

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



Agenda of: December 8, 2011
Item No.: 8.a
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S11-0008/China Hill Road Industrial Building

APPLICANT: Thelma Steward

AGENT: Douglas Zeller

REQUEST: Special Use Permit to memorialize the continued operation of an industrial facility located on a residentially zoned parcel.

LOCATION: Northwest side of China Hill Road, approximately 1/3 mile west of the intersection with State Highway 49, in the El Dorado Community Region, Supervisorial District 3. (Exhibit A)

APN: 092-060-70 (Exhibit B)

ACREAGE: 2.0 acres

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

ZONING: Single-Family Two-Acre Residential (R2A) (Exhibit E)

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

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

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15303(c); and
2. Conditionally approve Special Use Permit S11-0008 subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Background: The project parcel contains an existing 16,257 industrial structure that was built in the 1960's and was initially used as a machine shop. Prior to March 27, 1987 the project parcel along with an adjacent parcel were zoned industrial. The parent parcel, a total of 7.8 acres in size, had a General Plan land use designation and zoning of Industrial since the 1969 General Plan and during the adoption of the El Dorado/Diamond Springs Area Plan on December 4, 1979. On March 27, 1987 the land was subject to a General Plan Amendment and Rezoning (A86-19/Z86-41), which changed the property's General Plan land use designation to MDR and zoning to R2A. Subsequent to this action the building has been used for a sign company that included uses such as printing, machine shop, cabinet shop, and other light industrial manufacturing.

Project Description: Request for a special use permit to memorialize the nonconforming uses occurring at the project site. The following uses have historically and currently taken place in the industrial building on the project parcel:

- Light Manufacturing
- Light Industrial
- Storage
- Printing
- Machine Shop
- Cabinet Shop
- Wine Storage

An expansion of the nonconforming uses to include automotive repair and restoration was requested by the applicant but has been withdrawn by the applicant. Automotive repair would have been an expansion of the nonconforming uses and may have required extensive modifications to the existing structure.

The applicant has requested a single-family residence within the project description. A residence would currently be allowed by-right, however it may not be compatible with the industrial uses existing on the site. It is common to have a residence for a caretaker at commercial and industrial sites however, and that has been added as a condition of approval.

Site Description: The site is located on an approximately 2-acre parcel that is located at an average elevation of 1,600-feet above sea level. China Hill Road is a paved road providing access to the parcel. The site contains an existing 16,257 square foot commercial structure, a concrete loading area, and gravel parking. The remainder of the parcel is undeveloped.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	MDR	Light Industrial/Commercial-Industrial Building

North	RE-5	MDR	Residential/Single-family residences
South	AE	AL	Agricultural/Vacant; Agricultural Preserve 163
East	R2A	MDR	Residential/Single-family residence
West	AE	RR	Agricultural/Vacant; Agricultural Preserve 163

Discussion: The surrounding parcels are designated for residential and agricultural uses by the General Plan. The project parcel and the parcels to the north and west are within the El Dorado/Diamond Springs Community Region.

Project Issues: Discussion items include noise, traffic, wastewater and water, and fire safety:

Noise: All uses at the project site have historically taken place within the existing structure. Letters from adjacent home owners have been submitted stating that there have not been any land use conflicts. The project has been conditioned to only allow industrial uses to take place within the structure and for any exterior storage to be temporary.

Traffic: The existing structure is accessed by China Hill Road, which is a County maintained road and connects to State Highway 49. The site is not anticipated to have traffic levels that the existing roads can not handle. The Department of Transportation reviewed the project and did not have any concerns or comments.

Wastewater and public water: The project building utilizes a septic system for sewage disposal. The Environmental Health department reviewed the application and had no comment on the project. The project site is served by public water supplied by the El Dorado Irrigation District.

Fire Safety: The project was reviewed by the Diamond Springs/El Dorado Fire Protection District. The Fire District stated that the existing structure and uses are nonconforming to their current standards but did not find any substantial issues that would not allow the continued industrial uses within the building. They did state that any expansion of the uses, such as automotive repair, would require additional fire flow requirements.

