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Edcgov.us Mail - Public comment 8-13-15 File #15-0936

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43 pages



Charlene Tim <charlene.tim@edcgov.us>

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## Public comment 8-13-15 File #15-0936

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Lori Parlin <loriparlin@sbcglobal.net>

Thu, Aug 6, 2015 at 4:27 PM

To: rich.stewart@edcgov.us, dave.pratt@edcgov.us, tom.heflin@edcgov.us, brian.shinault@edcgov.us, gary.miller@edcgov.us, charlene.tim@edcgov.us

Dear Planning Commissioners,

Please read my attached comments on Kniesel's request to expand their business hours. I welcome the opportunity discuss any questions you may have. Feel free to contact me.

Thank you,

Lori Parlin



8-13-15 Planning Commission - Kniesel public comment and attachments.pdf  
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Dear Planning Commissioners,

Please deny Tom Kniesel's (Kniesel's Auto Collision) request for expanded hours of operation. Contrary to Tom Kniesel's February 10, 2015 letter (marked Exhibit F of the 8-13-15 Legistar file), Kniesel's has not been a good neighbor since the day they opened their doors for business. Please see the attached log of noises and smells that I have kept to track the nuisances coming from their business onto our property. The noise/smells log is only a small glimpse into how their business negatively impacts our family and friends. Many instances of smells and noises do not get logged because of the burdensome task of keeping a record. Plus, the County's complete lack of action to correct Kniesel's reported violations of their Special Use Permit has been disappointing, leaving one to feel that reporting the violations is a complete waste of time.

Tom Kniesel states in his letter that I have not contacted him on his cell phone with complaints. He has forgotten that I was asked not to contact anyone other than attorney Dave Becker with complaints about the business, (see attached 9/12/13 letter from attorney Dave Becker and my response dated 9/23/13). However, Mr. Becker was very dismissive and condescending to my concerns when I contacted him, which caused me to not contact him further.

I have also attached a timeline of events that have led us to where we are today. The bottom line is that I have repeatedly requested that Roger Trout use his authority of the County's Enforcement division to help bring Kniesel's into compliance with their Special Use Permit (see attached Code Enforcement Complaint forms filed in January 2014). Instead, Mr Trout has given me responses of empty promises to take action. It appears that Mr. Trout is putting the economic benefit of Knisel's Auto Collision above the health and safety of the neighbors that are negatively impacted.

**BACKGROUND:**

Our family moved into our house in July of 2002. We were told by the homeowner and Realtor that the vacant building next door had been a children's sports center, which was a family oriented business. It was further explained that any future uses would be compatible with the adjacent neighborhood, and we believed it because it makes sense and the County has rules in place to ensure compatibility between land uses.

The Kniesel's parcel is zoned Commercial with a Commercial Land Use. An Automotive Repair/Body Shop is not a commercial use and is not allowed by right, which is why the business required a Special Use Permit to operate in that location. In 2009 and again 2012, conditions were placed on the business to mitigate the negative impacts of the industrial-type use with the adjacent residential property, our property. The conditions have not been met. The conditions that my family relied on.

The August 13, 2015 Staff Report has erroneous and unsubstantiated statements in it. These statements demonstrate the contradiction between someone, like myself, being personally involved for so many years with this special permit holder, versus the staff who had misconstrued the information.

**CODE ENFORCEMENT/COMPLAINTS:**

My understanding of what constitutes a code violation is when a set of conditions is placed on a project and then the conditions are not met. These conditions make a project special, as in "special use permit." I have followed the proper process and submitted Code Enforcement Complaint forms. The County has not followed the process to enforce the conditions on this project.

Here is the Description of Project from the 2007 Environmental Checklist, which is the only environmental document by the County on this project:

**Description of Project:** Special Use Permit and Development Plan Revision for a conversion of an existing 18,320 square foot gymnasium to an auto body shop with 16 service bays. Physical changes include tenant improvements only with no changes to the parking or landscaping. Hours of operation are proposed to be 7:30 AM to 5:30 PM Monday through Friday. The facility will employ a maximum of 25-30 persons. Parking and storage of all vehicles that are being serviced will be inside the facility. Equipment in the building is likely to include frame measurement machines, alignment racks, and two paint booths.

It clearly states in the Description of Project above, "Parking and storage of all vehicles that are being serviced will be inside the facility." The August 13, 2015 Staff Report erroneously states, "Parking of vehicles in disrepair is allowed by the conditions of approval with the restriction that they are moved to a staging area or within the building as soon as possible." This is in direct conflict with the current Conditions of Approval:

Excerpt from Condition 1:

Request for a special use permit and planned development revision to allow a conversion of an existing 18,320 square foot sports complex into an auto body shop with 16 service bays and a maximum of 25-30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. Interior modifications include 16 service bays with equipment including frame measurement machines, alignment racks, and paint booths. Parking and storage of all vehicles that are being serviced will be inside the facility. Exterior modifications to the building include two roll up doors on the west side for vehicle entrance and a covered parts storage area on the east side. An existing enclosure on the south east end off the building will contain air compressors. A total of 61 parking spaces are proposed, three of which are handicapped.

and

Excerpt from Condition 6:

6. All vehicles waiting to be serviced are to be parked/stored inside the facility or within the confines of the stacked parking area shown on the site plan. During working hours, any vehicle left at the facility to be serviced shall immediately be located to the stacking area. Should a vehicle be left at the facility during hours when the facility is closed, such vehicles shall immediately be removed to the stacking area upon the opening of the facility. The operator shall designate a location, to be shown on the site plan, to the rear of the parking area for vehicles that might be deposited during hours when the facility is closed. The operator shall communicate to all local towing companies that when depositing vehicles during such hours when the facility is closed, such vehicles shall be left at the rear of the parking area.

Parking and storage restrictions were an important condition of the special use of this facility. Why does staff now misrepresent the importance and intent of the original Conditions #1 and #6?

Additionally, the August 13, 2015 Staff Report shows that staff is relying on the business owner to self-inspect his business for compliance. How is it acceptable for staff to rely on compliance from a letter from an off-site business owner that only spent 2 hours that one time at his own business? Why didn't staff include my noise/smells log in the Staff Report, which has 3 years of entries that I have submitted to the County several times? Tom Kniesel says that he was on-site for 2 hours and did not smell any paint fumes. How do we know that Tom Kniesel has not become immune to the smell of paint fumes since he has been in this business for so many years? The fact that staff relied on one person with a deep-rooted vested interest completely invalidates any legitimacy of this 'compliance letter.' What about my noise/smells log of 3 years of my personal relationship with the business operating next door?

#### **STAFF ANALYSIS**

##### **Condition Modification:**

The Staff Report appears to deliberately mislead the public into thinking that Kniesel's is currently allowed to operate 7 days a week:

**Condition Modification:** The applicant is requesting a revision to the existing entitlements to amend the hours of operation from 7:30 AM to 5:30 PM (seven days a week) to 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 3:00 PM on Saturday, closed on Sundays. The extended hours of operation are being requested to allow customers to conduct business at the site outside of their normal hours of work. The request for expanded hours would not increase the uses at the site but would expand the time frame of when those uses are allowed to occur.

The words "Monday through Friday" are clearly stated on the Description of Project:

**Description of Project:** Special Use Permit and Development Plan Revision for a conversion of an existing 18,320 square foot gymnasium to an auto body shop with 16 service bays. Physical changes include tenant improvements only with no changes to the parking or landscaping. Hours of operation are proposed to be 7:30 AM to 5:30 PM Monday through Friday. The facility will employ a maximum of 25-30 persons. Parking and storage of all vehicles that are being serviced will be inside the facility. Equipment in the building is likely to include frame measurement machines, alignment racks, and two paint booths.

However, Staff made an error on the Conditions of Approval, and omitted the words "Monday through Friday" from the Conditions of Approval:

bays and a maximum of 25-30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. Interior modifications include 16 service bays with equipment including

Omission by staff of  
"Monday through Friday"

Staff should not use their own error to change the history and intent of the Conditions of this project. Erin Kniesel made it very clear at our first meeting on August 15, 2007 that they would only be in operation on weekdays. I understand why they would want their hours of operation to be confusing since they are currently working on Saturdays in violation of the project description and the approved project conditions. Staff is just making it easier to misunderstand the code violations currently occurring with the business.

**Noise Impacts:**

In their report, staff relies on a sound study by J.C. Brennan & Associates for many of its conclusions regarding noise (see Exhibit G of the staff report). As I reported to Aaron Mount in my January 29, 2015 email (see attached email thread), this sound study is flawed because it does not include noise from the power washer and it excludes the noise from the second exhaust stack, which was not operational at the

time of the sound study. These are important exclusions in reliability of the environmental review and leads us to question the entire process.

Despite attorney David Becker's claim that the power washer was used only once by an outside contractor, for months we regularly heard employees using the power washer to wash cars, which is documented in the noise/smells log and you can see and hear in these 2 videos dated 1-28-15 and 2-3-15: <https://youtu.be/UeAlbDybvbm> and <https://youtu.be/WVvPsmcUHjts>. I also recall a conversation with staff, possibly Roger Trout, where he said that Kniesel's would move the power washer inside the building so that we didn't hear it anymore. I thought that was interesting and wondered if they had a drain system inside the building for that equipment. This disputes Mr. Becker's claim of a one-time use and in no way validates the acceptance of the flawed environmental review.

