

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



Agenda of: January 24, 2013
Item No.: 8.b
Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S88-0048-R-2/Weiner

APPLICANT: Mark Weiner

AGENT: Kathye Russell

REQUEST: Revision to Special Use Permit to allow the sale and display of trucks and RVs in addition to the existing manufactured and park model home sales.

LOCATION: Northwest corner of the intersection of old Sunset Lane and Mother Lode Drive, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APNS: 090-430-16 and 090-430-17 (Exhibit B)

ACREAGE: 0.52 acre

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial (C) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines

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

1. Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and
2. Approve Special Use Permit Revision S83-0048-R-2 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: Request to revise Special Use Permit S88-0048 to allow the sale and display of trucks and RVs in addition to the existing manufactured home and park model sales. The applicant is seeking flexibility to display and sell any combination of the four to respond to changing market demands. The number of each displayed would be dictated by the requirements to adhere to the commercial zoning setbacks, building coverage and parking space requirements, and septic system setbacks.

Site Description: The site is a developed site with two existing structures, parking, lighting, with a combination of pavement and graveled surfaces. There is a paved driveway located on the east side, a fenced Caltrans right-of-way on the north side, and Mother Lode Drive on the south side. The property owner has allowed the parcel adjoining to the west to construct an access driveway encroachment through the western boundary of the project site but there is no legal easement for that access.

Background: Prior to Special Use Permit S88-0048, the subject site had historically been utilized as a real estate office. There was one existing structure that the applicant for S88-0048 demolished and replaced with a modular home to use as a sales office, and the approval allowed the setting of up to four model manufactured homes on the parcel for display and sales. S88-0048 was approved by the Zoning Administrator for that purpose on October 12, 1988 for the 0.34-acre parcel identified by APN 090-430-16.

In 1981, the Board of Supervisors abandoned the right-of-way for the current access roadway into the parcels from Mother Lode Drive with Resolution 102-81. In April of 1984, the County transferred a 0.177 portion of that right-of-way to the owner of the 0.34-acre parcel by Quitclaim Deed recorded in Book 2277, Page 418. In 1987 Record of Survey RS15-16 was recorded to delineate right-of-way lands abandoned by the County. The two Assessor Parcels combine to create approximately 0.52-acres.

S88-0048-R-1 was approved by the Planning Commission on September 10, 1998 and authorized the placement of any number of manufactured homes and park models on the parcel subject to maintaining the required zone district setbacks from the property lines and subject to providing spacing between the manufactured homes and park models as required by the El Dorado County Fire Protection District.

On December 13, 2001, Special Use Permit S00-0018 was approved by the Planning Commission to allow the placement of manufactured homes on APN 090-430-15 (adjoins the subject parcels on the west side), in conjunction with S88-0048-R-1. Both projects had separate owners and therefore they had requested to be under two separate use permits. That permit was never exercised and has since expired.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C	C	Commercial/Office (1,352 sq. ft.), manufactured home (1,325 sq. ft.)
North	C	C	U.S. Highway 50 right-of-Way
South	C	C	Commercial/Mother Lode Drive right-of-way
East	C	C	Commercial/Auto sales
West	C	C	Commercial/Billboard sign

STAFF ANALYSIS

Project Issues: The primary discussion items for this project include access, building coverage/setbacks, parking, landscaping, and septic system:

Access: Access to the site will be from Mother Lode Drive onto the old right-of-way area of Sunset Lane on the north side of Mother Lode Drive. DOT has reviewed the proposal and had no recommended conditions of approval because they found the current access to be adequate.

During the previous permit review process for S88-0048-R-1, the El Dorado County Fire Protection District responded with concerns the number of manufactured home units proposed for the site will create access difficulties in the event of a structure fire. At that time the Fire District commented that the site plan indicated that "The arrangement of mobile homes shown hereon is for purposes of example only. The actual arrangement will vary with model sizes." As such it was difficult for the Fire District to determine if the site plan complied with the required fire district standards and the following mitigation measure was required to lessen the impact to a less than significant level:

“The applicant/property owner shall comply with all the local fire district access and clearance standards. Written proof of compliance shall be submitted from the local fire district to the Planning Department. If meeting the requirements requires the removal or reduction of the number of manufactured homes displayed on the site, the applicant/property owner shall submit a modified site plan showing compliance with the local fire district requirements and showing the required access areas on a modified site plan. At no time shall any additional manufactured homes or Park Model units be placed on the site in the required access areas or clearance areas for structures as determined by the local fire district.”

