

Based on Planning Services review of the request identified below, staff has prepared the following recommendation:

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

1. Find the project is exempt pursuant to Section 15301 of the California Environmental Quality Act Guidelines (Existing Facilities); and
2. Revoke Conditional Use Permit S08-007 based on the Findings presented, thus terminating it and denying the privileges granted by the original approval.

Background:

The Planning Commission approved Conditional Use Permit (previously referred to as Special Use Permit) S08-0017/Companion Animal Hospital on January 22, 2009. The approval authorized a 2,800 square foot animal/veterinary hospital and placement of two (2) exterior wall signs measuring 3'x 33'x 5" to be placed on the north and south side of the portion of the commercial building. The services offered include the use of a small x-ray, centrifuge machines, autoclave, CO2 laser, oxygen, various laboratory equipment, and computers, the times of operation are Monday through Friday 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 2:00 p.m., and the number of employees include one full-time veterinary and one registered veterinary technician to aide in the daily practice of medicine and cleaning duties. The required building permits were issued on February 6, 2009 and were finalized on April 22, 2019. The Companion Animal Hospital currently occupies Suites F and G of a commercial structure.

On February 15, 2019 the Applicant's contractor submitted a building permit (BP #0307092) for an approximately 943 square-foot expansion of the Companion Animal Hospital into Suite E. On March 21, 2019, the Planning and Building Department Planning Division (Planning) issued a letter to the contractor identifying that the use was established under S08-0017 and would, therefore, require a revision to the Conditional Use Permit to expand the existing facility.

Since issuance of the letter, Planning has corresponded with both the Applicant and the contractor on the alternatives for moving forward, including revision of S08-0017 and a County initiated revocation at the applicant's request. On May 10, 2019, the Applicant requested that S08-0017 be revoked as the activity is currently allowed by right in accordance with Table 130.22.020 (See Exhibits A and B).

Discussion:

The Companion Animal Hospital was authorized through S08-0017 in 2009 under a previous version of the Zoning Ordinance, Title 17, (See Exhibit D through F, and Discussion Section below) which required a Special Use Permit for the intended use. Currently, under Title 130, Article 2, Table 130.22.020 veterinary clinics are a permitted use in the Commercial,

Community zone district (See Exhibit A). The subject parcel continues to be in a Design Review–Community Combining Zone and would require subsequent design review by Planning for any future exterior modifications to the building. Currently the Applicant proposes only interior modifications through BP #0307092; therefore, no Design Review would be necessary. Verification of the parking calculations would be conducted through the building permit review process.

Analysis:

Environmental Review: This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination,” as discussed below in Section 1.0, CEQA Findings. The revocation of the Conditional Use Permit is simply a project that removes the Conditional Use Permit requirements associated with the use of the commercial structure by the animal/veterinarian hospital.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

Indemnity: In the event of any legal action instituted by a third party challenging the validity of any provision of this revocation, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold the County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul any action of El Dorado County concerning revocation of the Conditional Use Permit.

General Plan Consistency: Staff has determined that the proposed project is consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0, General Plan Findings.

Zoning Ordinance Consistency: Staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in Sections 3.0, Zoning Findings.

SUPPORT INFORMATION

Attachments to Staff Memo

Findings

Exhibit A.....	Title 130, Article 2, Table 130.22.020
Exhibit B.....	Revocation Request Letter from Applicant, date stamped May 18, 2019
Exhibit C.....	Planning Department Letter for Building Permit Application 307092 dated March 21, 2019
Exhibit D.....	S08-0017 Final Findings and Conditions, as approved by the Planning Commission on January 22, 2009
Exhibit E.....	January 22, 2009 Planning Commission Minutes Excerpt
Exhibit F.....	Planning Commission Staff Report with Exhibits for S08-0017 as presented to the Planning Commission on January 22, 2009