

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



Agenda of: September 10, 2009
Item No.: 7
Staff: Mel Pabalinas

SPECIAL USE PERMIT

FILE

NUMBER/NAME: S09-0009/Eagle Truck and Auto Sales and Repair Service

APPLICANT: Shohre Amir

PROPERTY

OWNER: Hossein Managhebi

REQUEST: Special Use Permit to allow an automobile and truck repair facility and installation of two existing advertising roof signs

LOCATION: The project is located at the northwest corner of Pleasant Valley Road and Oriental Street in the El Dorado Area, Supervisorial District III (Exhibit A)

APN: 331-101-24 (Exhibit B)

PROPERTY SIZE: 1.13 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial-Design Control (C-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorical Exemption under CEQA Section 15301 (Existing Facilities)

RECOMMENDATION: Planning Services staff recommends the Planning Commission take the following actions:

1. Certify the Categorical Exemption determination pursuant to Section 15301 of the California Environmental Quality Act (CEQA); and

2. Approve Special Use Permit S09-0009 based on the Conditions of Approval in Attachment 1 and Findings in Attachment 2

BACKGROUND

The project site has been developed with existing structures associated with previous commercial uses including office and a store; most recently, the use of site involves an auto sales and repair shop. Planning staff made a determination that the auto dealership was legal non-conforming use on June 27, 2005. A code violation was initiated involving the illegal use of one of the commercial buildings as a residence, which has been remedied and closed.

The applicant began leasing the property in 2008 with the intent of continuing the auto sales business. A business license was issued for the used auto sales portion of the business, which is a use allowed by a special use permit under the zone district; at that time, the repair shop was not operational. Upon coordination with the County, the applicant was informed that the repair shop would require a Special Use Permit. In April 2009, the applicant filed an application for a Special Use Permit to operate the repair shop.

STAFF ANALYSIS

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

Project Description

The applicant is seeking approval of a Special Use Permit to establish an automobile and truck repair facility in accordance with Section 17.32.030.A of the El Dorado County Zoning Code. As shown in Exhibit E, the site is located on a predominantly paved property that comprised of two enclosed permanent buildings, two temporary structures (an 18 feet x 20 feet carport and a 12 feet x 10 feet shed), on-site parking, and a paved and gravel storage yard area. The wood framed building located in the front, which measures 832 square feet, is used as an office associated with the on-going auto sales. The building located in the rear measures 2,800 square feet and would be used for the proposed repair service, which compliments the existing used automobile sales operation. No additional buildings or expansion of existing structures is proposed.

Primary access to the site is along Pleasant Valley Road and secondary access is off of Oriental Street. The facility includes a designated paved area located at the southeast corner of the site devoted for displaying automobiles and trucks for sale. This area, which is estimated at approximately 4,608 square feet, could accommodate approximately 15 vehicles. Overflow of undisplayed cars for sale would be parked in the gravel area located in the rear of the property separated by a cyclone wire fencing from the paved area of the site. The applicant estimates a maximum of 40 vehicles for sale at one time on the property.

There are a total of two attached wooden hand made advertisement signs, each measuring 24 square feet (6 feet x 4 feet) (Exhibit F). The signs are subject to Chapter 17.16 of the zoning code. The signs conform to the allowable sign area in the code. Sign A is attached to the awning of the sales office

building while Sign B is installed on the roof of repair shop. Additional information is provided below regarding the signs.

The auto sales business is currently operating with three employees including a manager-salesperson, part-time salesperson, and lot attendant. The auto sales hours of operation are from 9 AM to 6 PM Monday to Friday and Saturday from 10 AM to 6 PM, closed on Sunday. The repair shop is not operating; however, if permitted, the shop would operate with at least three employees serving the cars sold on-site and vehicles from the general public needing repair. The proposed hours of operation are from 8 AM to 5 PM Monday to Friday. The facility includes 19 parking stalls, exceeding the quantity of nine stalls required under the zoning code.