General Plan: The General Plan currently designates the subject site as Medium Density Residential (MDR). MDR establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. With an approved Special Use Permit required by Section 17.70.100.A of the Zoning Ordinance, the project would conform to underlying R2A Zone District and therefore, the existing General Plan land use designation of RR as well. The policies and issues that affect this project are discussed below:

Land Use Compatibility: **Policy 2.2.5.21** directs that *development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.*

Discussion: The parcel exists in a rural residential area. The 2-acre site is surrounded by residential development and agricultural uses. The surrounding parcels to the south and east are zoned for agricultural uses. The existing nonconforming uses have existed since the 1960's and were established as legal uses. No significant land use conflicts have existed at the site and all industrial uses will continue to take place within the structure.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to *demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.*

Discussion: The proposed project plans were reviewed by the Diamond Springs/El Dorado Fire Protection District. The Fire District had minimal comments and stated that the uses could continue with no expansion. The project is served by public water and is accessed by a paved public road. Therefore, the project would be in compliance with the General Plan Policy.

Noise Impacts: **Policy 6.5.1.2** states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.* **Policy 6.5.1.7** states that *noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.*

Discussion: As discussed above in the Project Issues, Noise section, the project would be anticipated to be compliant with these Policies.

Conclusion: The project has been reviewed in accordance with the 2004 General Plan policies, and it has been determined that it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is zoned Single Family Two-Acre Residential (R2A). The existing structure and uses are nonconforming as they are not consistent with the uses allowed by the R2A zone district; however they are consistent with Chapter 17.20 of the Zoning Ordinance.

Chapter 17.20, Nonconforming Uses, purpose is to provide for a means by which the use of land or buildings or any building itself which violates current zoning ordinances but which lawfully existed on the effective date of the ordinances can be effectively regulated in the public interest. Section 17.20.020 states, "The term "nonconforming use" as referred to in this chapter means the actual use or occupation of any land or structure or any structure itself which was lawful at the time of the adoption of the ordinance codified in this article but which has been made unlawful by the provisions of the ordinances or any amendments thereto". When the uses on the project parcel were initiated they were consistent with the existing land use and zoning of industrial. The nonconforming uses have continued consistent with the requirements of Section 17.20.030.

Termination of the nonconforming uses is consistent in Section 12.20.110 for nonconforming uses and special use permits in Section 17.22.260 with both stating that if the use has ceased for a period of one year than the use is effectively terminated.

Special Use Permit Request: The Special Use Permit (SUP) application is consistent with Chapters 17.20 and 17.22 of the Zoning Ordinance. Based on consistency with the General Plan, compatibility with adjacent land uses, and less than significant environmental impacts, Findings for conditional approval of the SUP are included in Attachment 2.

The Special Use Permit findings are required by Section 17.22.540 of the Zoning Ordinance:

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

Discussion: As discussed in the General Plan and Project Issues sections of the staff report, the project, as conditioned, would be consistent with the General Plan.

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

Discussion: The addition of conditions would insure that the project would not have a significant impact on the neighborhood and that the continued use would be consistent with Chapter 17.20 of the Zoning Ordinance, as it was a previously legal conforming use.

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

Discussion: As discussed above, the uses are specifically permitted by Chapter 17.20 of the Zoning Ordinance, as they were initiated when the zoning and land use allowed them.

Conclusion: Based on comments received from public agencies, and as described in Attachment 2, Findings, staff finds that the project, as conditioned and with adherence to County Code, would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood. As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

