

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of:	June 11, 2009
Item No.:	8
Staff:	Jason R. Hade

SPECIAL USE PERMIT

FILE NUMBER: S09-0004/Harger Automotive Building

AGENT: Michael Hord

APPLICANT: Eric Harger

REQUEST: Special use permit (SUP) to authorize the demolition of an existing 600 square foot wooden shop building and replace with a proposed 936 square foot steel automotive repair shop.

LOCATION: On the south side of Pony Express Trail approximately three miles west of the intersection with Sly Park Road in the Pollock Pines area, Supervisorial District II. (Exhibit A)

APN: 101-201-44 (Exhibit B)

LOT SIZE: 21,780 square feet

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial – Design Sierra (C-DS) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(c) of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and

2. Approve S09-0004 subject to the conditions of approval in Attachment 1, based on the findings in Attachment 2.

BACKGROUND

Special use permit (SUP) application S70-0136 was approved by the Planning Commission on November 12, 1970, authorizing the existing 1,200 square foot automotive shop shown in the northeast corner of the site plan (Exhibit E). The SUP also authorized parking areas for the automotive use as well as an existing residence to remain on-site.

On September 19, 2008, the applicant applied for a demolition permit for the existing 600 square foot wooden building which was issued on October 14, 2008 (Building Permit number 190639). A permit (Building Permit number 190649) was also applied for on that same date to construct the proposed 936 square foot steel automotive repair shop. However, Planning Services determined that the building permit was inconsistent with the authorizing SUP (S70-0136) because the proposed expansion of the automotive use was not previously authorized or reviewed under S70-0136. As such, the applicant was informed on October 9, 2008, that an SUP revision would be required prior to building permit issuance.

The subject SUP application was filed on January 30, 2009, and deemed complete for processing on April 7, 2009.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description

Special use permit (SUP) to authorize the demolition of an existing 600 square foot wooden shop building and replacement with a proposed 936 square foot steel automotive repair shop. The site also contains an existing 1,200 square foot automotive shop and 974 square foot single-family residence which would be included within S09-0004 as well. This permit would allow for the expansion to the existing auto repair shop, increasing its size by 78 percent (1,200 square feet to 2,174 square feet). No new landscaping or signage is proposed. If approved, S09-004 would supersede S70-0136 as the authorizing permit for the subject site and S70-0136 would become null and void. Domestic water would continue to be supplied by the El Dorado Irrigation District and sewage disposal would continue to be provided by septic facilities. Proposed hours of operation are 8:00 AM to 5:00 PM, Monday through Friday.

Site Description

The 21,780 square foot project site lies at an elevation of approximately 3,600 feet above sea level. The property has a mix of uses including commercial and residential. Site improvements consist of a 1,200 square foot automotive shop and related parking area as well as a 974 square foot single-family residence. Existing project access is via Pony Express Trail.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	C - DS	C	Commercial/Residential/Automotive repair facility/Single-family residence
North	CPO-DS	C	Commercial/Undeveloped
South	C-DS	C	Residential/Single-family residence
East	C-DS	C	Commercial/Restaurant
West	MP	HDR	Residential/Whispering Pines Trailer Park

Land Use Compatibility

As discussed above, the subject site is surrounded by residential and commercial land uses. Approval of the SUP would authorize the replacement of an existing dilapidated wooden structure with a slightly larger steel automotive repair shop. Therefore, staff believes the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21 based on compliance with the recommended conditions of approval in Attachment 1.

Building Design

Proposed preliminary building elevations are attached as Exhibit E. Project materials would include metal siding and roofing to match the existing steel building at the subject site. Proposed exterior building colors are Koko Brown with Aztec Gold trim. As proposed, the building is consistent with the applicable provisions of the Sierra Design guidelines.

Fire Protection

The El Dorado County Fire Protection District reviewed the proposed project and would require the installation of a fire hydrant on the south side of Pony Express Trail within 150 feet of all points of the building, knox security system for project gates, and the installation of a NFPA 72 fire alarm system. Fire issues are addressed within the project’s conditions of approval.

Hazardous Materials

The Environmental Management Department, Hazardous Materials Division, would require the submittal and approval of a hazardous materials business plan prior to occupancy of the proposed steel automotive repair shop if the facility proposes to store reportable quantities of hazardous materials (55 gallons, 500 pounds, or 200 cubic feet). Environmental Management Department concerns are addressed within Attachment 1.