And in this video, <https://youtu.be/KmFesfDvVRg>, not only do you hear the 2nd exhaust fan going, but it is on a Sunday, when the business is supposed to be completely closed to mitigate the negative impacts of the business on the neighborhood. Sunday, the supposed one quiet day of the week where we can appreciate the business not operating was taken away from us.

#### **Stationary Noise Sources:**

Adding the condition "to keep the rollup doors closed except for movement of parts and vehicles" is laughable at best and not practical. I have asked several times (unfortunately I did not document this, but I distinctly remember talking to Roger Trout about it, and I probably spoke to Tom Kniesel about it before he cut off communication about complaints) to have the rollup doors kept closed so that noises would stay inside the building. This simple request has been ignored for several years. What makes Staff believe that Kniesel's will suddenly follow this new Condition when they have ignored and violated several other existing Conditions for years, such as the hours of operation and parking of damaged cars? Do you understand why the misrepresentation as stated above is critical to establishing the future operation of this business? Bad location, bad compliance of the conditions, and the lack of credibility of the County staff work all point to the final action of this request. Denial.

#### **ENVIRONMENTAL REVIEW**

With the request from the applicant, staff recommends that the Planning Commission adopt the Addendum to the previously adopted Negative Declaration prepared by staff. However, as previously stated, now that the business has been in operation for several years, there is now a record of negative impacts from the business to the neighbors (again, see the attached noise/smells log and the log separately submitted to AQMD by Dave Koupal). Therefore, the Negative Declaration can no

longer be relied upon as a valid environmental document and a new environmental process should be performed.

Page 7 of the Environmental Checklist shows:

Sensitive Receptors and Objectionable Odors. An auto body operation does not include any features that would be a source of substantial pollutant emissions that could affect sensitive receptors. The El Dorado County Air Pollution Control District CEQA Guide states " For projects locating near a source of odors where there is currently no nearby development and for odor sources locating near existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar facility". The El Dorado County Air Quality Management District has stated that they have not received many complaints concerning odors emitting from auto body shops in the county, therefore the threshold of significance has

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Environmental Checklist Discussion of Impacts  
Page 7, S07-0011/PD95-0016R3

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant impact	No Impact
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not been exceeded; however there is the future potential since the proposed use is directly adjacent to residential uses. Any complaints generated from this new use would be handled by the AQMD.

According to the Checklist above, AQMD was supposed to handle complaints about paint fumes. They have failed to do anything to help with the paint fumes encroaching onto adjacent property. In fact, AQMD staff has stated that fumes from an auto collision facility are normal. It is suspect that this issue was not acknowledged nor addressed by staff in any of the hearings about approval of this Special Use Permit. It then goes to the fundamental question of an incompatible and noncompliant use at this location.

What happened to the protection of the neighborhood from an environmental issue that cannot be mitigated? If in the public's interest the business should be determined necessary, then an Environmental Impact Report must be completed in order to make a finding of overriding consideration. I make the case that it is not in the public's best interest to make the finding, but it is not possible to even propose the finding be made because the correct environmental process has not been completed. Negative Declaration requires all impacts be fully mitigated. Obviously, that is not the case with these impacts.

New impacts not originally analyzed are as follows:

Since the business has now been in operation for several years, we now understand the work environment of this type of business. A new environmental document should include impacts that were omitted from the initial Environmental Checklist, such as the impacts of the emissions from moving cars short distances. Catalytic converters on cars do not warm up until after the first 15 minutes of operation. Therefore, the impacts of moving cars short distances on the property should be analyzed. Also, the business is now operating a second paint booth, which was not analyzed in the sound study for the compounded sound or smells.

**Conclusion**

Staff's conclusion that "the expanded hours of operation would have no additional noise impacts on adjacent residential uses," are unfounded since the true impacts of the business were not known during the initial Environmental review. We now have 3 years of experience with this business and issues which we didn't even understand when the Special Use Permit was issued are now apparent. A new environmental process will reveal the true impacts of the business that are now evident.

Before directing me to his attorney, Tom Kniesel used to talk to me about trying to change the exhaust system or direction of the stacks to stop the paint fumes from coming onto our property and into our house. Somewhere along the way, he stopped talking to me about it, perhaps because he realized that I expected him to follow through to be a good neighbor and mitigate his impact as was promised.

The applicant should not be allowed to increase the negative impact to the neighborhood, especially since they have not complied with the mitigation that allowed this project to move forward in the first place. It is bad enough that our neighborhood must suffer with the noise and fumes during the week, but extending the noise and fumes to continue into the night and weekends will make it completely unbearable for our family and neighbors. Please do not allow this extension. By giving the extension to them you are denying our right to enjoy our property. They are not providing any mitigation for this new impact. They have been violating the existing mitigation and now you are asked to allow further impacts layered upon the existing code enforcement problems. It makes no sense why you would even consider such an unrealistic approach to a badly conceived use of a building which was originally built as a sports club for families and especially kids.

Thank you,

Lori Parlin



Kniesel's sounds/smells

Observed by Lori Parlin, 3971 Crosswood Drive, Shingle Springs

4/19/12 Thursday – Open House – Called EDSO and had someone come out and talk to the owners because they had an outside band that was louder than necessary for their event. Turns out they had placed the band directly near our shared wall. They did quiet down after the Sheriff's Deputy stopped by, but then got loud again about 1:30 until the end of their event at 2:00 pm

4/22/12 Sunday, midmorning – Heard lots of banging from the bay door area on west side of building. While out doing yardwork noticed a wrecked car in the side yard that had not been there earlier. Was busy with yardwork, so didn't get a photo, but it was a Toyota SUV or truck, nice red, with smashed-in windshield. It was gone on Monday morning.

5/7/12 Monday, midmorning – Lynn(sister) heard very loud noises from east side of building, but mistakenly thought it was coming from nearby car dealership because there was a large truck delivering cars at the same time. A little bit later, I was talking to her about it and we both heard the loud sound again. I peeked over wall to see where the noise was coming from and saw that Kniesel's had a small door on the west side of building open and the noise was coming from it. It stopped after about 5 minutes.

5/11/12 Friday, approx 8:30am – Came back from walking dog and noticed bay door open. As I approached my front door a loud machine noise came blasting from that side of building. Sounded like the machine that puts the lug nuts on tires. Lasted about 2 minutes.

5/11/12 Friday, approx 11:30am – Out in back yard pulling weeds and smelled solvent/paint smells wafting into yard. Came and went, not sure of origin, but suspect Kniesel's since we've not smelled that before.

5/14/12 Monday 2:00pm – Went outside to garden in backyard and smelled a 'nail polish' type of smell within minutes of going outside.

5/14/12 Monday 3:25pm – Loud bang, like and metal door banging or being dropped. Daughter heard it too.

5/15/12 Tuesday 8:20 am – Booming banging sounds and then whirring sounds, maybe a vehicle dropped off and the tow truck motors. Very loud and alarming at first.

5/17/12 Thursday 11:20am – Loud metallic bang, like a large piece of cyclone fencing.

5/17/12 Thursday 9pm – Coming home from awards banquet at Ponderosa High School, side gate open, car in side yard, lights on inside. Long past closing time.

5/18/12 Friday approx 8am – Returning home from walking dog and a car sped past me on Wild Chaparral, it turned around at the cul de sac and then raced down Wild Chaparral and turned into Kniesel's lot and parked. Silver with a spoiler.

5/19/12 Saturday approx 8am – Cars in side yard and bay door open. Saturday?

5/21/12 Monday approx 8am – Returning home from walking dog on Wild Chaparral and saw a car whip onto Crosswood Drive, pull a u-turn and then whip back onto Wild Chaparral and into Kniesel's driveway.

5/22/12 Tuesday approx 8:00-9:00am – Loud vacuum sound went on for about an hour while I was outside gardening. Annoying!

5/22/12 Tuesday 3:20pm – Heard someone shout a loud whoop and then a few minutes later a huge crashing sound, like a car being dropped from a rooftop. My sister heard it from inside with windows closed and swamp cooler running. As bay door closed, we smelled something like nail polish. Shortly after that there was a lot of loud banging.

5/29/12 Tuesday midmorning – Heard beeping of a truck backing up and saw an Aramark van backing up out of my neighbor's driveway. Appears that the driver missed the Kniesel driveway and turned around in my neighbor's driveway.

5/29/12 Tuesday approx noon - While picking cherries sounds like a loud vacuum and beeping (truck backing up?) for long periods of time.

5/30/12 Wednesday 5:13am – Loud crashing, banging sounds. Car being dropped off???

5/30/12 Wednesday afternoon – Long periods of whirring machine sounds while planting roses. One whiff of nail polish smell.