The Fire District reviewed the current site plan and no longer had the same concerns however, Planning is recommending changing the former mitigation measure to a recommended condition of approval requiring the Fire District access and clearance standards.

Building Coverage/Setbacks: The building coverage allowance for the Commercial zone district is 60 percent of the lot area. The 0.52-acre project area equates to 22,651 square feet of area. Sixty percent of 22,651 equal 13,590 square feet of area available for building coverage. The two existing structures total 2,677 square feet combined and therefore comply with this requirement. The manufactured homes and park models will be considered buildings in this context and therefore the applicant is required to comply with this standard, as well as the setback standards for the Commercial (C) Zone District which are 10 feet front, five feet for sides and rear. The eastern and southern boundaries are considered front yards.

Landscaping: Section 17.18.090 of the Zoning Ordinance provides the specifications for parking lot landscaping and buffering. The project is required to provide a five-foot wide landscaping buffer strip along a public road or where the project abuts a property in a different zone district. All parcels abutting the project parcel are zoned commercial. The project parcels are significantly lower in elevation from the U.S. Highway 50 views, and the five-foot setback on that side is paved. The driveway to the east is not a public roadway because there is no road easement. It is paved except for a graveled circle area, as well as a 45-foot section along its west side. The original project approval required landscaping on all four sides however, the hybrid tea rose bushes approved were never installed.

The site plan shows a landscape strip proposed to partially buffer the project along the 135-foot long parcel frontage of Mother Lode Drive at a density greater than the three trees and six shrubs per 100 feet required by Section 17.18.090.C.3. This will buffer views from Mother Lode Drive into the project parking areas.

Planning recommends adding the requirement to continue the proposed landscaping within the graveled circle area (Point A, Site Plan, Exhibit E), as well as the 45-foot section along its west side (Between Points B and C, Site Plan, Exhibit E). It is further recommended the circle area labeled as Point A should have wheel stops installed around its perimeter, and that the landscape strips include car stops on the parcel interior side at the edge of the strip. The final landscape plan would be submitted to Planning Services for review and approval prior to installation. The applicant would then provide Planning Services with proof that the landscaping was installed as approved prior to initiation of any use authorized by this special use permit approval. By revising the landscape plan as recommended, it would adequately comply with Section 17.18.090.

Parking: The project was approved for six standard and one accessible parking space which have adequately served the site up to this point. For this revision, the applicant is proposing five standard parking spaces and one handicapped parking spaces.

The Zoning Ordinance provides administrative relief from the strict compliance with the parking provisions for commercial uses when the following findings can be made:

- a. The intent of the parking ordinance is preserved;
- b. The parking provided is sufficient to serve the use for which it is intended;
- c. The modification will not be detrimental to the public health or safety.

In considering requests for reduction in the number of parking spaces, the approving authority shall consider:

1. Size and type of use or activity;
2. Composition and number of tenants;
3. Peak traffic and parking loads;
4. Rate of turnover;
5. Availability of public transportation including carpools or employer-provided transportation.

The seven parking spaces originally approved have adequately served the project up to this point. The applicants are recommending six parking spaces to allow more inventory display space within the 0.52-acre parcel. The parcel is very constrained by the required setbacks and small size and therefore, Planning staff recommends that the proposed six parking spaces be adequate for the proposed use. The same levels of use previously approved would be anticipated to be maintained, it would just be the display/inventory options that would change.

Septic System: The Environmental Management Department has reviewed the submitted site plan and determined that placement of display models could impact the sewage disposal area. They have required that all future display units/vehicles must be 10 feet from the leach lines and driving over any part of the sewage disposal system should be minimized as much as possible. A condition of approval has been included to assure compliance.

