

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 24, 2008
Item No.: 8.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S07-0018/Executive Boat Club

OWNER/APPLICANT: Kayle and Laura Larsen

REQUEST: Special Use Permit request to operate an expanded home business within an accessory building. The permit would allow for the storage of boats and recreational equipment within an existing structure.

LOCATION: On the east side of Hidden Acres Drive 0.20 miles south of the intersection with Green Valley Road in the El Dorado Hills Area. Supervisorial District I (Exhibit A)

APN: 124-010-04

ACREAGE: 5 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: Estate Residential Five-Acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical Exemption pursuant to CEQA Guidelines Section 15301

RECOMMENDATION:

Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303 and approve the special use permit based on the findings in Attachment 2, subject to the conditions in Attachment 1.

BACKGROUND: A Code Enforcement Violation file was opened on March 3, 2007 to investigate the operation of a home business on the parcel. Subsequently, the applicant submitted a Special Use Permit application to allow an expanded home occupation to occur within an accessory building.

The accessory building was finalized under Building Permit #129355 on November 13, 2000 at the subject site as an Agriculture Inspection Exempt Barn. The structure was permitted as an open roofed horse arena. The arena was constructed by a previous owner of the property. The applicant purchased the property in 2006 and installed electrical equipment within the structure and enclosed the arena to create a storage facility. Because an Inspection Exempt Barn cannot have any electrical equipment installed, the applicant submitted for a building permit on June 19, 2007 to bring the structure up to current building code standards.

STAFF ANALYSIS

Project Description: Approval of this Special Use Permit would allow the applicant to store boats and other recreational equipment within the accessory building. The applicant owns 'The Executive Boat Club' which is a membership-based club which allows for its members to use the Executive Boat Club-owned boats and other recreational equipment (i.e. ATV's, snowmobiles, jet skis, etc.) which are stored at the project site.

The boats and equipment are towed from the site to an offsite location. The activities are performed by an employee who resides within the residence. Occasionally, members would drive to the site to tow the equipment away. All boats and equipment would be stored within the accessory structure and kept out of public view.

Noise generated by the activities onsite would be typical of boat towing and cleaning. Repairs and maintenance at the site would be generally limited to cleaning of the boats. Approval of the Special Use Permit would prohibit service of the boats or equipment at the site (Condition No. 9).

As required in the conditions of approval included in Attachment 1 of the staff report, operations would be limited to 7:00am to 7:00pm Monday through Friday and 8:00am to 5:00pm on weekends and on federally recognized holiday. These hours of operation would be consistent with the noise limitations established by the General Plan.

No outdoor light or additional buildings would be approved as part of the project. No signage would be allowed as part of the project. Approval of the Special Use Permit is restricted to the storage of the boats and equipment within the accessory building. Special Events associated with the Boat Club would not be allowed.

Site Description: The residence is located at 2411 Hidden Acres Drive in the El Dorado Hills Community Region. The site has been developed with a primary residence, detached garage, and an accessory building. The accessory building is 10,000 square feet and is fully enclosed. The existing lighting is limited to security lighting on the face of the building.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	MDR	Single-family Residence
North	CP	C	Hidden Acres Mini-Storage
South	RE-5	MDR	Single-family Residence
East	RE-5	MDR	Single-family Residence
West	RE-5	MDR	Single-family Residence

Discussion: The site is bounded on three sides by existing residential development. The parcel to the north is zoned Commercial and is currently under construction for a Mini-Storage Facility. The Mini-Storage would construct a total of 692 units of storage space. The project site is located directly adjacent to the Mini-Storage site. Any increases in traffic or noise generated by the use of the accessory building would be negligible in comparison to the future impacts resulting from the mini-storage.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR). This establishes areas suitable for detached single-family residences. The MDR land use designation does not address home businesses within residential areas. However, the General Plan Policies listed below and the applicable zoning provisions allow the home business upon approval of a Special Use Permit.

Policy 10.1.7.4: *Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.*

Discussion: As discussed above, the parcel is bounded by residential development and a Mini-Storage site to the north. The Special Use Permit would allow for the storage of boats and recreational equipment. No business would occur at the site. The boats and other equipment would be towed to an off-site location by an employee. The use would be compatible with the surrounding properties.

Program 10.1.7.4.1: *Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions*

Discussion: As discussed in the Zoning section below, the proposed home business requires approval of a Special Use Permit. Approval is contingent on findings that determine the home business would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Conclusion: Approval of the Special Use Permit would allow the use of an existing accessory building as a commercial boat storage facility. The Special Use Permit would allow for the storage of boats and recreational vehicles within an enclosed structure. The project would not result in

substantial impacts to the project vicinity. As proposed and conditioned, staff finds the project to be consistent with the General Plan.

Zoning: The project parcel is located within the Estate Residential Five-Acre (RE-5) Zone District. *Section 17.28.190C.* lists home occupations that are permitted by right within the RE-5 Zone District.

Pursuant to Section 17.28.200G. of the *Zoning Ordinance*, a Special Use Permit is required for home occupations which require special consideration provided the use does not change the residential character of the premises, or adversely affect the other uses permitted in a residential area. The use of an accessory structure would require Planning Commission approval of a Special Use Permit.

Discussion: The proposed home business as proposed and conditioned does not change the residential character of the premises, or adversely affect the other uses permitted in a residential area. Approval of the Special Use Permit would allow storage of vehicles within an enclosed accessory building. No substantial sources of noise or traffic would occur.