Lighting

As shown on the site plan (Exhibit E), four motion sensing security lights are proposed for the new steel building. The lighting shown on the site plan is consistent with Section 17.14.170 of the Zoning Ordinance concerning outdoor lighting.

Parking

Parking requirements for an auto repair, auto parts sales, and service station are one space for each 300 square feet of retail space and office area plus three spaces for each service bay. Additionally, the existing single-family residence would require two parking spaces not in tandem. Minimum parking requirements for the existing and proposed uses are outlined below in Table 2.

Table 2

<u>Uses</u>	<u>Required Parking</u>
<ul style="list-style-type: none"> • Single-family residence • 500 square foot automotive service and repair facility (three service bays) 	2 spaces not in tandem 11 spaces

As shown in Table 2 above, a total of 13 parking spaces would be required for the proposed uses. As indicated on the site plan, 14 spaces are to be provided consistent with the Zoning Ordinance requirements. A loading zone space is delineated on the site plan as well. If approved, the applicant would be required to obtain an encroachment (obstruction) permit from the Department of Transportation for the use of County right-of-way (Pony Express Trail) for parking purposes prior to building permit issuance.

Signage

No additional project signage is proposed.

Water Quality/Sewage Disposal

According to the El Dorado Irrigation District and Environmental Management Department, Environmental Health Division, all water and sewage disposal issues have been satisfactorily addressed by the applicant. No further action is necessary regarding these issues.

GENERAL PLAN

This project is consistent with all applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

Policy 2.2.1.2 states that the purpose of the Commercial land use category is to provide a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Discussion: As the subject site is designated commercial under the General Plan, the proposed commercial use would be consistent with Policy 2.2.1.2.

Policy 2.2.5.21 directs that new development be compatible with the surrounding land uses.

Discussion: As conditioned, the SUP application would be consistent with the surrounding commercial and residential land uses.

Policy 5.2.1.2 *directs that an adequate quantity and quality of water for all uses, including fire protection, shall be provided for discretionary development.*

Discussion: As mentioned above, the El Dorado Irrigation District had no project concerns. Additionally, the El Dorado County Fire Protection District supports the project with implementation of a new fire hydrant, as conditioned in Attachment 1.

Policy 5.3.1.1 *directs that high-density and multi-family residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval except in Rural Centers and areas designated as Platted Lands (-PL).*

Discussion: The Environmental Management Department reviewed the proposal and had no concerns. A private septic system would continue to provide sewage disposal services to the subject site. Further, public sewer service is not yet available in the Camino/Pollock Pines Community Region. As such, connection to a public wastewater collection facility is not required.

Policy 5.7.1.1 *directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.*

Discussion: The project would be required to meet the required minimum fire flow requirements of the El Dorado County Fire Protection District which would be reviewed and approved by them prior to final occupancy. As conditioned, the project would be consistent with Policy 5.7.1.1.

Policy 6.2.3.2 *directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.*

Discussion: As conditioned and discussed above, the El Dorado County Fire Protection District supports the SUP application. Existing site access is consistent with Policy 6.2.3.2.

ZONING

As conditioned in Attachment 1, staff believes the proposed project is consistent with the lighting, landscaping, parking and applicable development standards within Section 17.32.040 of the Zoning Ordinance. The proposed use is permitted by special use permit in the Commercial zone district, pursuant to Section 17.32.030.A. In order to approve the use, the Planning Commission must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on staff analysis and comments received from affected public agencies, staff recommends the Planning Commission find that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood. Findings for conditional approval are provided in Attachment 2.