ENVIRONMENTAL REVIEW

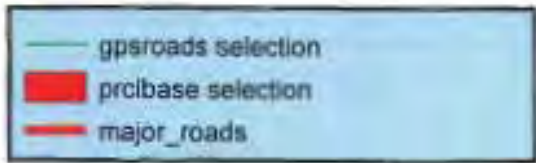
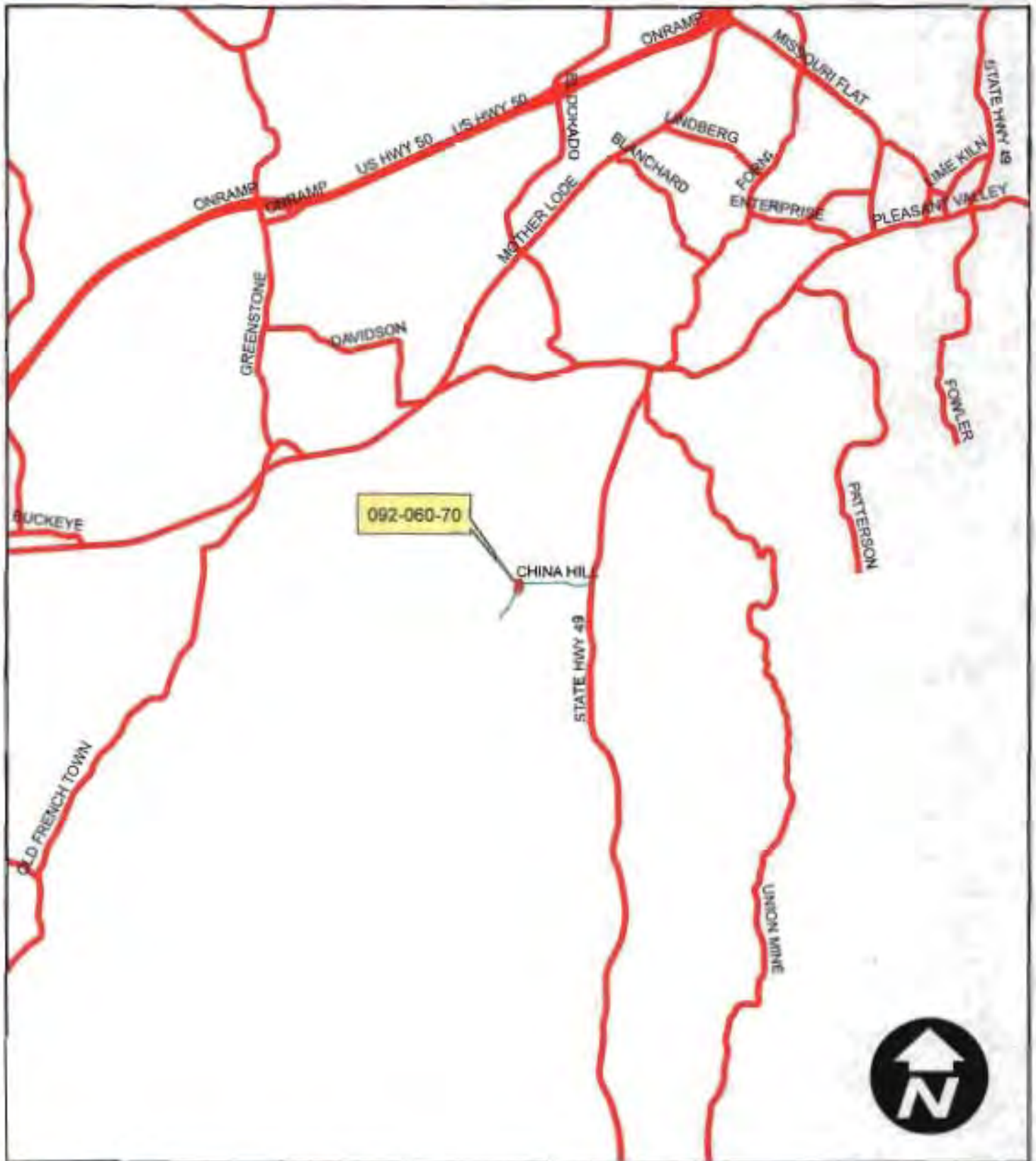
Staff has determined that, pursuant to Section 15301 of the CEQA Guidelines that *consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.* As conditioned the project will not be expanding the structures or uses beyond what currently exists. 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 Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibits F1-F6	Letters Received