6/1/12 Friday approx 10am – Bay door open, ratchet sounds, buffing cars outside on patio, cleaner smells. Called Sheriff at 10:30am. Call back from Deputy that EDC does not have a noise ordinance. He walked through business and said that not excessively noisy. Ratchet work inside near back of building, bay door open, wiping down parts on patio. Suggested civil court action if we want to pursue.

6/7/12 Thursday approx 12:30pm – Went out to pick cherries with my daughter and immediately heard loud engine noises, like someone revving a hotrod. About 2 minutes.

6/7/12 Thursday approx 1:30pm – Got wafts of paint smells. Had daughter and niece come outside and wait a bit and they too smelled it. We debated whether it smelled like nail polish or nail polish remover, but it was definitely paint smells. Came and went with the wind.

6/7/12 Thursday approx 1:45pm – Loud ratchet sounds for several minutes.

6/7/12 Thursday 2:00pm – Called and reported smells to Dave Johnston at Air Quality Management, also emailed my log to him. He called back and said he would have Levi go out and visit the facility. Dave explained that paint booth ventilation systems remove particulate matter from the paint exhaust, but cannot remove fumes. I told him I was angry about that because we had been assured by Tom and Erin Kniessel at a meeting years ago that their businesses are good neighbors and that we would not notice that they were even there because they do all of their work inside. He said there was nothing he could do about the paint smells or sounds.

6/8/2012 Friday 2:54pm – Levi from Air Quality called to let me know that he drove around the neighborhood on Thursday and did not smell any paint or other smells. He said that he stopped by Kniessel's and talked to the General Manager and everything looked in order, although they were not painting while he was there. He let me know that the paint booths do emit odors, but are designed so that no particulate matter escapes. I explained to Levi that I was not happy that the Kniessels never explained to us that we would be smelling paint fumes from their business.

6/12/2012 Tuesday 6:05pm – Driving home from grocery store and noticed that side gate was still open, several cars and people still there, and side door still open. Wondered how long they would be there into the evening.

6/13/2012 Wednesday midmorning – Lots of truck beeping. Looked over and saw that it was the garbage truck taking their large garbage bins and because of the bin location the truck had to maneuver and back up a lot, which makes it beep, which is followed by the crashing sounds of the large bin.

6/21/2012 Thursday 8:50am – Went out to hang laundry and odor (painty soap smell) permeated front yard, everywhere I walked around in my yard.

6/21/2012 Thursday 8:50am – While looking for source of smell, noticed that a car part is still lying against trash cans in west side yard (BART car door) and has been there for days.

6/29/2012 Thursday 11am to 1pm – Loud machine sounds from west side yard. We have short video of the noise.

6/30/2012 Friday 1:30pm – Out in front yard trimming sage in garden and paint fumes drifted into the yard. Couldn't smell sage!

7/3/2012 Tuesday 4:17am – Loud banging/crashing sounds.

7/3/2012 Tuesday 2:40pm – Strong blast of paint fumes while sweeping patio in backyard.

7/13/2012 Friday 1:00pm – Lynn smelled burning wire type of smell.

7/27/2012 Friday 9:10am – I smelled paint fumes while out in front yard. When I turned around to look at building to see if the air vent was operating I was hit with a thick blast of paint fumes. It was so thick I could almost taste the paint.

8/6/2012 Monday 9:35am – I was in the living room and smelled paint fumes. The screen doors were open because it was a nice, cool morning. I went out into the front yard and confirmed that paint fumes were coming onto property.

8/6/2012 Monday 2:28 pm – My daughter and I were cleaning our garage and got a whiff of paint fumes. Went out into front yard and confirmed that paint fumes were coming onto property from Kniesel's.

8/21/2012 Tuesday 11:20 am – My daughter and I were out hanging clothes to dry (north side of house) and got a whiff of paint fumes. Went to front of house and confirmed that paint fumes were coming onto property from Kniesel's.

8/30/2012 Thursday, morning – While heading home on Wild Chaparral from walking dog, witnessed a car pull a U-turn on Crosswood Drive and then pull into Kniesel's driveway.

8/30/2012 Thursday, late afternoon – A guest stopped by to pick up some documents and while we were talking in front driveway we got strong whiffs of paint fumes. She described it as acetone, like nail polish remover.

9/7/2012 Friday, 1:55pm – Out in backyard on a beautiful, breezy afternoon and got hit with paint fumes.

9/11/2012 Tuesday, approx 10am – Taking clothes down off clothesline and got blasted by paint fumes. Went inside to get phone and AQMD business card. Fumes were fainter when I got back outside with phone. The fumes dissipated within moments.

9/18/2012 Tuesday, 11:13am – Out in backyard, taking down shade pop-up, and got hit with fumes. Fumes lasted about 1 minute, while I went inside and got phone and smelled end of it when I got back outside. Called AQMD and Molly Johnson came out to investigate.

9/26/2012 Wednesday, 10:32am – Approached kitchen sink to wash strawberries and noticed faint smell at kitchen window, so I went outside to verify and was met with paint fumes at my front door and all along front walkway. Came inside to get phone and call AQMD. Smell had dissipated by the time I went back out after phone call.

9/27/2012 Thursday evening – Emailed this feedback to county on 10/1/2012 regarding Annual Car Bash event on 9/27/2012: I would ask that you discourage these types of events

in such close proximity to residences. The noise and smells from this type of event cannot be contained on a property and are a nuisance to the neighbors.

It helped that the band was inside the building, but every time we ventured out into our yard it sounded like we were in the parking lot of a night club with the loud bass thumping. The most surprising nuisance was the revving of the engines, the squealing tires, and the fuel fumes that drifted into our house. I just didn't expect that kind of noise and smells from the event; it was almost like being at the racetrack.

10/31/12 Wednesday approx 3:45pm – Happy Halloween! Out blowing leaves off the driveway and was blasted by 2 consecutive hits of paint fumes. On west front side of driveway, near cedar tree. Went inside and called AQMD and was told that Molly is no longer there and Levi was out for the day. I was transferred to Candis, who took the report and said that she would have Levi call me tomorrow.

11/5/12 Monday 11:33am – I called AQMD and spoke to Candis to report that I just got back inside the house from retrieving our emptied trash can from the curb. I was blasted by paint fumes as I went outside to get the trash can and by the time I went down to the curb and came back the paint fumes had subsided to a faint lingering near the entry into the front door.

11/6/12 Tuesday approx 1:30pm – While doing yardwork in backyard heard generator-type noise from Kniesel's. I finished up what I was doing and went out front to see what was going on. By the time I got there, about 15 minutes later, the noise had stopped. When I left the house later in the day I saw a power washer sitting in front of the building. Fortunately that appears to be a one-time use, not a regular part of business.

11/13/12 Tuesday approx 3:55am – Woken up by the banging of the trash bins being picked up on trash collection day. Last week I saw the truck around 8:00am and hoped that would become the regular pickup time. It's a bummer being woken up once a week at 4:00am.

11/15/12 Thursday 11:25am – Called California Air Resource Board's hotline and explained situation and asked for a return call. I am really concerned about the increase in paint fumes when the Kniesel's business increases.

11/15/12 Thursday 11:55am – Ed Virgin 916-322-5866 from CARB returned my call and he said he would contact AQMD and get back to me with what he finds.

11/19/12 Monday 3:10pm – Spoke to Ed at CARB about his findings. He talked to Levi at AQMD and Levi reported that he has been to Kniesel's and been on the roof while they painted and was unable to detect any paint fume smells. Ed explained that they have to be able to verify the complaint before any action can be taken. I told him I was disappointed because it is going to be difficult to verify the smell since it is random and depends on the weather. However, I have witnesses that have smelled it.

11/20/12 Tuesday 10:42am – I went into front yard to retrieve a wind chime for repair and was hit by paint fumes in the blustery weather. I went inside and had my son Jeremy come out and verify the smell. He said he at first smelled nail polish and then something like WD40, and then it dissipated. I went inside and called AQMD to report it. Left the details in a message on Candis Thomas' voicemail.

12/28/2012 Friday 12:30pm – I was outside blowing leaves off the driveway and walked through an odor of paints fumes near shed. I ran in and got my sons and had them stand in driveway. Within a few minutes Jordan said he got hit by fumes – it was like having 3 paint spray cans shoved up his nose at the same time and it lasted about 3-5 seconds. Then Jeremy smelled it on a much smaller scale. I came inside and called Levi at AQMD and he said he would be over in about half an hour. I went back outside and continued clearing the driveway, and got blasted by fumes again. When Levi arrived we talked in the driveway (but never smelled fumes) and he explained that the fumes must be verified by a County employee and that so far the frequency is not enough for AQMD to consider it a nuisance, even though it is to us.

1/5/2013 Saturday 12:40pm – Sam came inside and said he smelled paint fumes (center driveway by front walkway) and that our niece was also outside and smelled them (on old oak stump). Sam called and talked to manager Terry and reported the fumes. My sister was also out on the driveway and told me she smelled the fumes for the first time. Sam stayed out in the yard until the fumes dissipated, which took more than 20 minutes, and then called back to find out what product/process was being used. It was clear coat. Terry said they were catching up on some back work because they had had a problem with their fan system. Emailed to: Levi Ford, AQMD

1/18/2013 Friday 12:08pm – Daughter came in backyard sliding door and said she smelled paint fumes. I went out and confirmed. I was on the phone, so I had her call over and talk to manager. Manager said that it was lunch time and that nobody was painting. We looked out front and the vent was running. Very concerned why we would smell paint fumes when nobody is painting. Residual?