Description Project Site and Surrounding Properties

The site is within the old town El Dorado area. The property is bordered by Oriental Street to the east, Pleasant Valley Road to the south, and Slate Creek along the western and northern property lines. It is predominantly flat with slight drainage towards the abutting streets and to the creek. The graveled area in the rear is also relatively flat with drainage to the creek to the north. A row of off-site dense mature trees lines the northern property line. The site is improved with enclosed wood-framed buildings and portable sheds with the proposed use. A perimeter cyclone wire fencing demarcates the site along its property lines.

Table 1 details the surrounding properties’ land use designation and existing improvement, including a non-conforming residential unit on a commercially zoned property to the east and a residence on the knoll of the property to the north. The proposed facility is located along Pleasant Valley Road corridor in the old town El Dorado area where other commercial uses including a gas station, post office, general retail shops, and truck repair facility exists.

Table 1. Surrounding Uses and Land Designations

	Zoning	General Plan	Land Use/Improvements
Site	Commercial- Design Control (C-DC)	Commercial (C)	Existing commercial buildings
North	Estate Residential 5-acre minimum (RE-5)	High Density Residential (HDR)	Residential
South	Commercial- Design Control (C-DC)	Commercial (C)	Existing multi-family
East	Commercial- Design Control (C-DC)/Planned Commercial (CP)	Commercial (C)	Single-Family Residential
West	Commercial- Design Control (C-DC)	Commercial (C)	Existing Building

El Dorado County General Plan

The El Dorado County General Plan Land Use Map designated the subject site as Commercial. The proposed repair shop is commercial in nature. The site of the facility is located within the Community Region of El Dorado where commercial type of land use designation is appropriate and an area where a variety of commercial uses exists or planned.

Zoning

As shown in Table 2, the proposed facility conforms to the applicable standards of the El Dorado Zoning Code.

Table 2. Applicable Commercial Zone District Development Standards

Development Standard	Required	Project Conformance	Notes
Use	Special Use Permit	Current Proposal	NA
Building Coverage (maximum)	60%	Yes	9% coverage
Parking Stalls (minimum)	9	Yes	19 stalls
Height (max)	50 feet	Yes	20 feet
Setbacks (minimum)	Front: 10 feet Side and Rear: 5 feet	Front: Yes Side: To be conditioned (see note) Rear: Yes	Primary buildings are in conformance with the setbacks; portable shed (120 square feet) is subject to condition for relocation

The proposed advertisement signs are subject to Chapter 17.16 of the zoning code (see Exhibit F). The signs conform to the allowable sign area in the code; however, the code does not allow installation of signs on the roof of a building. According to the applicant, Sign A, which has direct visibility along Pleasant Valley Road, is pre-existing and was used by the previous operator of the auto sales facility. Given the location of the repair shop building at approximately 90 feet from road, Sign B was installed without required permits on the roof to offset limited visibility and obstruction from the car display area.

Staff has explained to the applicant the details of the non-conforming status of the signs and suggested that these signs be attached to the wall of the building or utilize the existing pole at the southwest corner of the property for a pole sign. In response, the applicant provided photographs of other existing roof signs advertising businesses along Pleasant Valley Road within proximity of the proposed facility (Exhibit G). Based on staff review of the record, no special use permits were secured for the installation of these signs.

Therefore, based on the provisions of zoning code, staff recommends denial of the proposed signs. If the Commission concurs with this recommendation, Condition No. 4 shall take effect, requiring the removal of the signs within 30 days of the approval of the use permit. Conformance to this condition shall be verified accordingly by Planning Services staff.

If the Commission elects to approve the signs as part of the special use permit application, Condition No. 4 shall not apply.

Other Issues

The following details the specific information and issues relevant to the project.

Existing Structures

Based on records, the existing building for the proposed repair shop was originally built in 1952 as a shop; an addition to this building was constructed in the same year. A building permit is required for the change in use and occupancy to an automotive service station. This requirement would be reflected as a condition of approval of this special use permit.