Exhibit A: Location Map



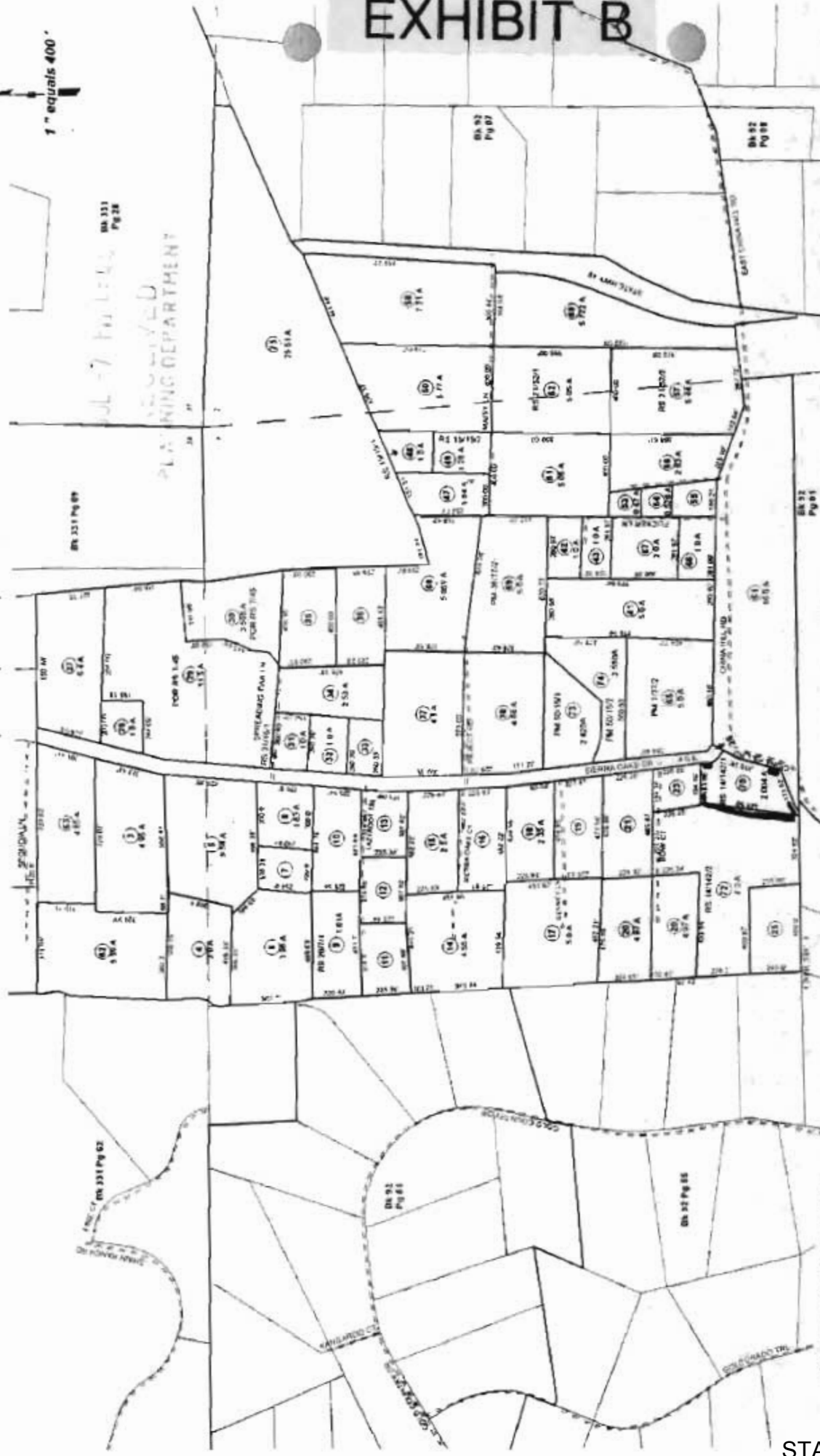
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Prepared By Aaron Mount

EXHIBIT B

92:06

1" equals 400'

POR. NE 1/4 SEC. 3, POR. NW 1/4 SEC. 2, T.9N., R.10E.,
& POR. SE 1/4 SEC. 34, T.10N., R.10E., M.D.M.



SH 331 Pg 28

SUNNYVALE
PLANNING DEPARTMENT

SH 331 Pg 02

SH 32 Pg 01

SH 32 Pg 05

THIS MAP IS NOT A SURVEY. It is prepared by the Assessor's Office for informational purposes only. It is subject to change without notice. There is no warranty as to the accuracy of the information shown hereon.