2/7/13 Thursday 4:28pm – Members of the Ponderosa High School Color Guard were in our front yard practicing a routine and were hit by very strong, offensive fumes. I called over to Kniesel's to find out what process they were performing, but nobody picked up and the call went to voicemail. I did not leave a message because I am supposed to find out what is going on at the time we smell the fumes. The students asked me how dangerous the fumes were and I told them I didn't know.

3/25/13 Monday midday and afternoon - Went outside and heard a loud sound, wondered if it was a generator. Went over to gravel driveway near Kniesel's to see what was going on and saw a power washer being used on a dirt bike. The person stopped when they saw me. Heard the same sound again later in the afternoon.

3/26/13 Tuesday approx 3:55pm - Neighbor Dave Koupal stopped by and on the way to my front door we smelled fumes.

4/7/13 Sunday - I emailed Roger Trout and asked what we could do about the fumes.

4/23/13 Tuesday - I received an email from Roger Trout that he hasn't forgot about Kniesel's and is looking into what can be done. Email attached.

5/11/2013 Saturday 12:17pm - Lynn captured video at the end of a really loud motor noise that when on for about 5 minutes.

6/10/13 Monday 2:30pm - Beautiful, windy day and I smelled fumes while hanging up laundry.

6/10/13 Monday 2:52pm - Working in garden and smelled fumes again. Sam called and verified that they were base coating. They said they would stop.

6/10/13 Monday a little bit later - Smelled it again while cutting oregano and mint in the garden. Very sad, I should be smelling herbs not paint fumes while in my garden.

6/11/2013 Thursday 12:15pm - Out in back yard pulling weeds from the flower bed and paint fumes hit me. Asked kids to come out and verify and Jeremy smelled them right outside our sliding glass door off the living room. I called Dave at Kniesel's and he verified that they were painting base coat 10 minutes prior to our phone call, which coincides with our phone call timing.

7/2/2013 Tuesday 4:40pm - Smelled fumes at kitchen sink by swamp cooler, went outside and confirmed the smell and that the vent is going. Called Dave to find out if they are painting and they were painting a small piece inside the booth.

7/5/2013 Friday morning - I spoke to Roger Trout after the morning Regulatory Reform meeting about Kniesel's and how frustrated I was that the County was doing nothing to stop the fumes and noise from coming onto our property. Roger said he had heard that Kniesel's were considering a new carbon filter for the paint exhaust and would contact AQMD to check on the status of that. As of 7/15/2013 I have not heard back.

7/10/13 Wednesday 5:55pm - Lynn called over to ask them to stop revving loud engines and was told that they were fixing something. She asked them to take it inside and was told that they were inside. She then asked them close the door and was told it was closed. Lynn asked receptionist to go over and check the door and it stopped.

7/14/13 Sunday morning - Took photos of cars parked outside and parts left outside. Photos submitted for 7/16/13 BOS meeting.

7/18/13 Thursday 5:25 pm - Took video of engines revving loudly with bay door open.

7/19/13 Friday 5:05pm - Heard loud revving of engines while inside the kitchen. By the time I grabbed the camcorder and got over to the driveway the noise had stopped. Bay door was wide open and 2 men walked out into side yard shortly after.

7/21/13 Sunday morning - While out walking our dog in the neighborhood noticed that Kniesel's had cars parked out in their yard. Took some photos when we got back home. Three cars on north end of yard, and one pick up on south end. One car was missing a fender and another had a smashed up hood. Looks like a hood laying on ground near dumpster.

7/23/13 Tuesday 10:50am - Was out in front yard pulling weeds, enjoying the cool weather in the middle of summer and got blasted with an obnoxious blast of paint fumes. Called over and talked to Dave, and he said that he just pulled out a piece that they had painted with clear coat.

7/23/13 Tuesday 12:54pm - Out hanging up laundry and was hit with stinky fumes. Very upsetting. Didn't bother calling Dave to confirm. The vent is going and my front yard smells.

8/7/13 Wednesday 1:20pm - Smelled paint fumes inside living room (nice, cool day, foggy morning), went outside and smelled it. Had son Jordan come outside to verify. Called over to find out what they are painting. Receptionist said Dave, the manager, had just left for lunch. She said that they had just pulled a car out of the booth. I asked her to find out what it was they were painting, but Clint was in the booth and couldn't open it to tell her. She will have Dave call me back to let me know. He didn't call.

8/8/13 Thursday 11:29am - I was on front porch swing talking on the phone with Kathleen and paint fumes hit me. I did not bother calling Kniesel's since the manager did not return my last call.

9/11/13 Wednesday 8:11am - I went out the front door to walk the dog and heard ratchet type sounds coming from building. As I got down to the street the noise got louder and I saw that the bay door was open.

9/11/13 Wednesday 9:11am - As I walked back up the driveway after walking the dog I saw that the bay door was still open and that ratchet sounds were still coming out of the building. As I got halfway up the driveway I got blasted by paint fumes. Cloudy weather today.

9/11/13 Wednesday about 2:30pm - I was out front trimming the rose bushes when I again heard the ratchet sounds from the open bay door. Shortly thereafter faint paint fumes came by several times. Finally, at 3:24pm while I was working in the vegetable garden the paint fumes got stronger and I couldn't stand it anymore. Very disgusted that I am out in the garden and smell paint fumes rather than roses and oregano.

9/14/13 Saturday 9:40am - Sam and I were out front doing yardwork and I was blasted by paint fumes right outside of our front door while sitting on a bench to put on work shoes.



9/17/13 Tuesday 9:11am - Just got back into the house from walking the dog and smelled the paint fumes in our dining room. It is a beautiful autumn morning and our whole house fan is on. I went outside and confirmed right outside our front door that paint fumes are in our yard.

9/17/13 Tuesday 9:31am - Working on computer in living room and paint fumes came inside as I was working.

9/17/13 Tuesday 10am - This is a very unusual day. Don't normally get hit by the paint fumes this many times in one day. I am still working on computer and got hit again.

9/17/13 Tuesday 2:32pm - I was outside loading wood stove pellets from the driveway into our shed and got a nasty blast of paint fumes that went on for longer than usual; it was probably only a minute, but seemed like 5 because I was working in that area of the yard.

9/24/13 Tuesday 9:03am - Walking up our driveway, returning from walking the dog, and walked through a blast of paint fumes.

9/24/13 Tuesday 10:15am - Taking down laundry from clothesline and got blasted with paint fumes. Couldn't escape it around the clothesline, so came inside to update log.

10/10/13 Thursday 10:53am - My sister sent a text message that she was out in the yard and smelled paint fumes.

10/10/13 Thursday 4:20pm - She texted again and said that the fumes were really bad, they stunk.

10/11/13 Friday 1:30pm - I was letting my dog into the house and paint fumes swept into the house as I opened our sliding screen door. It is a beautiful, breezy autumn day.

10/28/13 Monday approx 11:30am - I just got home and got out of my van to pick up the newspaper at the bottom of the driveway and walk through a blast of paint fumes, despite the fact that it is a blustery day. As I walked down the driveway the sounds from the shop next door became more and more audible. Don't want to hear ratcheting sounds.

11/16/13 Saturday approx 11:00am - Walked my friend Connie out to her car and we were hit with a blast of paint fumes. She was surprised at how strong the smell was.

11/27/13 Wednesday - Neighbor Dave Koupal reported that he was walking around the neighborhood and smelled paint fumes along the road. It was the first time he'd smelled the paint fumes along the road.

1/29/14 Wednesday - 3:10pm - It's a sad day in El Dorado County when I grab an umbrella to walk down to the mailbox and am met with paint fumes on our driveway instead of the fresh scents of new fallen rain.

2/19/14 Wednesday - 8:33am - I'm sitting at the dining table and can hear the cars being washed. It's unclear why the sound is louder now than last year. We've speculated it is because they are using a power washer now and they didn't when they first opened .

4/30/14 Wednesday - 4:15pm - Lynn reported that she pulled up from work and heard an employee out on the patio area yelling into his cell phone and cursing, using M\*\*\*\*\* F\*\*\*\*\* over and over.

5/7/14 Wednesday - 3:20pm - I'm sitting at my dining table with the windows open because it is a beautiful spring day and inhale a huge breath of paint fumes. After 2 or 3 breaths it is gone. Infuriating!

6/24/14 Tuesday - approximately 9:00am - My friend Connie Nowell and I had just returned to the house from getting suitcases out of storage, when we were blasted by a chemical smell coming from her car as we brought the suitcases out of her car. At first I thought it was a chemical smell from the rat poison that had just been placed in the storage unit as we were leaving. Then Connie said how strong the smell was and that at first she had thought it was the rat poison. It lasted for a good minute or so while we were out on the driveway.