ENVIRONMENTAL REVIEW

This project is Categorical Exempt from the requirements of CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. There are no physical changes or intensified uses proposed other than adding trucks and RVs to the inventory for sales and display. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Number Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Designations Map
Exhibit E	Site Plan
Exhibit F	Site Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S88-0048-R-2/Weiner
Planning Commission/January 24, 2013

Planning Services

1. This Special Use Permit revision is based upon and limited to compliance with the project description, the following hearing exhibit, and conditions of approval set forth below:

Exhibit ESite Plan

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.

Approval of Special Use Permit Revision S88-0048 by the Zoning Administrator on October 12, 1988 allowed a maximum of four model manufactured homes may be placed on the parcel at one time (APN 090-430-16).

Approval of S88-0048-R-1 by the Planning Commission on September 10, 1998 allowed the placement of any number of manufactured homes," and "park models," on the parcels (APNs 090-430-16 and 17) subject to maintaining the required zone district setbacks from the property lines and subject to providing spacing between the manufactured homes and park models as required by the El Dorado County Fire Protection District.

Approval of S83-0044-R-2 allows the placement of any number of manufactured homes," "park models," and trucks and Recreational Vehicles (RVs) on the parcels (APNs 090-430-16 and 17).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking, access roads and vehicle turnaround 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 must be submitted for review and approval and shall be implemented as approved by the County.

1. ~~A maximum of four model manufactured homes may be placed on the parcel at one time.~~

2. The permittee applicant shall landscape the site in conformance with the landscape plan shown on the approved site plan (Exhibit E) approved by the Planning Director Commission and shall include landscaping within the unpaved circle marked as Point A, and a five-foot wide strip within the unpaved area between Points B and C. The circle area labled as Point A shall have wheel stops installed around its perimeter. The landscape strips shall include car stops on the parcel interior side at the edge of the strip. The final landscape plan shall be submitted to Planning Services for review and approval prior to installation. The applicant shall provide Planning Services with proof that the landscaping was installed as approved prior to initiation of any use authorized by this special use permit approval.
3. There shall be no parking on old Sunset Lane (the driveway along the eastern boundary).
4. All new signage shall be approved by the Planning Division and shall conform to Ordinance Code 17.16 and 17.32. One four foot by eight foot free-standing sign is approved at the location shown on the approved site plan.
5. Outdoor voice amplification systems are prohibited.
6. All modular units placed on-site shall be skirted.

Mitigation Measures

- ~~1. The applicant and/or property owner shall comply with all the local fire district access and clearance standards.~~

Conditions

Department of Transportation

- ~~2.7.~~ The applicant and/or property owner shall submit a site improvement grading plan for future work requiring such a plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual, " and "Grading, Erosion, and Sediment Control Ordinance, " the "Drainage Manual" the "Of-Street Parking and Loading Ordinance, " and the State of California Handicapped Accessibility Standards.
- ~~3.8.~~ The property owner shall be subject to applicable grading permit fees commensurate with the scope of the proposed project prior to the commencement of future work performed.
- ~~4.9.~~ The applicant and/or property owner shall have the right to run temporary electricity to light, heat and air condition model manufactured homes and park models on the premises, subject to building department current building and electrical code requirements.

- ~~5. The property owner shall receive all appropriate fee credits for the existing 575 square foot office if it is demolished, at such time as a replacement structure is built.~~
- 6.10. The landscape plan submitted on the revised Special Use Permit site plan is approved to be revised to include additional trees and shrubs within the 15 foot by 22 foot unpaved circle area (minimum one tree and two shrubs), and along the west side of the old Sunset Lane easement, from the existing power pole, within the unpaved area as it travels approximately 45 feet northeast from Mother Lode Drive within the unpaved area, and within a five-foot wide area along the edge of pavement, as shown on the approved site plan.. The landscape strips along Motherlode Drive, and the 45-foot long unpaved portion along the old Sunset Lane easement shall be protected by wheel stops placed on the interior project side of those five-foot wide areas. The unpaved circle area shall have them on all sides. The revised landscape plan shall be reviewed and approved by Planning Services prior to installation. The applicant shall provide Planning Services with proof the landscaping was installed as approved prior to initiation of any use authorized by this special use permit.
- ~~7.11. The applicant and/or property owner shall comply with all of the required setbacks for the Commercial zone district as established by Section 17.32.040 of the El Dorado County Zoning Ordinance. No exceptions to the standards are allowed except through an approved variance. Both the southern and eastern boundaries shall be considered front yards for setback purposes. At no time shall the building coverage exceed 60 percent of the project area and that calculation shall include the manufactured and park model homes.~~
- ~~8.12. The applicant and/or property owner shall meet all parking lot construction standards as outlined in Section 17.18.070 of the Zoning Ordinance. Applicant's grading plan and revised special use permit site have been approved and satisfies all DOT requirements.~~
- ~~9. Approval of this special use permit authorizes the placement of any number of manufactured homes" and "park models" on the parcels subject to maintaining the required zone district setbacks from the property lines and subject to providing spacing between the manufactured homes and park models as required by the El Dorado County Fire Protection District.~~
- ~~10.13. One of the manufactured homes may be utilized for a temporary sales office subject to building department requirements. It is contemplated that such use will change from time to time, utilizing different model manufactured homes.~~
- ~~11.14. A total of seven six standard 9 foot by 18 foot parking spaces, one of which shall be designated a handicapped parking space 10 feet wide by 18 feet long with 4 feet specified as loading/unloading area shall be provided on site. Four of the parking spaces, including the handicapped parking space, shall be established in a fixed location. The remaining three parking spaces may be "floating," without a fixed location.~~