Acreages Are Estimates

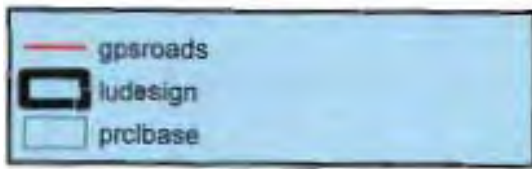
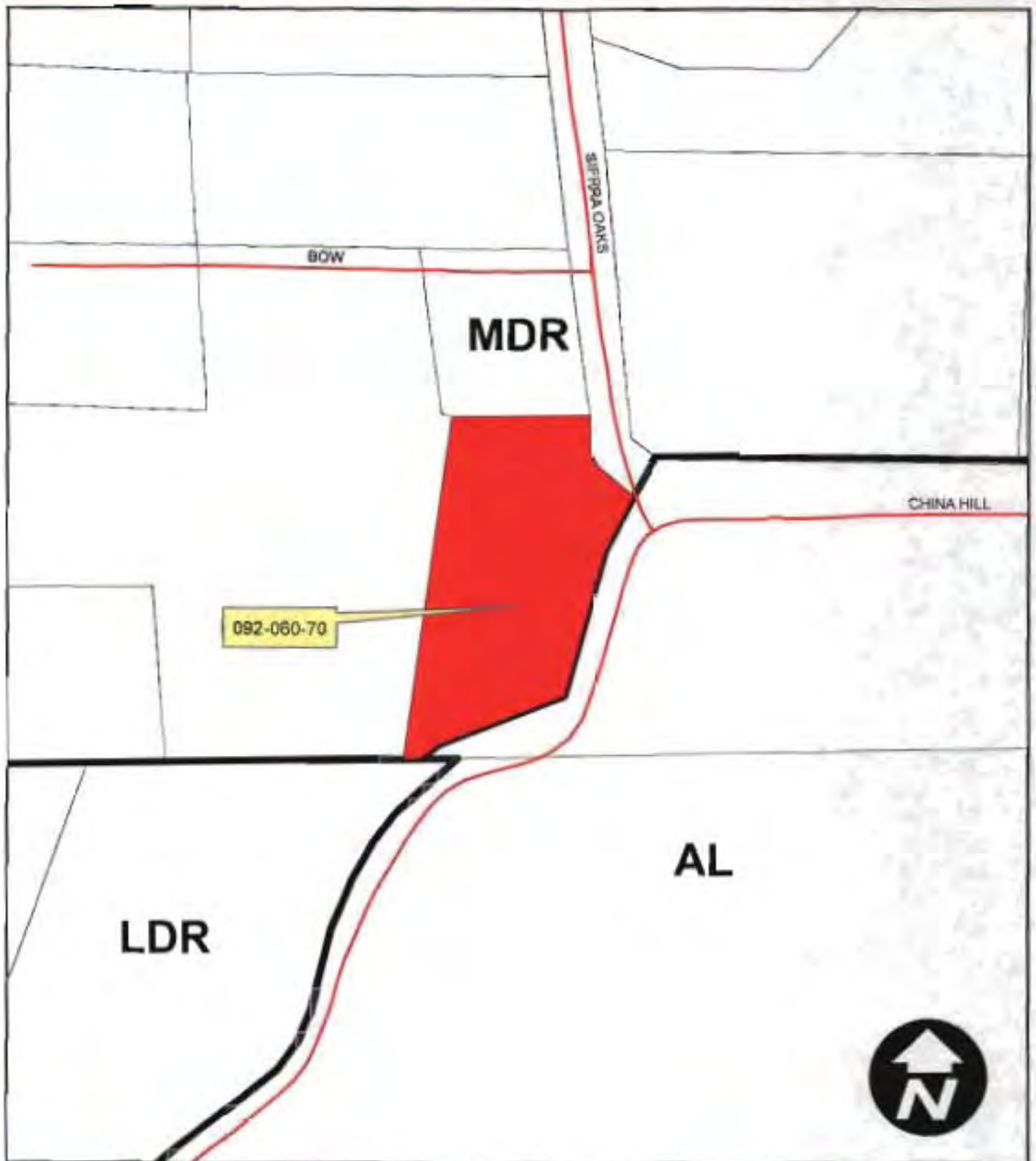
Assessor's Map (Shown as Gray) That Shows a Block Boundary Shown as Dashed Line and Parcel Boundaries Shown as Solid Lines