6/24/14 Tuesday - afternoon - My sister and I were out on the driveway talking when the blasting sound from the car washer interrupted us. It is annoying to have your conversation disrupted by that sound.

6/27/14 Friday - 8:38am - I'm working inside the house at my computer in the living room and hear the car washing next door. Nuisance!

7/14/14 Monday - approximately 12:15pm - I get out of my friend's car as she drops me off home and the sound of the washing machine next door blasts at me. Annoying.

7/14/14 Monday 1:30pm - I'm working inside on the computer and the paint fumes come inside and get me. I go outside to confirm that they are from outside and smell the same smell. It is a nasty hot day today. Yuck!

7/17/14 Thursday 1:00pm - While on the phone with Howard, went out in front yard and was blasted by paint fumes that blew by intermittently with the wind.

8/9/14 Saturday afternoon - A group of friends were in our driveway, getting ready to paint signs for an upcoming District 2 Candidate Forum, when Shelley and I both smelled paint fumes from next door. Very offensive.

8/18/14 Monday 5:30pm - Lynn was blasted by paint fumes and pressure washer sounds coming down her stairs.

8/19/14 Tuesday 5:00pm - Lynn got home and was greeted by the pressure washer sounds.

8/20/14 Wednesday 4:30-4:45pm - I got home from work and was met with a blast of paint fumes, followed by a rousing chorus of pressure washer noise. Once inside the house, I heard a truck backing up, beeping, and turning around in our driveway. When I got outside to see who was there, a flat bed tow truck with a car loaded was leaving down our driveway. I walked over to the wall to see if the truck pulled into Kniesel's, but I couldn't see their driveway. And then the hydraulic machines started rattling off from inside the open bay door. I was disgusted and went back inside.

8/25/14 Monday 4:00pm - My sister reports "water pressure hose extreme noise could kill somebody"

8/26/14 Tuesday 4:30pm - My sister reports "same noise would still like to kill somebody"

9/12/14 Friday approx 8:30pm - We were driving home after dark and noticed that there were still cars in the parking lot and the lights were on inside. Luckily no smells or noise coming from building.

9/13/14 Saturday 9:30am - Went outside to get ready to do some yardwork and was blasted by the power washer noise. Not a great way to start a weekend.

9/15/14 Monday 9:30am - I was out sweeping off the front porch and was greeted by paint fumes.

9/19/14 Friday noise and smells all day - The power washer sounds were heard off and on and all day. Around 12:45pm the Staileys were getting in their car to leave and were blasted by paint fumes. Around 4:00pm Barbara Zagaris stopped by to drop off flyers and smelled the paint fumes.

9/22/14 Monday morning - Sam and I were returning from a walk and the bay door was open and high-pitched machine sounds were coming out. Lynn reported that it went on all afternoon, too.

1-16-15 Friday at 9:15am - It's a new year and today is my birthday, but the sounds from Kniesel's are continuing and seem to be increasing. I went outside to grab a pair of shoes from my front porch and that blasting sound greeted me loud and clear. My friend Sandy said that when she stopped by before Christmas to drop off a treat bag, she was blasted by the sound at our front door. She asked my son what it was, and he said it's noise from next door. Very sad that my guests suffer through the noise too.

1-27-15 Tuesday approx 8:42am - I'm heading out the door, on my way to a Board of Supervisors meeting and am met with the blasting sound of the power washer.

1-28-15 Wednesday, approx 2:00pm - I hear the blaster from inside the house, so I go outside to record it. While outside recording the blasting noise I am hit by paint fumes. Lovely! About half an hour later someone honks their horn to signify that a car is ready for moving or some next step in the process.

1-30-15 Friday, 6:20pm - We were coming home from dinner and all of the cars were removed from the parking lot, but the lights were on inside and the exhaust fan is running. They are still working in there beyond their permitted business hours.

I've taken a break from documenting the nuisances. It is a lot of work to record things as they occur, and yet we get no relief from the nuisances for all of our effort.

5-22-15 Friday approximately 10am - I had returned from shopping with my friend Monique and while we were talking in the driveway we got hit with a blast of paint fumes. Very offensive.

6-14-15 Sunday, 11:45 am - Sam came inside and said that the Kniesel's exhaust fan is going and it smells like acetone outside. I was shocked because I also smelled it inside the house, but since it was Sunday I assumed that it was not Kniesel's. Why were they polluting the air on a Sunday? They are not supposed to be open on Sundays.

6-15-15 Monday morning - My friend Diane stopped by on her way to her mom's house and while we were talking out in the driveway the sound of hydraulic tools was humming in the background. And then the paint fumes started attacking us. It was such a beautiful day outside, but enjoying our front yard was ruined by the nuisance coming from Kniesel's.

6-18-15 Thursday, 3:32pm - My sister was home from work with a bad back and ended up having to call Kniesel's to ask them to stop honking the horns on cars. She was told that this was an exceptional day because they were working on an alarm system. However, my sister told them that the horn honking had been increasing recently and that this was the most annoying day so far.

6-24-15 Wednesday, late morning - My kids and I were out in our vegetable garden planting and weeding and were hit by sporadic paint fumes. The wind was pushing the fumes around our front yard. Not how I want my yard to smell, especially while gardening.

7-7-15 Tuesday, approximately 3:30 - I was in the flower bed in my backyard and hit with paint fumes while weeding and seeding. It was a cooler day, so it was a great opportunity to get out into the yard and garden, but it was ruined by paint fumes. The hum of the exhaust fans was unusually loud that day. Could be from the different weather pattern causing the cool weather.

7-8-15 Wednesday morning - My daughter and I were taking advantage of the cooler weather and were pulling weeds in our backyard. We were blasted with paint fumes and treated to the sounds of hydraulic machines. Really tainted the enjoyment of our backyard.

7-12-15 Sunday - On our way out noticed that damaged cars were parked in the parking lot. There are not supposed to be damaged cars out front. One was by side gate and about four in middle of parking lot. One had a green tag on it. I didn't get a photo because it was a busy weekend.

7-14-15 Tuesday, 8:20am - Single horn honk. I hope they aren't honking horns again next door.

7-28-15 Tuesday morning - While getting ready for the Sign Ordinance meeting, I walked down the hallway in our house and was hit by paint fumes. It smells like nail polish remover. I checked with my daughter to make sure she wasn't doing her nails.

7-29-15 Wednesday morning - My sister reports that the horn honking has gotten worse since she called to ask them to stop.

8-1-15 Saturday - My neighbor Dave left me a phone message to say that when he left my house the day before he was hit with paint fumes as he left my house and had a difficult time breathing by the time he got home.

8-4-15 Tuesday morning - As I was working on my comments to submit to the Planning Commission regarding Kniesel's request to expand their business hours, I smelled paint fumes wafting into my living room while typing. Is that irony or just frustrating?

8-5-15 Wednesday, 7:10pm - Our neighbors were leaving our house from our annual Road Maintenance meeting and the exhaust fans were still running at Kniesel's. We should not have to listen to this noise, especially outside of business hours.

8-6-15 Thursday, 7:00am - As I headed outside in the morning the fans were running. Did Kniesel's leave them on all night or did they just start up early?

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Note: Truck beeping happens often (tow trucks and delivery trucks) and I have only documented the longer, more annoying instances. Update: beeping has finally decreased after a few months. However, it could increase again as business increases.

Note: Car alarms go off frequently now. Too often to keep in log. Update: alarms have decreased after a few months. However, it could increase again as business increases.

**From:** Roger Trout  
**To:** Lori Parlin  
**Cc:** The BOSFOUR; Joel Ellinwood  
**Subject:** Re: Special Use Permit for Kniesel's Auto Collision  
**Date:** Tuesday, April 23, 2013 6:47:34 AM

Lori,

It has been a few weeks and this email is just to let you know I have not forgotten the issue. I have had staff review our files, our options, and I am going to talk to AQMD to get a better understanding of their role and authority.

I have limited authority once a Special Use Permit is approved. Short of AQMD having separate regulatory authority to control the emissions, my role could be to schedule a public hearing before the Planning Commission so that they could consider whether to actually hold a formal revocation hearing.

I am not convinced that step is necessary at this time, but I plan to continue reviewing the issue for the next couple weeks.

On Sun, Apr 7, 2013 at 10:56 PM, Lori Parlin <loriparlin@sbcglobal.net> wrote:  
Dear Mr. Trout,

Please follow up on the Kniesel's Auto Collision Center's Special Use Permit and see what can be done about the fumes that leave their property and spew onto my family's property, negatively impacting me and my family. I am very concerned as the weather warms up and we will be spending more time outside that we will be exposed to these fumes more often than during wintry weather months. I am even more concerned that the paint fumes will increase as their business increases.

