

FROM THE PLANNING COMMISSION MINUTES OF APRIL 23, 2009

8. SPECIAL USE PERMIT

c. **S07-0020/Pacific House Auto Repair** submitted by MARION E. LONG to authorize an automotive service and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, four cargo containers, café/bar, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. The property, identified by Assessor's Parcel Number 009-140-19, consisting of 4.19 acres, is located on the north side of Peavine Ridge Road, approximately 1,584 feet east of the intersection with U.S. Highway 50, in the Pacific House area, Supervisorial District II. (Categorical Exemption pursuant to Section 15301(d) of the CEQA Guidelines) [*continued from 1/8/09 and 3/12/09 meetings*]

[Clerk's Note: Prior to this item being heard, applicant informed staff that his letter dated March 8, 2009, which had been submitted to the Commission under separate cover at the March 12, 2009, hearing, had not been copied in its entirety in today's agenda packet (April 23, 2009, hearing). Clerk re-copied and re-distributed the letter in question to the Commission prior to the start of the item.]

Jason Hade presented this item to the Commission with a recommendation for approval. He stated that at the March 12, 2009, hearing, staff was directed to conduct further analysis, and based on that direction, as well as the letter received from the applicant, staff has submitted a revised Attachment 1-Conditions of Approval under separate memo dated March 19, 2009 (included in agenda packet). Mr. Hade also informed the Commission that one letter from the public had been received opposing the tear-down of the service station as it has historical value. As a result, staff is recommending that reference to the service station be removed from condition #9 and be added to the project description in condition #1. Staff also suggested that the Commission may want to consider a new condition adding screening for the service station.

Marion Long, applicant, distributed photos of the site to the Commission. He requested the following changes to the proposed conditions: (1) Allow all 4 storage containers; (2) Allow parking "as-is" instead of "improved"; (3) Remove condition for a Fire Safe Plan since it is not required by the Fire Department; and (4) Allow the service station hoist equipment to be located in front. He further requested that a timeline, instead of number of days, be identified for when items are to be completed. Otherwise, he requested that this permit application be tabled until all items are completed and then he will return to the Commission for review and approval.

Chair Mathews explained that it is necessary to place deadlines on items in order to get them completed. He also reminded Mr. Long that the Commission did direct staff to extend the deadlines from 60 days to 120 days. The County just wants to see that things are getting taken care of.

Chair Mathews questioned staff on the following items: (1) Storage containers: Staff stated that these sea/land containers were placed on the site without building permits and from Planning's perspective these are not an allowed use for this site; (2) Fire Safe Plan: Mr. Hade had spoke with Gary Baldock (Fire Department), who stated that condition #22 is a requirement and a

standard condition; and (3) Hoist equipment: Staff stated that this must be in an enclosed building as it is by a scenic highway and there is no servicing outside.

Commissioner Pratt went into further discussion regarding the Fire Safe Plan and the storage containers.

County Counsel Paula Frantz stated that in Commercial-zoned districts, storage is allowed only as an incidental use to the primary use. The issues at hand are: (1) Is the amount of storage (10 buildings/units) currently on site considered an incidental use for the primary use; and (2) Are the types of storage buildings permissible. Ms. Frantz said that staff has answered “no” to both of those questions. She also went on to summarize the chain of events leading up to today’s request for a Special Use Permit, which included Mr. Long’s statement that this was a legal non-conforming use as the buildings were there when he purchased the property. Ms. Frantz explained that when this was heard by the Board, they disagreed with Mr. Long and staff was now required to view this site as if it was vacant. She stated that Mr. Long’s comments are really directed at his disagreement with the Board’s determination that this is an illegal use and that the Board determined that the best way to clean-up the site was for one permit identifying what was allowed.

Mr. Long’s grand-nephew spoke and indicated that he will eventually be running the automotive shop and is currently attending automotive school. In regards to the storage containers, he indicated that the automotive shop alone would need 2-3 containers for storage of tires, parts, equipment, etc. He based this assessment on his current experience at the school and how they utilize storage for the shop.

Commissioner Tolhurst indicated that he was in favor of approving the Special Use Permit with the two storage containers based on today’s testimony. He would like to give an opportunity for the applicant to move forward.

Chair Mathews concurred with the two storage containers but stated that he did not want them to be viewed from the highway.

Mr. Rivas informed the Commission that the current use of the site would be storage as there is other use being done right now. Staff also recommended a new condition to add screening for the service station which would provide security and also improve the visual impact to Highway 50.

After discussion between staff and the Commission and with the aid of a photo provided by the applicant, it was determined that the only area of concern to be addressed with the new condition would be security.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to: 1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301(d) of the CEQA Guidelines; and 2. Approve S07-0020

based on the findings proposed by staff and subject to the conditions as modified, which include: (a) using revised conditions submitted under staff memo dated March 19, 2009; (b) modify condition #1 to add reference to service station and to allow 2 cargo containers; (c) modify condition #9 removing reference to service station; and (d) add new condition stating service station needs to be secured.

AYES: Rain, Pratt, Tolhurst, Heflin, Mathews
NOES: None