Rev. Oct. 20, 2008

Assessor's Map Bk. 092, Pg. 06
County of El Dorado, CA

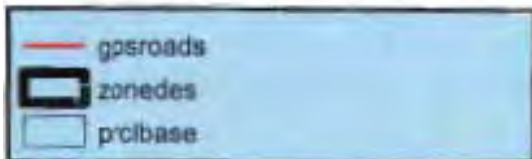
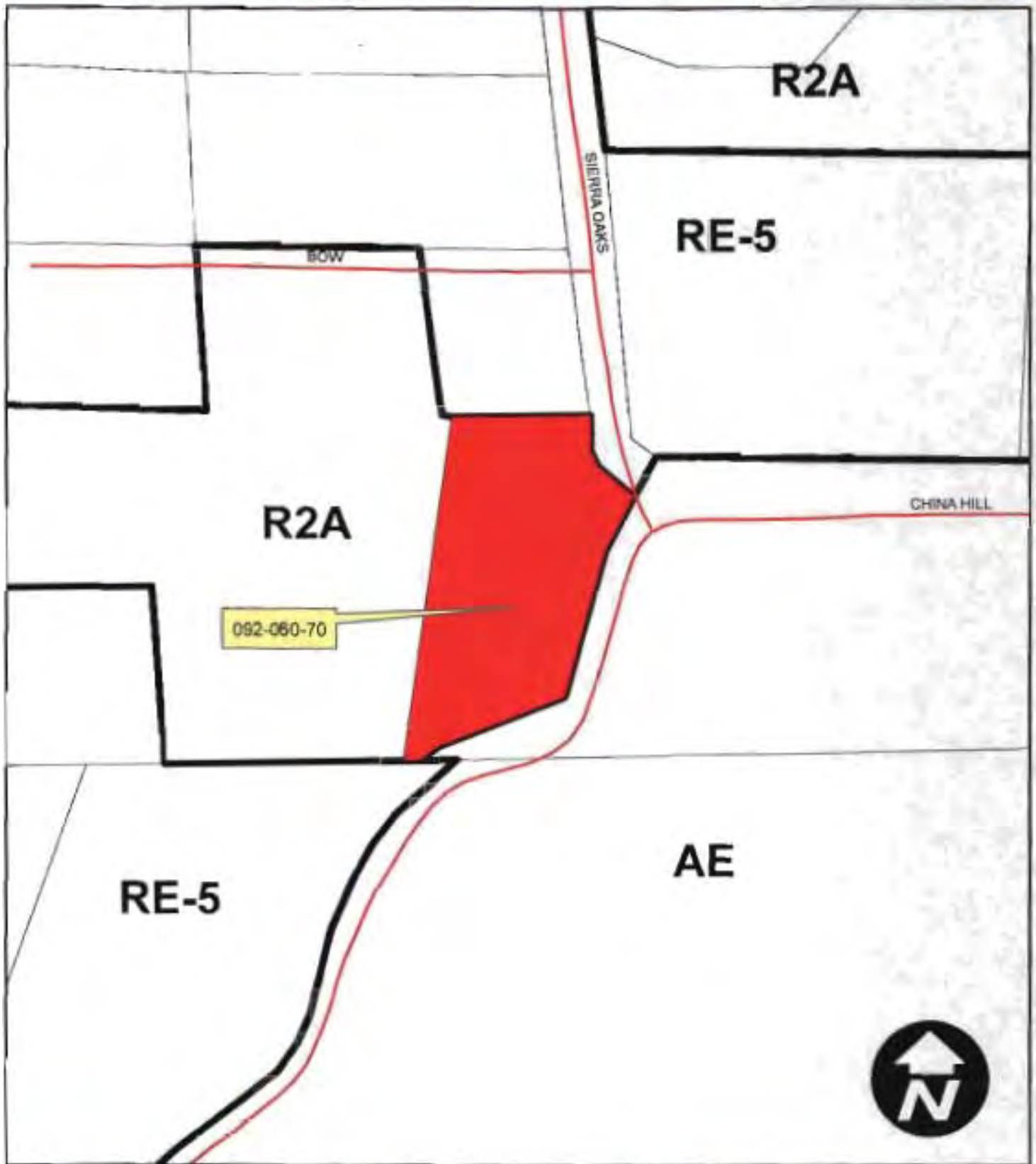
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Exhibit C: General Plan Land Use Map



