

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST FOR A TEMPORARY USE PERMIT (TUP); USE OF A RECREATIONAL VEHICLE AS A TEMPORARY RESIDENCE IN CONJUNCTION WITH A BUILDING PERMIT (CROMWELL)

DATE: MARCH 2, 2004

Needs: For the City Council to consider authorizing Vickie Cromwell and her family to occupy a recreational vehicle parked in the 1400 block of Chestnut Street in conjunction with a building permit issued to shore up a structure at 305 14th Street.

Facts:

1. The building located at 305 14th Street suffered damage in the December 22, 2003 earthquake. A building permit application is pending but has not yet been issued to shore the structure as a temporary measure (the applicant was given corrections on their plan on February 3, 2004 and they have not returned the corrected plan).
2. Vickie Cromwell is requesting permission to occupy a recreational vehicle parked in the public right of way along the Chestnut Street frontage of the subject property. A copy of her request is attached.
3. Under Section 21.23C.020, "All requests for temporary uses on public property must be approved by the City Council..."
4. Since complaints have been received from neighbors, notices of the Council's consideration have been provided.

Analysis
and

Conclusion: Pursuant to Section 21.23C.010 of the Zoning Code, "Temporary Use Permits allow for certain short-term activities which may be appropriate when the public health, safety and welfare are not adversely impacted."

Under Section 21.23C.040I (Permitted Uses), the City Council may consider authorizing a TUP for a “Trailer or coach as a temporary residence in conjunction with a valid building permit (maximum one hundred eighty days)”

Under Section 21.23C.060 (Required Findings – copy attached), the City Council must conclude that the use will not adversely impact surrounding properties and that there are adequate provisions for public access, water, sanitation.

In conjunction with a review of the Temporary Use Permit request, it has been noted that the Cromwells are currently storing stacks of bricks in the public right of way. They do not have authorization for that storage and there are no provisions under the TUP code for that type of activity.

Policy
Reference:

Chapter 21.23C of the Zoning Code (Temporary Use Permits)

Fiscal
Impact:

None

Options:

- a.** Subject to the property owner meeting code requirements and obtaining a building permit for their shoring plan, that the City Council authorize Vickie Cromwell to utilize a recreational vehicle parked in the Chestnut Street right-of-way as a temporary residence in conjunction with a valid building permit for a maximum period of 180 days, consistent with Section 21.23C.040I, conditioned upon the Cromwells removing all unauthorized storage from the public right-of-way and subject to confirmation from the Chief of Emergency Services and Building Official that all applicable codes are complied with relative to use of the recreational vehicle.
- b.** Amend, modify or reject the foregoing option.

Chapter 21.23C

TEMPORARY USE PERMITS

Sections:

- 21.23C.010 Purpose.
- 21.23C.020 Application.
- 21.23C.030 Fees.
- 21.23C.040 Permitted uses.
- 21.23C.050 Exempt uses.
- 21.23C.060 Required findings.
- 21.23C.070 Conditions of approval.
- 21.23C.080 Revocation.

21.23C.010 Purpose.

The temporary use permit (TUP) allows for certain short-term activities which may be appropriate when the public health, safety and welfare are not adversely impacted. The intent is to ensure that temporary uses will not adversely impact surrounding properties. It is not the intent to use a TUP to replace the need for a conditional use permit where required for businesses with permanent locations, or to permit peddlers to operate from temporary locations. (Ord. 714 § 5(A), 1996: Ord. 703 § 9(A), 1995)

21.23C.020 Application.

All requests for temporary use permits on private property may be approved, conditionally approved, or denied by the community development director (subject to agreement by other affected departments). The community development director may refer applications to the planning commission or its designated subcommittees. Decisions of the community development director may be appealed to the planning commission pursuant to Section 21.23A-.090. All requests for temporary uses on public property must be approved by the city council/ established procedures. (Ord. 714 § 5(B), 1996: Ord. 703 § 9(B), 1995)

21.23C.030 Fees.

Fees for reviewing temporary use permits shall

be adopted by resolution of the city council. (Ord. 714 § 5(C), 1996: Ord. 703 § 9(C), 1995)

21.23C.040 Permitted uses.