Please look at pages 6-7 of the Environmental Checklist/Discussion of Impacts, III Air Quality, d-e), which is included in the attached Staff Report. This section states "The El Dorado County Air Quality Management District has stated that they have not received many complaints concerning odors emitting from auto body shops in the county, therefore the threshold of significance has not been exceeded; however there is the future potential since the proposed use is directly adjacent to residential uses. Any complaints generated from this new use would be handled by the AQMD." I have contacted AQMD many times and they are unable to do anything about the noxious fumes. I contacted the State Air Quality Board and all they did was call AQMD on my behalf, which was ineffective. Please see Exhibit J, a letter dated 5/25/07 from David W Koupal Sr. Mr. Koupal points out that he had visited one of the Kniesel's other locations and had smelled paint fumes while on site. Yet the Environmental Checklist states Less Than Significant Impact for Air Quality. How can that be? Mr. Koupal pointed out that this would be a problem when the Shingle Springs location opened, so why wasn't that noted in the Environmental Checklist?

Please read page 14 of the attached Environmental Checklist where it states in the Discussion: A substantial adverse effect on Land Use would occur if the implementation of the project would: Result in a use substantially incompatible with the existing surrounding land uses. Also note in this same Discussion "b) The proposed project is consistent with the specific, fundamental, and mandatory

land use development goals, objectives, and policies of the 2004 General Plan..." As clearly defined in General Plan Policy 2.2.5.18, an incompatible land use is commercial adjacent to residential, and "Standards in the form of setbacks and other requirements shall be added to the Zoning Ordinance to buffer incompatible uses (e.g., commercial adjacent to residential)." The Conditions of the Special Use Permit did not include any setbacks or requirements to buffer the incompatible uses.

I am copying Supervisor Briggs on this because he advised me to contact you directly for guidance on resolving the issues regarding this Special Use Permit. I am also copying attorney Joel Ellinwood as a heads up that I may be contacting him shortly for what my legal avenues are for resolving this issue with the County.

Thank you,  
Lori Parlin  
530-672-6425

--

Roger Trout, Division Manager  
Development Services Division  
Community Development Agency  
El Dorado County  
(530) 621-5369

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**BECKER RUNKLE  
LAURIE MAHONEY & DAY**  
ATTORNEYS AT LAW

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263 Main Street  
Placerville, CA 95667  
(530) 295-6400

David C. Becker

Fax (530)295-6408

September 12, 2013

Mr. & Mrs. Sam Parlin  
3971 Crosswood Drive  
Shingle Springs, CA 95682

Re: Kniesels Collision Center

Dear Mr. & Mrs. Parlin:

This office represents Kniesel's Collision Centers. We have been asked by the Kniesel family to examine their compliance with their special use permit in Shingle Springs and to evaluate your complaints about their operations with respect to odors, parking and noise.

Our firm was applicant's counsel during the El Dorado County special use permit processes. We are intimately familiar with this area of the law and governmental regulations. We also have a great deal of experience in the neighborhood nuisance and CC&R practice areas. We are sensitive to the disruptions and annoyances attendant to the interface between residential and commercial areas.

We firmly believe that the uses underway at the Shingle Springs location comply with the special use permit. The vehicle parking and parts storage are not violating the permit. Because of your complaint about odors, extra effort has been made to monitor the area for odors at varying times of the day and during different procedures typical in the body and paint business. Not only were there no offensive odors found, there have been no such odors identified or complained about in any of the other Kniesel's locations, many of which perform many more procedures each day than are undertaken at Shingle Springs. The extension of the exhaust was considered, but the experts tell us that there is no likely benefit from such an expense or extension. It is not something any other body/paint shops are undertaking to improve their neighborhood relations. The same is true for the carbon filter of the exhaust air. Nobody has been able to assure



Kniesel's that there is any measurable improvement likely to result from such an expensive addition. Where the problem is not made clear, and the solution is not proven effective, it is not surprising that someone in Kniesel's position is not anxious to act.

Since first drafting this letter yesterday, the 11<sup>th</sup>, I have received your email detailing your objections to noise and odor occurring on the 11<sup>th</sup>. Ratcheting noises are typical in this business and cannot be avoided. One cannot even remove a wheel from a car without that sort of noise. As for odors yesterday, I was there for quite awhile and did not notice a single odor. There are many businesses in that area, including car dealers and the self-storage facility. I am told that one day you called to complain about paint odors which were traced to the neighboring business that was painting their railings.

Your complaint about noise was well taken, and we have had a staff meeting where we played the video clips you provided to our staff. It was explained that someone occasionally will visit the Kniesel's staff to show their car or motorcycle project to the mechanics on our staff. This is not a result of any body/paint operations at Kniesel's. This was a truly isolated incident or two, no different than if someone had visited any of your other neighbors to show him/her their new car or motorcycle, revving the engine for added effect. What is an entirely innocent and fun activity can be annoying to neighbors who are not involved. We get it, and we have stopped it. We have instructed our staff that no visits in the shop or behind the shop will be permitted at any time. No engine revving, period.

We have even taken the additional step of enforcing the no-revving rule during the occasional car show on the freeway side of the facility. This has not been a problem during the shows in the past, and we want to make sure it does not become one in the future.

We want to be your point of contact with respect to future complaints. The phone calls to Kniesel's staff have become ineffective due to their number and content. Your videos of the engine noise were very helpful. Let's work together to ensure that valid complaints are addressed.

Sincerely,  
BECKER RUNKLE LAURIE MAHONEY & DAY

A handwritten signature in black ink, appearing to read 'David C. Becker', with a stylized flourish extending to the right.

David C. Becker  
cc: Tom Kniesel

Lori and Sam Parlin  
3971 Crosswood Drive  
Shingle Springs, CA 95682  
530-672-6425

David C. Becker  
Becker Runkle Laurie Mahoney & Day  
263 Main Street  
Placerville, CA 95667

September 23, 2013

Re: Kniesels Collision Center

Dear Mr. Becker,

Your letter of September 12, 2013 indicates that you have a lack of understanding of the situation.

Comparing the Shingle Springs location to any of the other Kniesel's location is like comparing apples and oranges. None of the other locations are in such close proximity to a residence, and especially not a residence with acreage, where people tend to go outside and use their property. Regarding the other locations, there is a letter in the Planning Commission meeting minutes where one of my neighbors visited one of the other locations and did indeed smell paint fumes there.

When AQMD started visiting my property to try and document the paint fumes, I was told by AQMD staff to call over to Kniesel's at the very moment I smelled paint fumes to create a log to determine whether or not I was, in fact, smelling fumes from the business or elsewhere. Additionally, I was told to find out what product and process was being used so that we could determine if a specific product or process was causing the problem. I did not call to complain about the fumes; I called to gather information for our records, and I told Dave, the manager, that when I called. Dave was very accommodating and helpful in gathering the data, which I appreciated. If I cannot call over to Kniesel's when I smell paint fumes, I will not be able to gather more data.

It was a shame that you didn't contact me before spending time over at Kniesel's to try and smell the fumes. The fumes do not stay on their property, they come directly over to our property and sometimes into our house because of the wind pattern in the area. It is not surprising that you didn't smell the fumes while there.

You should also understand that Tom and Erin Kniesel attended a Road Association meeting for our neighborhood back on August 15, 2007, and stated that their business would be moving in next door, that they were good neighbors in their other locations, and that we wouldn't even notice them next door. In hindsight, I now realize that those

statements were made to disarm us and make us feel at ease about them moving their industrial business into a residential neighborhood. I believed them and expected them to follow through on their words. If they had said anything about the noise and fumes possibly being an issue, I would have been more concerned. So you must understand that those statements set the stage for where we are now.

Yes, of course the ratchet sounds are part of the business. But there is no reason that the employees cannot close the bay door to keep the sounds inside, just as the Kniefels said at that road meeting: everything is inside. Inside means contained inside the building. Leaving the bay door open allows for sounds and smells to travel outside. I suggest you have another staff meeting and have them close the door immediately after moving a car in or out of the building.

It is questionable as to whether the business is following the Conditions of the Special Use Permit. Conditions 1 and 6 have conflicting information about whether or not cars waiting for maintenance can be parked outside the building. I have quickly reviewed the Planning Commission meeting minutes and only saw references made to cars being kept inside the building, which everyone agreed to. It is unclear why no one brought up the conflicting information in Condition #6. That will take some research to follow up on.

Your letter states that other body shops do not install extensions or carbon filter systems to improve neighborhood relations. You do not state what steps other body shops take to improve those relations. It is implied in your letter that the Kniefels are counting on the low volume of business to mitigate the volume of paint fumes coming onto our property. Is that really the only solution that they have to this situation that they created? If so, please let them know that I will do everything in my power to help them achieve that goal.