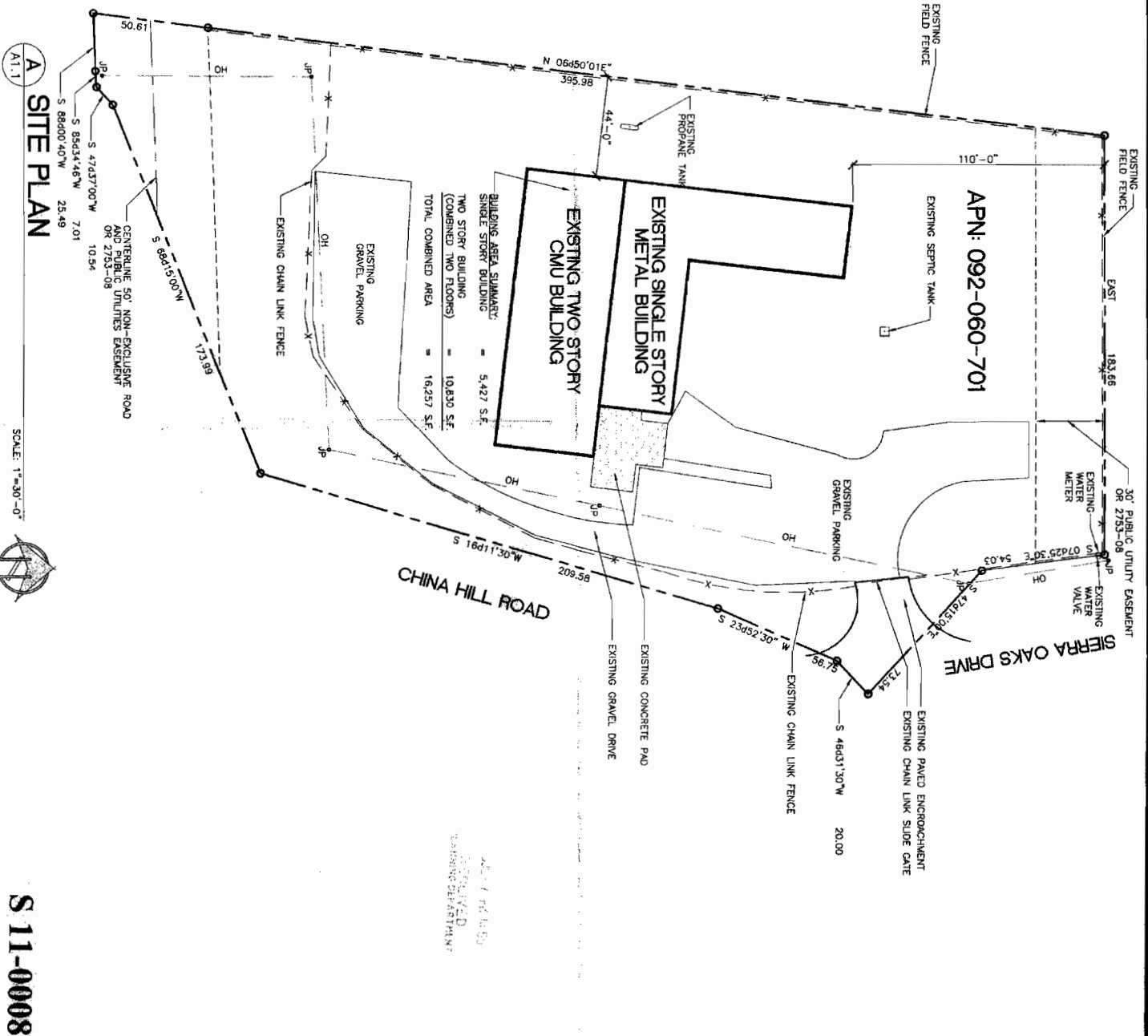
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Prepared By Aaron Mount

Exhibit D: Zone District Map



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EXHIBIT E



A SITE PLAN

SCALE: 1"=30'-0"



S 11-0008

JOB NO. SHEET A1.1	PROJECT: SITE PLAN, THELMA STEWART CHINA HILL COMMERCIAL BUILDING	OWNER: THELMA STEWARD 5400 CHINA HILL ROAD EL DORADO, CA 95623	APPLICANT: THELMA STEWARD 5400 CHINA HILL ROAD EL DORADO, CA 95623
	DATE: 6/20/11	DATE: 6/20/11	DATE: 6/20/11
DATE: 6/20/11	DATE: 6/20/11	DATE: 6/20/11	DATE: 6/20/11
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**STAFF REPORT
12-0079.D.11**

EXHIBIT F-1

November 17, 2010

Re: My property located at 5400 China Hill Road, Placerville AP# 092-060-70-10

To Whom It May Concern:

I've become very disheartened regarding the above referenced property and wish to get some help or assistance, as I am a widowed owner trying to sell my property. In trying to sell my property, many people have been given various opinions from the building and zoning department as to the potential use of this particular property. It is well known that this property has been an industrial/commercial building since it's inception in the 1960's. In fact two different building permits are on record for this usage with El Dorado County: 1) permit # 45792 and 2) permit #9874.

The obvious layout and construction of the building on this property make industrial or commercial use the only viable option for any owner of this property.

I hereby request that you work with Bud and Doug Zeller of Realty World - Sierra Properties as they are acting as my agent, to get a letter of clarification on this property. This is because many potential buyers have been turned away disappointed or confused after seeking "help" from the El Dorado County building and/or zoning department.

Your swift attention to this matter will be greatly appreciated.

Sincerely,



Thelma Steward

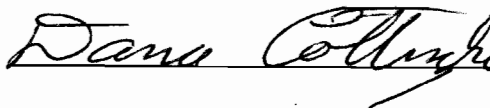


EXHIBIT F-2

To Whom It May Concern

I went to work for Video Marquee in 2000 as the lead pressman. At that time, Video Marquee had 16 people employed manufacturing video boards. The business included a full wood shop and metal shop. I was told by Allen Steward that Video Marquee at one time had over 57 employees, working 2 shifts a day.

