

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



Agenda of: November 12, 2009
Item No.: 7.b
Staff: Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S09-0020/Petrone Smog Test Facility

OWNER: Diana Anders

APPLICANT: Tom Petrone

REQUEST: Special Use Permit request to allow the operation of a smog test only facility within a 1,000 square foot portion of an existing 2,080 square foot commercial building. The Applicant is also requesting either a roof mounted internally illuminated sign above the proposed testing bay (Alternative 1) or a roof mounted internally illuminated sign on the roof line above the office (Alternative 2).

LOCATION: On the north side of Green Valley Road, approximately 0.25 miles east of the intersection with Sophia Parkway in the El Dorado Hills area, Supervisorial District I. (Exhibit A)

APN: 124-300-88 (Exhibit B)

ACREAGE: 0.78 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

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

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

RECOMMENDATION:

Planning Services staff recommends the Planning Commission take the following action:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301(a); and
2. Approve Special Use Permit S09-0020 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

BACKGROUND

The applicant is proposing to locate a smog test only facility within a 1,000 square foot portion of an existing commercial building. The original building was finalized through ministerial building permits on December 28, 1970 as a 1,600 square foot feed store with storage. On June 25, 1975 the building was combined with a shared foundation with an adjacent 480 square foot structure to create a single 2,080 square foot building. The structure has historically been used as a feed store and more recently the whole building was used as a carpet and interior supply store.

STAFF ANALYSIS

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

Project Description: A Special Use Permit (SUP) request to allow the operation of a smog test only facility within a 1,000 square foot portion of a 2,080 square foot existing building. The applicant is proposing two sign alternatives, requesting either a roof mounted internally illuminated sign be allowed above the testing bay (Alternative 1) or mounted on the lower roof line of the office building (Alternative 2). The facility would be staffed by 1-2 employees for the operation of the testing facility. All activities would occur within the enclosed building. Modifications to the exterior of the building would include new signage, lighting, painting, moving an exterior window and door, and striping parking stalls as part of this Special Use Permit request. No outdoor testing areas would be considered as part of the project.

Site Improvements: As discussed in the project description, a 1,000 square foot portion of an existing commercial building would be improved for use by the smog testing facility. Most of the structural improvements would be within the existing building. Modifications to the exterior of the building would include new signage, lighting, painting, moving an exterior window and door, and striping parking stalls as part of this Special Use Permit request and would not involve any improvements that would require modification of the original structure.

Signage & Lighting: The applicant has requested a roof mounted sign for the business and has proposed two separate alternatives. Alternative 1 would allow the applicant to place the sign above the testing bay. Alternative 2 would require the applicant to place the sign on the lower elevation

roof line where the office space would be located. Both sign alternatives propose an internally illuminated sign.

Hours of Operation: As part of the application submittal, the proposed hours of operation would be Monday thru Saturday 8:00 AM to 6:00 PM.

Traffic: The proposed project is not expected to create significant traffic impacts given that it would be located within a portion of an existing commercial center. It is expected that the project will not generate excessive A.M. or P.M. peak hour trips in excess of that typically generated by a typical commercial use. The Department of Transportation has reviewed the project and did not require further traffic analysis as a requirement of project conditions of approval.

Parking: The El Dorado County Code establishes parking requirements for automotive repair facilities. In accordance with Section 17.18.060(7) off-street parking for auto service stations is required at a ratio of 1 space for 300 square feet of retail and office space area plus 3 spaces for each service bay. Based on 400 square feet of retail/office space and 1 testing/service bay, 5 spaces would be required.

Circulation: The project site would be located within a portion of an existing commercial center with shared parking and two encroachments onto Green Valley Road. Parking areas and drive aisles would be clearly marked. The proposed smog test facility would utilize the existing circulation pattern and would not significantly impair circulation through the project site.

Site Description: The project site is located within a portion of an existing commercial center business center in the El Dorado Hills area. The site has been developed with existing buildings, landscaping and parking areas. No critical biological or riparian features exist on-site. The project would allow a conversion of an existing commercial space for use as a smog test only facility, which would require both interior and minor exterior modifications including new signage and lighting.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Existing Commercial Buildings
North	R1	HDR	Existing Residential
South	C-DC	C	Existing commercial/Auto Repair
East	R1	C	Existing Residential
West	C-DC	C	Existing Commercial

The project site is located within an existing commercial center in the El Dorado Hills area. The adjacent residential lands are buffered from the existing building by a steep hillside cut in the rear of the building. The project would allow for interior and minor exterior modifications including new

signage and lighting. The project would not result in an incompatible land use in the surrounding area. There is currently a full service automotive repair facility across Green Valley Road.

General Plan: The General Plan designation of the project is Commercial (C). The purpose of this land use designation is to provide areas for the location of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is highly appropriate for the proposed smog test only facility. Lands designated as Commercial can be located in Community Regions and in Rural Centers. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.2 requires that all discretionary applications be found to be consistent with the General Plan. As discussed in the findings in Attachment 2, the proposed smog test only facility is a use permitted by Special Use Permit within the Commercial Zone District. The project would not detract from the General Plan Land Use objectives of the Commercial designation.

Policy 2.2.5.21 requires that all development be designed to avoid incompatibility with the surrounding land uses. As discussed in the project description, the project would allow for a smog test only facility within a portion of an existing building. The project would result in no additional sources of noise, lighting or traffic in the surrounding area and all testing would take place within an enclosed building.

The project would result in minor interior and exterior modifications to a portion of an existing building, including signage. As proposed staff finds the project to be consistent with applicable policies of the General Plan.