Lori Parlin

## Kniesel's Auto Collision Timeline

Date	Event	\$\$\$
12/19/2006	Purchase by Richard and Aloisia Kniesel	
4/11/2007	Transfer title to Kniesels Properties	
8/15/2007	Tom and Erin Kniesel attend Crosswood Drive Road meeting. Stated that they will be good neighbors and we won't notice they are there because they do all their work inside and will only be there on weekdays.	
11/8/2007	Special Use Permit Public Hearing Planning Commission - Continued	
12/13/2007	Special Use Permit Public Hearing Planning Commission - Approved	
12/27/2007	Appeal to BOS filed by R. Solis	
1/29/2008	Special Use Permit Public Hearing BOS Denied (later remanded by Superior Court)	
4/22/2008	Motion to draft Resolution 113-2008 to deny Permit Approved (later remanded by Superior Court)	
3/20/2009	Superior Court hearing	
8/3/2009	Superior Court Judgment to remand 1/29/2008 Denial and 4/22/2008 Resolution	
8/25/2009	Special Use Permit Public Hearing BOS Remand 1/29/2008 Denial and 4/22/2008 Resolution	
9/15/2009	Special Use Permit Public Hearing BOS Approved (replaces 1/29/2008 denial)	
11/11/2011	Kniesel's Citrus Heights donation to Knight Campaign	\$500
11/11/2011	R. Laurie donation to Knight Campaign	\$100
2/3/2012	Kniesel's Rocklin donation to Nutting Campaign	\$275
2/5/2012	Letter from Applicant to Appeal Conditions, no sidewalk	
3/7/2012	R. Laurie donation to Knight Campaign	\$100
4/19/2012	Open House - catered lunch, band	\$\$\$
5/14/2012	Kniesel sponsored SS/CP Chamber Golf Tournament	\$\$\$
6/14/2012	Special Use Permit Appeal Conditions - no sidewalk - Approved	
7/24/2012	Appeal to BOS to put in sidewalk filed by L. Parlin - Denied	
8/1/2013	Meeting with Supervisor Briggs, Roger Trout (Development Services), Dave Johnston (AQMD), Sam Parlin, Lori Parlin, and Kathleen Newell	
8/19/2013	Lori Parlin email to Tom Kniesel about 8/1/2013 meeting	
8/22/2013	Email response from Tom Kniesel	
8/27/2013	Email response to Tom Kniesel	
9/12/2013	Letter from Kniesel's attorney David Becker	
9/23/2013	Lori Parlin response letter to David Becker	
January 2014	Submitted Complaint forms with photos to El Dorado County Code Enforcement - dropped off at counter in Building C	
6/22/2014	Email to Roger Trout following up on status of Complaints	
7/11/2014	Email to Roger Trout asking if 6/22/2014 email received	
7/11/2014	Email received from Roger Trout that he will follow up	
9/3/2014	Email to Roger Trout asking for status of Complaints	

## Kniesel's Auto Collision Timeline

9/9/2014	Email received from Roger Trout that he has corresponded with Kniesel's attorney and will forward those letters. Also noted that Kniesel's will ask to revise their SUP.
9/10/2014	Email received from planner Aaron Mount with letters attached to and from Kniesel's
9/23/2014	Email to Aaron Mount thanking for the letters and asking whether or not Kniesel's has a Temporary Use Permit for upcoming event and sign
9/24/2014	Email exchange with Aaron Mount with copy of TUP
1/26/2015	Email received from Aaron Mount with Acoustical Study dated October 28, 2014 attached
1/29/2015	Email to Aaron Mount acknowledging receipt of Acoustical Study and documenting the flaws in the study. Further requests to have Code Enforcement take action to bring Kniesel's into compliance is also noted.
7/29/2015	Meeting with Supervisor Ranalli to apprise him of the situation

EL DORADO COUNTY  
DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT UNIT

C # \_\_\_\_\_

2850 FAIRLANE COURT, PLACERVILLE, CA 95667 (530) 621-5999 [www.edcgov.us.devservices](http://www.edcgov.us.devservices)

**COMPLAINT INFORMATION:**

APN # 070-280-64

OWNER / OCCUPANT OF VIOLATION:

OWNER'S PHONE NUMBER

Robert and Tom Kniesel, 916-419-4555

ADDRESS OF VIOLATION:

CLOSEST CROSS STREET/CITY

4031 Wild Chaparral Drive, Shingle Springs/Ponderosa Road

**COMPLAINT:**

Re: Special Use Permit #S07-0011-R/Planned Development PD95-0016-R-4.  
The SUP does not state that the occupant may use machinery outside of the building. Employees have recently begun using a noisy apparatus to wash cars outside the building in the stacking area. Please enforce the SUP and stop the employees from using any machinery outside the building.

[OVER]

**ANONYMOUS COMPLAINTS ARE NOT ACCEPTED**

REPORTING PARTY Lori Parlin

PHONE # 530-672-6425

09.02.70 Confidentiality in Connection with Citizen's Complaints. The county shall take all reasonable steps to ensure that the identity of any person making a complaint to the County concerning a violation of the El Dorado County Code or other applicable laws shall remain confidential. It is declared and found by the Board of Supervisors that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information as is required by the Public Records Act. **It shall be a misdemeanor to knowingly file a false complaint.**

(Office Staff Use)

L A B E L

**Referred To:**

Agency \_\_\_\_\_ Date \_\_\_\_\_  
Agency \_\_\_\_\_ Date \_\_\_\_\_

Priority \_\_\_\_\_

**Comments:**

2-9-11

15-0936 Public Comment  
PC Rcvd 08-06-15

EL DORADO COUNTY  
DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT UNIT

C # \_\_\_\_\_

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Agency \_\_\_\_\_ Date \_\_\_\_\_

Priority \_\_\_\_\_

**Comments:**

2-9-11

15-0936 Public Comment  
PC Rcvd 08-06-15



**From:** [Lori Parlin](#)  
**To:** "Aaron Mount"  
**Cc:** "[Supervisor Mikulaco](#)"; "[Supervisor Frentzen](#)"; "[Supervisor Veerkamp](#)"; "[Supervisor Ranalli](#)"; "[Supervisor Novase!](#)"  
**Subject:** RE: Question RE: FW: Kniesel's Auto Collision  
**Date:** Thursday, January 29, 2015 12:17:00 PM  
**Attachments:** [Kniesels 1 - CE Complaint Form.pdf](#)  
[Kniesels 2 - CE Complaint Form.pdf](#)  
[Kniesels 3 - CE Complaint Form.pdf](#)

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Thank you, Aaron.

Here is a link to a video from yesterday where you can clearly hear the power washer that is being used outside of the building: <http://youtu.be/ntQssCowBcg>. Due to the fact that the acoustical study completely omits any reference to any occurrences of noise from the power washer and the car horns that are being used to indicate that a car is ready to move, this study is severely flawed and cannot be used to show that the noise from Kniesel's is within the limits of the County Noise Ordinance.

Furthermore, the study does not take into account the additional noise that will be added by a second exhaust fan on the roof of the building. The current exhaust fan has become increasingly noisy over the past year, and that noise will be compounded by adding a second fan. This is completely ignored in the acoustical study.

Additionally, Table 3 of the study clearly shows that Kniesel's has been violating their Special Use Permit by operating outside of the business hours allowed by the SUP, which are 7:30am-5:30pm. Why has the County Code Enforcement allowed this to continue? I filed the proper forms with Code Enforcement in January 2014 and followed up with Roger Trout of Development Services several times in 2014. Kniesel's continues to violate the conditions of the SUP. My requests for enforcement have fallen on deaf ears.

I am copying the Board of Supervisors on this email because it was stated at Tuesday's Board meeting that they are going to make public health and safety the number one priority in the county. Continued violations of a SUP is a threat to public health and safety and should be addressed.

Thank you,

Lori Parlin

cc: Board of Supervisors  
Attachments: Code Enforcement forms filed in January 2014

---

**From:** Aaron Mount [<mailto:aaron.mount@edcgov.us>]  
**Sent:** Monday, January 26, 2015 2:11 PM  
**To:** Lori Parlin  
**Subject:** Re: Question RE: FW: Kniesel's Auto Collision

Lori,

Attached is the acoustical study for the revision to the Kniesel's Auto Body project.

**Aaron Mount**

Associate Planner

**County of El Dorado**

Community Development Agency

Planning Services

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5355 / FAX (530) 642-0508

[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)

On Wed, Sep 24, 2014 at 1:52 PM, Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)> wrote:  
Got it, thank you.

Lori

---

**From:** Aaron Mount [mailto:[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)]

**Sent:** Wednesday, September 24, 2014 1:22 PM

**To:** Lori Parlin

**Subject:** Re: Question RE: FW: Kniesel's Auto Collision

Lori,

Attached is the approval letter for the Kniesels auto show.

**Aaron Mount**

Associate Planner

**County of El Dorado**

Community Development Agency

Planning Services

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5355 / FAX (530) 642-0508

[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)

On Wed, Sep 24, 2014 at 8:22 AM, Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)> wrote:  
Thank you, Aaron.

Lori

---

**From:** Aaron Mount [mailto:[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)]

**Sent:** Wednesday, September 24, 2014 8:12 AM

**To:** Lori Parlin

**Cc:** Steve Pedrettij; roger.trout

**Subject:** Re: Question RE: FW: Kniesel's Auto Collision

Lori,

The Shingle Springs/Cameron Park Chamber of Commerce and Kniesels Collision Center have applied for a Temporary Use Permit (TUP) and the request is consistent with the approvals we have made for the event for the last two years. We should be approving the TUP today and I will send you the documents when we do so. Please contact us if you find that the event violated any of the conditions of approval from the TUP.