The following activities may be approved by a temporary use permit:

A. Real estate sales offices (within approved development projects);

B. Parking lot sales and other promotional events where only on-site businesses are participating if longer than seven days (if less than seven days, no temporary use permit is required);

C. Trailers/temporary buildings in conjunction with an existing on-site business (maximum of two years);

D. Trailers/temporary buildings in conjunction with the construction of a building and with available paved parking (maximum of one year);

E. Temporary food service (e.g., barbecues) when located at the businesses' permanent location or in conjunction with a nonprofit fundraising event if longer than seven days (if less than seven days, no temporary use permit is required);

F. Seasonal stands (e.g., pumpkin and Christmas tree sales) with a caretakers unit;

G. Circuses, carnivals, fairs, festivals, and concerts;

H. Off-site construction yards with a valid building permit (unless on immediately adjacent property);

I. Trailer or coach as a temporary residence in conjunction with a valid building permit (maximum of one hundred eighty days);

J. Inflatable signs (e.g., blimps and balloons) in accordance with Chapter 21.19 (Signs);

K. Similar temporary uses as determined by the community development director. (Ord. 714 § 5(D), 1996: Ord. 703 § 9(D), 1995)

21.23C.050 Exempt uses.

The following uses do not require a temporary use permit:

A. Seasonal stands (e.g., pumpkin and Christmas tree sales) without a caretakers unit;

B. Construction offices in conjunction with an approved development project;

C. On-site construction yards or on immediately adjacent properties (with a valid building permit);

D. Garage and rummage sales (subject to Section 21.23.071). (Ord. 714 § 5(E), 1996: Ord. 703 § 9(E), 1995)

21.23C.060 **Required findings.**

A. The proposed use is temporarily permitted within, and would not impair the integrity and character of the subject zoning district and complies with all applicable provisions of the Uniform Building and Fire Codes.

B. The subject site is physically suitable for the type and density/intensity of the proposed use.

C. The location, size, design, and operating characteristics of the proposed temporary use will not adversely impact surrounding properties.

D. The proposed temporary use will not adversely impact the public health, safety, and welfare.

E. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.

F. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety. (Ord. 714 § 5(F), 1996: Ord. 703 § 9(F), 1995)

21.23C.070 **Conditions of approval.**

In approving a temporary use permit, the following conditions may be imposed when deemed necessary to ensure that the TUP will be in accordance with the required findings. These conditions may include, but are not limited to the following: hours of operation, provisions for parking areas, lighting, traffic circulation and access, performance standards, and other measures necessary to not adversely impact surrounding properties. In no case shall a TUP be approved for greater than two years. Approval of a temporary use permit shall not be an entitlement that runs with the land and shall not be assignable

or transferable to any other person. (Ord. 714 § 5(G), 1996: Ord. 703 § 9(G), 1995)

21.23C.080 **Revocation.**

A temporary use permit may be revoked or modified by the community development director if any one of the following findings can be made:

A. That circumstances have changed so that one or more of the required findings can no longer be made;

B. That the temporary use permit was obtained by fraud or misrepresentation;

C. That one or more of the conditions of the temporary use permit have not been met;

D. That the use is in violation of any statute, ordinance, law, or regulation. (Ord. 714 § 5(H), 1996: Ord. 703 § 9(H), 1995)

Bob Lata

From: Vickie Cromwell [vcromwell@sbcglobal.net]
Sent: Monday, February 23, 2004 10:37 AM
To: Doug Monn
Cc: blata@prcity.com
Subject: Temporary Use Permit 2-19-04

I am requesting a temporary permit for the use of an RV next to our home at 305 14th Street. The RV is currently parked on the Chestnut side of the house. I would like to make this request through April 5, 2004, but it may be removed before this date. We have a place to rent close by beginning April, maybe sooner, but actual date is still uncertain because of the current tenant's situation. A date of April 5th would give us the time allowance needed.

Our engineer, Darin Traverso, advised us he had faxed a copy of the corrected drawings for the Temporary Shoring permit # B04-0126 in on Friday, Feb. 20th. He also said he would walk in the originals to you today, Feb. 23rd. The structural engineer told me last week that it would be 4 to 6 weeks before he could start with repair instructions due to other projects already in the works due to the earthquake. By that time we should be in our rental unit.

Please place this request on the March 2nd agenda. If there are any questions or need to get in touch with me for any reason, you may reach me on my cell phone at 712-6461.

Thank you for your help.

Vickie Cromwell