To my knowledge, there was also a cabinet shop and a sheet metal shop in the building prior to Video Marquee.

 Dated 7-6-11

Dana Cottingham

Owner, Video Marquee, Inc.

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1-800-228-5768 ♦ P.O. Box 1620, Diamond Springs, CA 95619 ♦ www.videomarquee.com

STAFF REPORT
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EXHIBIT F-3

July 6, 2011

To Whom It May Concern:

Video Marquee was started by Alan and Me, September 26, 1985. Alan and I both worked for Rolachart. Alan started Video Marquee at night after Rolachart closed. We were asked to move Video Marquee. For a short time we had a building at the Y, which we outgrew very fast.

While looking for a new building, a lady at my doll club, told me about the China Hill building. We went to see about renting it, but it had three partners at the time, and we were told no. Soon one man called and said he had bought out the other two partners. He asked us to come and see him, which we did. And we bought the building.

It was a wonderful place to do business. Video Marquee made signs out of wood for video stores. He added a metal shop, and graphic arts. We had a four-color printing press, and sold video movie title subscriptions to video stores. The boards were quite impressive with the lights all around, and sold well.

At one time we had over 50 employees, it was a very busy place with much going on.

Sincerely,



Thelma Steward

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LAWRENCE DEPT. & THOMAS
JUL 7 2011

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EXHIBIT F-4

Oroville Tax Service, Inc.

2770 Olive Highway, Suite A
Oroville CA 95966-8117
(530) 533-4307
(530) 533-9044 (fax)

July 6, 2011

To Whom It May Concern:

I was the General Manager for Video Marquee, Inc. from February, 1988 to December, 1999. During that time, the business was located at 5400 W. China Hill Road in El Dorado County. The location had previously been used by a metal fabrication business. During the time I was there our number of employees grew to over 50. We fabricated signs out of wood and had a complete wood/cabinetry shop. We also had UL approved signs built out of metal and had a complete metal shop. We designed and printed backlit signs for the Video industry. We had a complete darkroom facility, and graphic arts department. We silkscreened signs and could make, strip and use silk screens to make plastic signs. We also had a four color printing press, which is still operated there, for the printing of our backlit signs.

We had complete fabricating facilities to supply our video store customers with their signage needs.

Sincerely,



Ed Maston, CPA

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EXHIBIT F-5

One of the original owners of 5400 China Hill Rd, Ernie, was a close, personal friend of mine. He moved to El Dorado County from Oakland in the 1960's and bought the above referenced property and built the existing building. Being a neighbor of the above referenced property since that time I have a better insight to the comings and goings of it. He was hired by Aerojet who needed, among other things, the manufacturing of 50 caliber armor piercing shells and they needed to use the machines he had engineered to put those shells together. He ran a crew that included the machinery needed to operate such a business, drafstmen , laborers and etc . After he sold the building, it continued to be used in various industrial, marketing, printing, machinery manufacturing businesses etc .

The current owners deceased husband used it for his manufacturing of video signs in the 80s and 90s, during which time the manufacturing of signs was a very busy business, and had upwards of 57 employees. There were UPS trucks coming in and out of there all the time. Never was there a problem with this type of business with the traffic or parking even is the height of any of these different avenues of business. Down to today it continues to be used for the same type of light manufacturing.

I have lived in El Dorado County my entire life, am the previous owner of Poor Reds, BBQ, LLC and current next door neighbor to 5400 China Hill Rd.

Sincerely,



Dave Chapdelaine



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STAFF REPORT
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● EXHIBIT F-6 ●

While working at Aerojet in the mid 1960's, I became friends with an engineer, Al Evans. Mr. Evans left aerojet to become a sub contractor for them about 1966. He established his business along with 2 others at 5400 China Hill Rd, in El Dorado, CA. I visited him and his industrial operation several times in the years thereafter. Having a real estate office in El Dorado made our contacts easy.

Since then, being in a variety of real estate services, I have frequently been in the China Hill Road area. I have always been aware of various industrial, manufacturing operations at 5400 China Hill Rd.

Having known of various property owners living in the area since 1964, I have never heard of any complaints about the operations at 5400 China Hill Rd. It's always appeared to be a good neighbor on the "Y" China Hill Rd.

Sincerely,



Gloyd "Bud" Zeller

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