

Staff recommends the Planning Commission take the following action:

1. Find that the use at the subject site is illegal and shall be immediately terminated pursuant to 17.20.110.B of the Zoning Ordinance.

Findings:

1.0 ADMINISTRATIVE FINDINGS

- 1.1 Pursuant to 17.20.110.B of the Zoning Ordinance, the Planning Commission has determined that the construction storage yard use at the subject site is inconsistent with the permitted uses within the R3A Zone District and is therefore detrimental to the public health and safety because of adverse impacts from noise and land use incompatibility upon the surrounding community. As such, the illegal use shall be abated.

Attachments:

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| Exhibit A: | Assessor's Map |
| Exhibit B: | Vicinity Map |
| Exhibit C: | Zoning Map |
| Exhibit D: | General Plan Land Use Map |
| Exhibit E: | Site Plan |
| Exhibit F: | Applicant's Parcel History |
| Exhibit G: | Site Photos, December 22, 2006 |
| Exhibit H: | Notice to Correct, July 19, 2006 |