Sincerely,

**Aaron Mount**  
Associate Planner

**County of El Dorado**  
Community Development Agency  
Planning Services  
2850 Fairlane Court  
Placerville, CA 95667  
(530) 621-5355 / FAX (530) 642-0508  
[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)

On Tue, Sep 23, 2014 at 4:25 PM, Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)> wrote:  
Hi Aaron,

Thank you for forwarding the documents. I'm sure I'll be hearing about the Special Use Permit hearing sometime soon.

I now see that Kniesel's has a car show planned for this Friday, September 26, from 5-9pm. They have a big utility sign out in front of their building advertising that the event will have live music. Have they obtained the required Temporary Use Permit for this event? Live music is not part of their normal business operations allowed by the Special Use Permit. Should they obtain a Temporary Use Permit for the sign, too? That is not their normal business sign.

Thank you for your assistance in this matter.

Lori Parlin  
530-672-6425

---

**From:** Aaron Mount [<mailto:aaron.mount@edcgov.us>]  
**Sent:** Wednesday, September 10, 2014 8:32 AM  
**To:** Lori Parlin; Steve Pedretti; roger.trout  
**Subject:** Fwd: FW: Kniesel's Auto Collision

Lori,

Attached are the letter from Development Services to Kniesel's Auto Body and the response

from their agent.

**Aaron Mount**  
Associate Planner

**County of El Dorado**  
Community Development Agency  
Planning Services  
2850 Fairlane Court  
Placerville, CA 95667  
(530) 621-5355 / FAX (530) 642-0508  
[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)

----- Forwarded message -----

From: **Roger Trout** <[roger.trout@edcgov.us](mailto:roger.trout@edcgov.us)>  
Date: Tue, Sep 9, 2014 at 5:32 PM  
Subject: Re: FW: Kniesel's Auto Collision  
To: Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)>  
Cc: Supervisor Briggs <[bosfour@edcgov.us](mailto:bosfour@edcgov.us)>, Supervisor Santiago <[bosfive@edcgov.us](mailto:bosfive@edcgov.us)>, Steve Pedretti <[steve.pedretti@edcgov.us](mailto:steve.pedretti@edcgov.us)>, Aaron D Mount <[aaron.mount@edcgov.us](mailto:aaron.mount@edcgov.us)>

Lori,

Apologies for not responding last month. County staff sent a letter out in July and we received a response from the Kneisel's attorney soon thereafter.

I am asking Aaron Mount to send you those letters.

We will be continuing to work with them to comply with the conditions of the Special Use Permit. However, in their response, they state their intention to ask for a revised special use permit. That would go through a Planning Commission hearing.

On Wed, Sep 3, 2014 at 5:53 PM, Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)> wrote:  
Hi Roger,

I still haven't heard back from you or anyone else at the county. Kniesel's is continuing to violate their Special Use Permit on a daily basis. Where is code enforcement?

Lori

---

**From:** Roger Trout [mailto:[roger.trout@edcgov.us](mailto:roger.trout@edcgov.us)]  
**Sent:** Friday, July 11, 2014 5:41 PM  
**To:** Lori Parlin  
**Cc:** Supervisor Briggs  
**Subject:** Re: FW: Kniesel's Auto Collision

Lori,

I apologize for not responding. I wanted to talk to Code Enforcement and find out what they

were doing first. Your email now has reminded me to follow-up with them. I previously received two emails from you: June 22 and June 27 (and then one today).

I will respond to you in more detail by the end of next week (July 18).

Thanks,

On Fri, Jul 11, 2014 at 3:03 PM, Lori Parlin <[loriparlin@sbcglobal.net](mailto:loriparlin@sbcglobal.net)> wrote:  
Dear Supervisor Briggs and Roger Trout,

Did either of you receive my emails? I did not receive a reply from anyone. Perhaps the photo files were too large to email, so I removed the photographs from the attachments.

Thank you,

Lori

---

**From:** Lori Parlin [<mailto:loriparlin@sbcglobal.net>]  
**Sent:** Friday, June 27, 2014 8:20 AM  
**To:** 'Roger Trout'  
**Cc:** 'Supervisor Briggs'  
**Subject:** FW: Kniesel's Auto Collision

Hi Roger,

I'm resending this to you because I forgot to copy Supervisor Briggs on the original email to you and I haven't heard back from you to know that you received it.

Lori

---

**From:** Lori Parlin [<mailto:loriparlin@sbcglobal.net>]  
**Sent:** Sunday, June 22, 2014 2:39 PM  
**To:** 'Roger Trout'  
**Subject:** Kniesel's Auto Collision

Dear Mr. Trout,

Per Supervisor Briggs' suggestion earlier this year, I am requesting that you place the attached Complaint forms and photos in the county's file regarding Kniesel's Auto Collision for future reference, especially when the Special Use Permit is in the renewal process. I dropped off the forms and photos in January of this year and never heard from anyone at the county regarding the outcome. Is it customary for Code Enforcement to contact the complainant with follow-up information? I would like to know what contact was made with Kniesel's and what is being done about each complaint.

Thank you,

Lori Parlin  
530-672-6425

--

**Roger Trout**  
Development Services Division Director

**County of El Dorado**  
Community Development Agency  
Development Services Division  
2850 Fairlane Court  
Placerville, CA 95667  
(530) 621-5369 / FAX (530) 642-0508  
[roger.trout@edcgov.us](mailto:roger.trout@edcgov.us)

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--

**Roger Trout**  
Development Services Division Director

**County of El Dorado**  
Community Development Agency  
Development Services Division  
2850 Fairlane Court  
Placerville, CA 95667  
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Thank you.

8/3/2015

Lisa

Will you please address my health problems? I have a Heart condition and am now told that The Asthma attacks are increasing the heart beat. I feel this every time I have an attack.

We have lived here by the freeway for 25yrs. And I have not had the problem in the past. In my opinion the air quality around Kniesels Body Shop has caused the Asthma. The freeway cars catalytic converters are warmed up when they pass the area, converters do not take effect for up to 20 min.

I was visiting Lori Parlin 7/31/2015 as I left the residence the fan noise coming from Kniesel's was a steady humming noise. The smell of Paint was horrible. Another Asthma attack, home for my faithful Asthma spray.

My other concern is the children's preschool at 3841 Ponderosa Rd. and the children in our immediate area. Within 500 ft. The school is within 600 ft. from



Kniesel's. In my opinion there is no line that stops the air. I have seen kids play in the yard. When Ponderosa High school is out for the day there are cars backed up from school to the light at North Shingle. In my opinion these vehicles are not warmed up long enough to activate the catalytic converters.

Kniesel's are requesting a new use permit requesting longer working hours 7am to 7pm and weekends. The hours are supposed to be 7am to 5pm. And 7am to 12am.on Sat. They have been misusing the permit since they opened. I walk every morning, they have been starting work many times at 5am. And Up to 7am.

Recently I have been prescribed a machine to use for bad Asthma attacks

Thank you Lisa

Dave Koupal 676 1705

3920 Crosswood Dr. Shingle Spgs. Ca 95682

Because of my quadruple bypass surgery I walk a mile every day. I do this in the morning while still cool.

The following notes are from my walk.

11-26-13 On my early walk I walk past Kniesel's Body Shop at 5:30AM. I observed lights on and workers working. Ended my walk at 6:00AM. Not supposed to work until 7:30AM.

11-27-13 Same walk past Kniesel's 05:46AM. This time I heard a humming noise coming from the body shop. This time I also smelled something that to me smelled of paint. This kicked up my asthma. Home for treatment.

I was working my yard during the hours of 7:30-9:30AM, started wheezing, my asthma kicked up pretty good. Had to take puffs from my medicine (inhaler) and more in the evening. Finally settled down. This has happened many other times. Attacking my asthma, even waking me from my sleep, having to take the inhaler.

12-31-13, 8:00AM Observed: removing damaged vehicles from the inside of the building and "Bull Pen" inside the gate.

I counted twelve damaged vehicles in this move, these vehicles stay in parking lot all day then moved back behind the fence and gate.

This procedure is repeated every working day. So you see, the people living within the so-called 500' are affected.

1-18-14, 6:00AM. On walk - workers showed up - opened big side door and started working - not supposed to work till 7:00AM.

1-19-14, 6:10AM Workers in shop, lights on. While returning from my walk I smelled paint fumes, starting from the south end and from the east side of the storage unit building. This smell

continued while walking west in front of Kniesel's Body Shop, as noted of the flags in the area that the wind was blowing to the area as noted above.

1-10-14, 5:45AM Friday - Lights on in shop exhaust fan on, can be heard from the road approximately 100' away.

6:30 AM I was in my yard and had a smell of paint.

7:50 AM I was working in my yard again. All of a sudden my asthma started bothering me. Very hard to breathe again. I had to go in the house for another asthma treatment. Again, I had to stay in house. This has occurred many times in the past.

One other problem that bothers me is when Kniesel's starts moving these 15-20 damaged vehicles out to the parking lot and return them at 5:50PM the catalytic converters on these 15-20 damaged vehicles do not warm up because it takes 15-20 minutes for a catalytic converter to warm up. So you see, these vehicles are sending raw fuel to the neighborhood, just like the paint smell.

I contacted a muffler company and they advised me that catalytic converters take 15-20 minutes to warm up.

Dave Koupal

July 31, 2015