- ~~12. The signage on the site shall be limited to the maximum allowed by right in the Commercial zone district.~~
- ~~13.~~15. No activity as modified by this revised special use permit may commence until all of the conditions of approval have been complied with in full. If the revised special use permit has not been utilized by engaging in the activities as modified by the revised special use permit within one ~~(1)~~ year of the date of approval, the revised special use permit will expire. The terms, conditions and approved activities under the existing special use permit shall remain in effect if the revised special use permit is not utilized.
- ~~14.~~16. Any proposed changes to the approved site plan shall be submitted to the Planning Director for review and approval. Minor changes may be approved by the Planning Director. Major changes will require submittal of an amendment to the special use permit to be reviewed and approved by the Planning Commission.
- ~~15. This application for a revised special use permit is conditioned upon applicants being able to obtain approval and issuance of a building permit for a temporary sales office utilizing a manufactured home.~~
17. County Recorder Fee: The applicant shall submit a \$50.00 administrative processing fee prior to filing the Notice of Exemption which may be filed immediately upon approval of the project. The payment is to be submitted to Planning Services and must be made payable to El Dorado County.
18. Conditions Compliance: Prior to commencement of 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.
19. Hold Harmless Agreement: 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 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.

Environmental Health Division

20. All units must be 10 feet from the septic system leach lines and driving over any part of the sewage disposal system should be minimized as much as possible.

Solid Waste & Hazardous Materials Division

21. The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

El Dorado County Fire Protection District

22. The applicant and/or property owner shall comply with Fire District access and clearance standards.
23. The applicant shall maintain 100 foot defensible space from vegetation at all times.
24. Structures with less than one hour exterior fire-rated walls shall be placed a minimum of 30 feet from lot lines that can be built on and public ways. Buildings with one hour walls may be up to 5 feet from property lines and public ways.

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S88-0048-R-2/Weiner Planning Commission/January 24, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 The project is Categorical Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 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 The project is consistent with the following General Plan Policy:
 - a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, emergency response access and times, and traffic, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because both DOT and the El Dorado County Fire Protection District have found that the project has adequate emergency ingress/egress capability.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Commercial (C), which allows retail uses when not fully enclosed in a building through the approval of a special use permit (Section 17.32.030.D). The project is in compliance with Zoning Ordinance Development Standards Section 17.32.040.
- 3.2 The proposed administrative relief to reduce the required parking on the site is based upon the fact that the proposed parking on the site is adequate for the proposed use, the

intent of the parking ordinance is still being met, and the modification has been determined to not be detrimental to the public health or safety.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements of the General Plan, as set forth in Finding 2.1.

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

The use will not conflict with the adjacent uses as the use will not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The traffic, emergency response and ingress/egress capabilities have been fully considered by DOT and the El Dorado County Fire Protection District and were found to be adequate.

4.3 The proposed use is specifically permitted by Special Use Permit.

The Commercial zone district allows retail uses when not fully enclosed in a building only through the approval of a special use permit (Section 17.32.030.D).