

**S07-0020/Pacific House Auto Repair** – As approved by the Planning Commission on April 23, 2009

## **Findings**

### **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 15301(d) 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, 2.7.1.1, signage, 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, appropriate signage, 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 landscaping and 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, 2.7.1.1, signage, 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 would 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, forestry, transportation, and commercial land uses adjacent to Peavine Ridge Road and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. The closest residence is approximately 400 feet from the western side of the property. Commercial uses on site would not be detrimental to these residences.

##### *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.

### **Conditions of Approval**

#### **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 ~~January 8~~ April 23, 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) to authorize an automotive service garage with two apartment units above the garage and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, ~~four one two~~ four cargo containers, existing vacant café/bar with one apartment unit above the existing vacant café/bar, existing vacant

service station, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. No grading or construction is proposed for the project. Domestic water will be supplied by an existing well and sewage disposal will be provided by existing septic facilities.

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

### Planning Services

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, as provided in Section 66474.9(b) of the Government Code.

The applicant 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 the project, which action is brought within the time period provided for in Section 66499.37.

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

3. Within ~~60~~ 120 days from the date of SUP approval, 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 staff within ~~60~~ 120 days from the date of SUP approval for verification of compliance with applicable conditions of approval.
4. Within ~~60~~ ~~120~~ 180 days from the date of SUP approval, an additional ~~24~~ ~~12~~ 4 parking spaces, including one handicapped accessible space, shall be developed in compliance with Exhibit E. A total of ~~29~~ ~~20~~ 12 off-street parking spaces shall be provided at all times while the automotive service and 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 Chapter 17.18 of the County Code. Prior to occupancy of the

existing vacant café/bar or conversion of such use to another permitted use within the Commercial zone district, a Special Use Permit revision application shall be submitted to allow for further analysis of site parking requirements. If the applicant elects to utilize only one service bay and 547 square feet of the automotive building, a total of ~~13~~ 12 off-street parking spaces shall be provided requiring the provision of an additional ~~five~~ four parking spaces.

<u>Uses</u>	<u>Required Parking</u>
<ul style="list-style-type: none"> <li>• Two duplexes (each with two units)</li> <li>• 547 square foot automotive service and repair facility (one service bay)</li> <li>• 2,750 square foot existing vacant Café/bar (approximately 25 fixed seats)</li> </ul>	<p>Eight unpaved spaces near the duplex units  <del>5</del> 4 spaces</p> <p>Parking requirements to be determined upon submittal of SUP revision application prior to occupancy as commercial use</p>

5. ~~The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services within 60 120 days from the date of SUP approval. The applicant shall submit a final landscape plan within 60 120 days from the date of SUP approval which will be reviewed by planning staff at that time. Additionally, staff will make an on-site inspection to verify that the landscaping has been planted in compliance with the final landscape plan. Landscaping shall be planted within four months of final approval. All landscaping shall be maintained for the life of the project. Within 30 days from the date of SUP approval, a revised site plan shall be submitted indicating the location of the four cargo containers. The two cargo containers which are visible from U.S. Highway 50 shall be fully screened with fencing (wooden or chain link with brown slats) within 180 days from the date of SUP approval.~~
6. Trash containers for both residential and commercial uses are to be kept within the garage except for pick-up days or fully screened from public view by fencing and/or landscaping. The outside storage yard area is considered to be an appropriate location for a trash enclosure.
7. Within ~~60~~ 120 days from the date of SUP approval, 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.
8. Within ~~60 120~~ 180 days from the date of SUP approval, the ~~two~~ lift pads located in front of the automotive garage shown on the site plan shall be fully enclosed within a metal building or removed. Construction of an additional structure to enclose the lift pads may be approved by staff subject to review of the elevations and submittal of a building permit application, provided that the proposed structure(s) matches the existing automotive service building. All storage yards, water storage tanks, and automotive equipment shall be fully screened with fencing (wooden or chain link with brown slats)

within ~~60~~ ~~120~~ 180 days from the date of SUP approval as well. Within ~~60~~ ~~120~~ 30 days from SUP approval, an updated site plan shall be submitted to Planning Services indicating the revised location of the water storage tank.

9. All unauthorized uses, ~~such as the former service station, four three two cargo containers~~ and trash shall be removed within ~~60~~ 120 days from the date of SUP approval.
10. The Pollock Pines Design Review Committee shall review and comment on the finalized sign design within ~~60~~ 120 days from the date of SUP approval.
11. Within ~~60~~ 120 days from the date of SUP approval, the applicant shall pay all Development Services fees.
12. All building code violations shall be addressed to the satisfaction of Code Enforcement no later than ~~60~~ 120 days from the date of S07-0020 final approval. Occupancy as an automotive service and repair facility is prohibited until this condition has been satisfied. The apartment units above the automotive garage and existing vacant café/bar are subject to the issuance of building permits.
13. All abandoned vehicles at the site shall be abated to the satisfaction of the Sheriff's Department no later than ~~60~~ 120 days from the date of S07-0020 final approval. Occupancy as an automotive service and repair facility is prohibited until this condition has been satisfied.
14. The service station shall be secured from all unauthorized entry no later than 120 days from the date of S07-0020 final approval.

### **Department of Transportation**

- ~~14~~15. The applicant shall not store vehicles or any other equipment associated with this special use permit within the County right-of-way.

### **El Dorado County Fire Protection District**

- ~~15~~16. A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) within ~~60~~ 120 days from the date of SUP approval.
- ~~16~~17. Within ~~60~~ 120 days from the date of SUP approval, plans for the installation of an NfPA 72 fire alarm system for all floors and attic of the auto repair building shall be submitted to EDCFPD for review and approval.
- ~~17~~18. Within ~~60~~ 120 days from the date of SUP approval, a 5,000 gallon water storage tank shall be installed to the satisfaction of the EDCFPD.

- ~~1819.~~ Within ~~60~~ 120 days from the date of SUP approval, the applicant shall submit building floor plans addressing all exiting and occupancy separation building code issues to the EDCFPD for review and approval.
- ~~1920.~~ Within ~~60~~ 120 days from the date of SUP approval, all fire extinguishers shall be replaced or serviced.
- ~~2021.~~ ~~All stored batteries shall be removed within 60 days from the date of SUP approval.~~ All waste batteries shall be disposed of in accordance with Fire District regulations. No waste batteries shall be stored on site.
- ~~2122.~~ A knox box for the garage shall be installed to the satisfaction of the EDCFPD within ~~60~~ 120 days from the date of SUP approval.
- ~~2223.~~ A fire safe management plan, acceptable to the EDC FPD and CAL Fire, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the EDCFPD and CAL Fire to Planning Services within ~~60~~ 120 days from the date of SUP approval.