Displays of Autos and Trucks

As shown in Attachment H, a number of autos for sale are displayed along the frontage of the facility. During a site visit by DOT staff, it was determined that these cars are encroaching within the public right-of-way for Pleasant Valley Road. A condition shall be included prohibiting any cars for sale to be displayed within the public right-of-way.

Agency Review

The project was reviewed by various agencies including the El Dorado County Department of Transportation, El Dorado County Environmental Health Department, County Office of Surveyor, Development Services-Building Services Division and El Dorado County Fire Protection District-Diamond Springs. As applicable, conditions of approval have been included reflecting their respective comments.

ENVIRONMENTAL REVIEW

The project qualifies for a Categorical Exemption under California Environmental Quality Act (CEQA) Section 15301 (Class 1 Existing Structures). The proposed use would utilize the existing facility on the property which includes the metal buildings and improved area necessary to operate the use. No expansion or additional building is proposed.

Note: A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BAssessor’s Parcel Map
Exhibit CGeneral Plan Land Use Map
Exhibit DLand Use Zone Map
Exhibit ESite Plan
Exhibit F Photos-Proposed Roof Signs
Exhibit GPhotos-Roof Signs (other businesses)
Exhibit HPhoto-Display Cars along Pleasant Valley Road

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S09-0009 Eagle Truck and Auto Sales and Repair Service Planning Commission Hearing September 10, 2009

Project Description

1. The project is based upon and limited to compliance with the project description, exhibits marked Exhibits E through F 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:

A Special Use Permit to allow an automobile and truck repair facility.

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 must be submitted for review and approval and shall be implemented as approved by the County.

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 applicant 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 special use permit application.

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 building permit, the applicant shall remit payment of any outstanding

fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project

4. Within 30 days following the approval of this use permit, the existing signs attached on the roof the buildings shall be removed. Conformance with this condition shall be verified by the Planning Services prior to issuance of a building permit.
5. No cars for sale shall be displayed within the public right-of-way.
6. Within 30 days following the approval of this use permit, the existing 12 feet by 10 feet portable shed shall be relocated in conformance with the applicable building setbacks. Conformance with this condition shall be verified by the Planning Services prior to issuance of a building permit.
7. A building permit is required to determine the safe of the buildings for its intended use as delineated under Section 101.3 of 2007 The California Building Code.
8. All requirements by the Diamond Springs-El Dorado Fire Protection District Fire Prevention Division shall be met, prior to issuance of a building permit.

ATTACHMENT 2 FINDINGS

Special Use Permit S09-0009 Eagle Truck and Auto Sales and Repair Service

FINDINGS FOR APPROVAL

1.0 CEQA

- 1.1 The project qualifies for a Categorical Exemption under California Environmental Quality Act (CEQA) Section 15301 (Class 1 Existing Structures). The proposed use would utilize the existing building on the property which includes the metal buildings and improved area necessary to operate the use. No expansion or additional building is proposed.
- 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 2850 Fairlane Court Placerville, CA 95667.

2.0 GENERAL PLAN

The El Dorado County General Plan Land Use Map designated the subject site as Commercial. The proposed automobile repair shop is commercial in nature and is, therefore, consistent with the General Plan.

3.0 ZONING ORDINANCE

Subject to findings below, the proposed use conform to the applicable development standards in the Commercial zone district.

3.1 Special Use Permit

3.1.1 The issuance of the permit is consistent with the General Plan

The permit would allow an automobile repair facility on a commercially zoned property that is consistent with the commercial land use designation under the General Plan and the existing commercial nature of uses in the area.

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

The proposed automobile repair shop shall be confined within an existing building. Occupancy of the building shall be subject to review and issuance of building

permits for the corresponding occupancy and use. The building is in conformance with applicable development standards of the Commercial zone district.

3.1.3 The proposed use is specifically permitted by special use permit pursuant to this title

The proposed automobile repair shop is subject to a Special Use Permit under Section 17.32.030.A of the El Dorado County Zoning Code.