

# DEVELOPMENT SERVICES DEPARTMENT

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EL DORADO

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## MEMORANDUM

**DATE:** November 27, 2006  
**TO:** Planning Commission  
**FROM:** Michael C. Baron, Associate Planner  
**SUBJECT:** Pacific House Automotive Repair  
Nonconforming Use Determination  
Assessor's Parcel Number 009-140-19

Agenda of: December 14, 2006  
Item #: 14.a.

### Background:

The property is located along the north side of Peavine Ridge Road, approximately one-third mile east of the intersection of U.S. Highway 50 and Peavine ridge Road, in the Pacific House area. The site is zoned Commercial (C) with a Commercial (C) General Plan Land use Designation. In the past, there was a mixed use development consisting of an automotive repair shop/gas station, motel, restaurant, and residential component. Over time the property has fallen into disrepair, and there is no longer a mixed use development functioning on the property. Currently, there is only an automotive repair business and residential component in existence.

Based on staff analysis, it has been determined that the automotive repair facility began around the mid to late 1930's. A gas station was added in the late 1950's and went out of business in 1968, but the automotive repair continued. The current owner took title to the property in 1988 and has used it as an automotive repair facility ever since. However, it is unclear to staff whether or not the automotive repair facility has operated as a business without a break of more than a period of one year. Currently, there is a Code Enforcement case on the property (Case #171902).

### Discussion:

The Zoning Ordinance requires a special use permit for an automotive repair facility in the Commercial (C) Zone District (§17.32.030 (a)). The focus is not whether the site originally had a mixed use development allowed under past zoning code but whether or not the automotive repair shop has continued to operate since its inception and qualifies for legal non-conforming status. Through research and extensive conversations with the current property owner, it is

believed that there has always been some form of automotive repair in existence on the site since the mid to late 1930's. In some cases it may not have been correctly licensed by previous owners but has never ceased commercial operations. Letters provided by nearby property owners (Attachments 5 and 6) indicate that there has been an automotive repair facility in existence since at least the late 1980's that was owned by a gentleman known as "Pops". The current property owner has a County Business License and a Bureau of Automotive Repair License issued by the State (Attachment 3 and 4).

### **Recommendation:**

Staff recommends that the Planning Commission take the following actions:

1. Find that the automotive repair facility is a legal non-conforming use based on the testimony and exhibits provided by the property owner and letters submitted by nearby property owners.
2. Require the owner to submit a complete site plan review application and pay all applicable fees within 60 days of this hearing.
3. The site plan shall note location of all automotive operations, i.e. bays, storage, trash enclosures, offices, parking, and locations of residential buildings and all other structures on the site.
4. Require property owner to correct all building code violations within a timeframe consistent with Code Enforcement procedures and policies.
5. Require removal of junk cars and buses within a timeframe that is consistent with the policies and procedures required by Vehicle Abatement.

### **ATTACHMENTS**

1. Letter from Michael C. Baron, Planning Services, June 5, 2006
2. Letter from Jim Wassner, Code Compliance, March 17, 2006
3. Bureau of Automotive Repair License
4. El Dorado County Business License
5. California State Board of Equalization Seller's Permit
6. Letters From Nearby Property Owners

### **Exhibits:**

- Exhibit A: Assessor's Map
- Exhibit B: Vicinity Map
- Exhibit C: Zoning Map
- Exhibit D: General Plan Land Use Map