Zoning: The subject site is zoned Commercial-Design Control (C-DC). Pursuant to Section 17.32.030 (A) of the El Dorado County Zoning Ordinance, automotive service and repair are allowed within the Commercial Zone District and subject to approval of a Special Use Permit.

The proposed independent smog test only facility would be located within a portion of an existing building which had been reviewed and determined compliant with all development standards of the Commercial Zone District as to minimum lot area, minimum lot coverage, minimum lot width, minimum yard setbacks and maximum building height, as the project is considered a tenant improvement that involves only minor exterior structural modifications. As discussed in the Project Description, the proposed smog test only facility would not exceed the off-street parking provided for the site. Therefore staff finds the project would be consistent with the Zoning Ordinance.

Other Departments/Agencies

El Dorado Hills Fire Department: The Fire Department provided conditions of approval for the project requiring fire apparatus installation i.e. fire alarm, Knox Box, fire extinguishers, etc.

Environmental Management Department: The Hazardous Waste Division stated that the site has a substantial accumulation of petroleum contaminated soil that continues to degrade ground water and potentially impacts indoor air quality of adjacent buildings. Pilot tests indicate currently proposed

methods will take many years to effectively mitigate the hazard, at significant cost to the State cleanup fund. The Department provided a condition of approval that requires the applicant/property owner to prepare a Remedial Action Plan (RAP) for the site prior to any occupancy.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (a) of the CEQA Guidelines which apply to 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. 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:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessors Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan A & B
Exhibit F	Sign Plan Alternative 1 & Alternative 2
Exhibit G	Building Elevation
Exhibit H	Picture of Existing Building

ATTACHMENT 1
CONDITIONS OF APPROVAL
Special Use Permit S09-0020/Petrone Smog Test Facility
Planning Commission/November 12, 2009

Conditions of Approval:

1. The project, as approved, consists of the following:

This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E through G 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.

Project Description:

A Special Use Permit to allow the following:

1. Operation of a smog test only facility within a 1,000 square foot portion of a 2,080 square foot existing building.
2. The facility shall be staffed by 1 or 2 employees.
3. All activities shall occur within the enclosed building.
4. No outdoor testing areas or mechanical work shall be performed as part of the proposed business.
5. Exterior Signage shall allow
 - A Roof Mounted Internally Illuminated Sign Above the testing bay (Alternative 1).
 - A Roof Mounted internally illuminated sign above the office area (Alternative 2).

Planning Services

2. All site improvements shall conform to Exhibits E and F. Planning Services shall verify the site improvements prior to final issuance of a building permit.
3. A revision to this Special Use Permit shall be required if outdoor uses are to be considered. This revision shall be subject to review and approval by the Planning Commission.
4. The property owner/applicant shall provide a minimum of 5 parking spaces solely for the use of the smog test facility. Planning Services shall verify the parking provision prior to final issuance of a building permit.

5. The applicant shall provide written proof that all necessary State permits have been issued for operation of the smog test facility. Planning Services shall review the documentation prior to final issuance of a building permit.
6. 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.

7. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
8. Prior to issuance of a building permit or 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. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
9. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.

El Dorado Hills Fire Department

10. Fire alarms shall be installed per NFPA 74 in all areas of the building. Fire alarm plans shall be submitted to the El Dorado Hills Fire Department for review and approval prior to installation.
11. Fire extinguishers shall be installed as part of the project. The maximum travel distance from any location in the building to a fire extinguisher shall not exceed 75 feet. The minimum rating for fire extinguishers is 2A:10B:C.
12. A KNOX box shall be installed, the exact location to be coordinated with the El Dorado Hills Fire Department prior to installation. A master key for all occupancies shall be placed

in the KNOX key box prior to occupancy. The purchase form for the KNOX box is available at the El Dorado Hills Fire Station 85 located at 1050 Wilson Boulevard.

13. Address numbers shall be a minimum of 16 inches high with 2 inch stroke and shall be visible from the roadway. All exterior doors shall be numbered (4inch stencil) in accordance with the EDHFD standard B001. Coordinate exact location with the El Dorado Hills Fire Department prior to occupancy.
14. The occupancy class S1 (garage/barn) shall not have storage higher than 12 feet.
15. An application for a building permit shall be submitted and permit pulled from the El Dorado County Building Division for the fire alarm installation and any other modifications that are made to the building.

Environmental Management-Hazardous Waste Division

16. The applicant/property owner shall submit a Remedial Action Plan (RAP) to the Environmental Management Department Hazardous Materials/Solid Waste Division that more aggressively remediates petroleum-impacted soils in the former underground storage tank location, prior to final occupancy for any building permits.

ATTACHMENT 2 FINDINGS FOR APPROVAL

Special Use Permit S09-0020/Petrone Smog Test Facility

1.0 CEQA FINDINGS

- 1.1** This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to 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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.21 (Consistency with surrounding land uses), The proposed project is also consistent with the Commercial General Plan Land Use Designation which allows automobile repair or similar facilities with approval of a Special Use Permit. The project would require both interior and minor exterior modifications to a portion of an existing building and would not violate applicable policies of the General Plan or objectives of the Commercial Land Use Designation.

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

The proposed smog test only facility will comply with the Development Standards of the Commercial Zone District. The proposed Special Use Permit has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

2.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

The proposed use is specifically permitted by Special Use Permit in the Commercial Zone District pursuant to 17.32.030 (A) of the El Dorado County Zoning Ordinance.