POLLOCK PINES DESIGN REVIEW COMMITTEE

The project was reviewed by the Pollock Pines Design Review Committee on March 12, 2009. Committee comments are attached as Exhibit G. As shown in Exhibit G, the Committee had comments regarding existing landscape maintenance, lighting, building materials and colors, and

parking. Committee recommendations are addressed within the project’s recommended conditions of approval (Attachment 1). The Committee unanimously recommended approval of the special use permit application.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 proceeding fee is required be the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2Findings

- Exhibit A.....Vicinity Map
- Exhibit BAssessor’s Parcel Map Page
- Exhibit CGeneral Plan Land Use Map
- Exhibit D.....Zoning Map
- Exhibit ESite Plan
- Exhibit FPreliminary Building Elevations
- Exhibit G.....Pollock Pines Design Review Committee
Comments

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER S09-0004 (Formerly S70-0136)

El Dorado County Planning Services

I. PROJECT DESCRIPTION

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E and F, dated June 11, 2009, 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:

Special use permit (SUP) authorizes construction of a 936 square foot steel automotive repair shop expanding the existing auto repair facility in conformance with Exhibit E. Project materials include metal siding and roofing to match the existing steel building at the subject site in conformance with Exhibit F. Exterior building colors are Koko Brown with Aztec Gold trim. The site contains an existing 1,200 square foot automotive shop and 974 square foot single-family residence. No new landscaping or signage is proposed. Domestic water will be supplied by the El Dorado Irrigation District and sewage disposal will be provided by septic facilities. Hours of operation are 8:00 AM to 5:00 PM, Monday through Friday.

S09-004 will supersede S70-0136 as the authorizing permit for the subject site and S70-0136 will become null and void.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources 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. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

2. 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.

The developer and land owner 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 special use permit.

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

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
4. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
5. The applicant is responsible for providing 13 off-street parking spaces at all times while the automotive repair facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit E.
6. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.
7. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

Air Quality Management District

8. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles

- Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
9. Prior to grading permit issuance, a Fugitive Dust Plan (FDP) application shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
 10. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
 11. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
 12. Project construction involving the application of architectural coating shall adhere to AQMD Rule 215 Architectural Coatings.
 13. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

Department of Transportation

14. Encroachment (Obstruction) Permit: The applicant shall obtain an encroachment permit from DOT for the use of the County right of way for parking purposes. The applicant understands the County may rescind the encroachment permit at any time as DOT deems necessary. Additionally, the County will not be responsible for snow removal in the area granted for obstruction. The applicant shall obtain approval of the encroachment permit prior to issuance of a building permit.

El Dorado County Environmental Management Department

15. Prior to building permit issuance, any previous Phase I site assessments shall be updated and submitted to the Environmental Management Department for review and approval. If any potential impacts are identified from agricultural, mining, commercial, or other historical uses, a Phase II site assessment shall be conducted under permit by the Environmental Management Department. If significant contamination is discovered, appropriate remedial action shall be conducted to the satisfaction of the Environmental Management Department.
16. If the automotive repair facility will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner(s)/operator(s) must:

- Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
- Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
- Train all employees to properly handle hazardous materials and wastes.
- Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

El Dorado County Fire Protection District

17. A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to building permit issuance.
18. Prior to final building occupancy, a fire hydrant shall be installed on the south side of Pony Express Trail (specific location to be determined by EDCFPD) to provide service within 150 feet of all points of the new steel building. Alternative fire protection provisions in-lieu of the required fire hydrant may be approved at the discretion of the EDCFPD.
19. Prior to final building occupancy, the applicant shall submit documentation from the El Dorado Irrigation District to the EDCFPD demonstrating that the project will meet the required fire flow of 1,500 gallons per minute at 20 pounds per square inch for two hours.
20. All project gates will be required to open with the Knox security system and with 3M Opticom prior to final building occupancy.
21. Prior to final building occupancy, all buildings will be required to have an addressable EDCFPD approved NFPA fire alarm system.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S09-0004

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15303(c) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the C land use designation permits a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County, including the proposed automotive service and repair facility.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 5.3.1.1, wastewater collection, 5.7.1.1, fire protection, 6.2.2.1, fire hazards, and 6.2.3.2, emergency access. Because of the project's compatibility with surrounding land uses, provision of sufficient water and wastewater collection facilities, and fire protection, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the Commercial (C) zone district, pursuant to Section 17.32.030.A provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient parking is provided.

4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

4.1 *The issuance of the permit is consistent with the General Plan.*

As discussed above, the proposal is consistent with the following applicable General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 5.3.1.1, wastewater collection, 5.7.1.1, fire protection, 6.2.2.1, fire hazards, and 6.2.3.2, emergency access.

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

The proposed use will not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and commercial land uses adjacent to the subject site and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses.

4.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is specifically permitted by special use permit pursuant to Section 17.32.030.A of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.