Section 17.22.540 A. of the *Zoning Ordinance* establishes findings required to be made by the approving authority prior to approval of a Special Use Permit. Responses to the findings are provided in Attachment 2.

Discussion: As discussed in the staff report and summarized in the *Findings of Approval* listed in Attachment 2, the proposed home business meets the findings as required pursuant to Section 17.22.540A of the *Zoning Ordinance*.

Parking: *Section 17.18.020* of the *Zoning Ordinance* requires additional off-street parking when the land use of a site is intensified or increased above the previous use, or at the time an application request for a special use permit is filed.

Discussion: The Special Use Permit would not require striping of additional off-street parking spaces. As shown on the site plan, the site is capable of handling all activities on the site. All boats and recreational equipment would be contained entirely within the accessory structure. No parking of boats or equipment would be allowed outside the structure.

Conclusion: Staff finds that as proposed and conditioned, the project meets the requirements of the *Zoning Ordinance*.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado Hills Fire Department:

The Fire Department would restrict the amount of on-site fuel storage to less than ten gallons. The project would require weed clearance of at least 30 feet from all structures on the site.

El Dorado Hills Area Planning Advisory Committee:

APAC unanimously voted to deny the application. The Committee determined the proposed use would be ‘antithetical to the rural atmosphere of the property and the neighborhood.’

These agencies had no specific concerns regarding the proposed special use permit:

Building Services
Department of Transportation
Environmental Management

At the time of the preparation of this report, staff has received numerous calls in opposition to the project. Additionally, a letter of opposition has been submitted by some of the property owners. The letter and exhibits are included as an attachment of the staff report.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that conversion of small existing structures from one use to another are exempt. Pursuant to *Resolution No. 240-93*, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2Findings
- Exhibit AVicinity Map/ A.P.N. Page
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZoning Map
- Exhibit DProject Narrative
- Exhibit ESite Plan
- Exhibit FAerial Photograph

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S07-0018 Executive Boat Club
Planning Commission/January 24, 2008

CONDITIONS OF APPROVAL

1. This Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-E, dated January 24, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of the Special Use Permit would allow for the use of the accessory building shown on the Site Plan for the storage of boats and recreational equipment. All boats and recreational equipment shall be stored within the accessory building. One employee shall be allowed for the towing of boats and storage onsite. Approval of the Special Use Permit is limited to storage of equipment only, no other activities associated with the Executive Boat Club shall occur on the site. Special events associated with the Executive Boat Club are prohibited from taking place on the site.

The location of structures shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

2. Prior to occupancy of the structure as a storage facility, the applicant shall obtain all appropriate development permits for the accessory building.
3. Hours of operation shall be limited to 7:00a.m. to 7:00p.m on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays in accordance with General Plan Policy 6.5.1.
4. All boats and associated recreational equipment shall be stored within the accessory building.
7. No signage shall be constructed on the project site. Any future signage is subject to review and approval by Planning Services. Prior to installation of any signage, the applicant shall make applications and pay appropriate fees for a revision to this Special Use Permit.

8. No outdoor lighting shall be installed as part of the project. Outdoor lighting shall be limited to the existing security lighting on the accessory building. Prior to installation of any new lighting, the applicant shall make applications and pay appropriate fees for a revision to this Special Use Permit.
9. Maintenance of vehicles onsite shall be limited to cleaning and routine care, no servicing of boats or equipment shall be allowed onsite.
10. Prior to approval of this Special Use Permit, all Development Services fees shall be paid.
11. Prior to any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
12. The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
13. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado Hills Fire Department

14. Onsite fuel storage shall be limited to ten gallons at all times.
15. All weeds shall be cleared no less than 30 feet from all structures. All trees shall be limbed to six feet or taller above the ground. All clearing shall be completed no later than June first of each year.

ATTACHMENT 2

FINDINGS

File Number S 07-0018 Executive Boat Club
Planning Commission Hearing – January 24, 2008

CEQA Findings

- 1.0 The project has been found to be Categorical Exempt from CEQA pursuant to *Section 15303* stating that conversion of small structures from one use to another is exempt.

Administrative Findings

- 2.1 The proposed use is consistent with the policies in the El Dorado County General Plan.
- 2.2 The use is found to comply with the requirements of the *Zoning Ordinance Chapter 17.22, Special Use Permits*, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

Special Use Permit Findings

Section 17.22.540 A. of the Zoning Ordinances establishes findings required to be made by the approving authority prior to approval of a Special Use Permit:

- 3.1 The issuance of the permit is consistent with the general plan;

Discussion: As discussed in the General Plan section of this staff report, General Plan policies encourage home businesses that are compatible with the surrounding land uses. The proposed home business is limited to the storage of boats and recreational equipment within an accessory building and would not substantially alter the residential nature of the neighborhood

- 3.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and

Discussion: The storage of boats and recreational equipment would not expose the neighborhood to hazards. Approval of the Special Use Permit is limited to the storage of boats. The use would not generate excessive amounts of noise, air quality impacts, aesthetic impacts or traffic concerns.

- 3.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

Discussion: As discussed in the *Zoning* section of this staff report, an expanded home occupation including the use of an accessory building is allowed upon approval of a Special Use Permit.