

FROM THE PLANNING COMMISSION MINUTES OF MARCH 12, 2009

9. SPECIAL USE PERMIT

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 meeting]*

Jason Hade presented the item to the Commission with a recommendation for approval. He stated that the item was originally scheduled for the January 8, 2009, meeting, but the applicant had requested a continuance to discuss the proposed conditions. Staff met with the applicant and two changes were agreed upon, as identified in the January 21, 2009 memo from staff. This week, staff received a letter from the applicant objecting to other conditions. Due to the lateness in receiving the letter, staff was unable to review the requested changes from the applicant. A copy of the letter was distributed to the Commission at the meeting. Staff provided a brief Powerpoint presentation to the Commission.

Commissioner MacCready inquired what the process would be if the application was approved and then the applicant did not comply with the timing of the conditions (i.e., within 60 days). Pierre Rivas explained that the process for this particular application is atypical as there are a large number of code violations on-site and staff has been working with the applicant, Code Enforcement and the Sheriff's Department to use the Special Use Permit process as a vehicle to bring the code violations into compliance. If the applicant does not comply with the conditions, then the Special Use Permit would be brought back before the Commission for the revocation process.

County Counsel Paula Frantz stated that the Special Use Permit will not correct all of the violations and ordinarily a permit would not be granted unless all of the violations were brought into compliance. However, this is a unique case as some code violations would still remain after the approval of the Special Use Permit. Since the permit conditions have specific timing requirements, staff will be monitoring the situation and if they are not met, then it will be brought back for revocation. Ms. Frantz, in responding to Commissioner MacCready's concern with Condition #3, stated that it is the applicant's responsibility to show that the conditions have been met by scheduling an appointment with staff and if this is not done, then staff can begin the revocation process.

Commissioner MacCready expressed concern on certain conditions being met within the stated timelines. Mr. Rivas explained that staff has been working with the applicant for several years and although the applicant has had ample time, compliance has been slow. However, staff can adjust the 60 day timeframe, if desired by the Commission.

Commissioner Heflin asked staff the timeline of events regarding staff working with the applicant for compliance and if the property conditions have improved during this time.

Jim Wassner, Code Enforcement, indicated that the clean up of garbage, vehicles, and solid waste from the property has been on-going.

Gene Long, applicant, stated that he has been confused on the process due to the number of processes he has been having to deal with (i.e., code enforcement, vehicle abatement) Mr. Long provided a summary of events that have led to his current situation. He indicated that it is his intent to open the auto shop for his grand-nephew who is currently training in the automotive business, however, he is not anticipating on opening the café/bar due to ADA requirements. Mr. Long expressed concern on the timing requirements due to the weather conditions and the downturn of the economy. He also stated that he is pursuing the possibility of restoring the old building for historical purposes. Mr. Long also indicated that he currently has a tenant that has items in the yard and would like Mr. Wassner to meet with the tenant to explain the County's rules and regulations regarding the items.

In response to Commissioner Tolhurst's suggestion to remove the café/bar from the Special Use Permit since the applicant is not going to utilize it, Ms. Frantz stated that it is necessary to list all existing buildings in the project description of a Special Use Permit; however, staff could draft language to identify it as empty. If at a later date the applicant would like to open the café/bar, then he would have to revise the Special Use Permit.

Commissioners Tolhurst and Mathews agreed that although they would like to approve the request, it appears that more discussion is needed between staff and the applicant regarding the proposed conditions.

Commissioner Rain expressed concern over the cargo containers and stated that there is a discrepancy between the applicant and staff that needs to be resolved now otherwise it will be returning back to the Commission. There was discussion on how many cargo containers are currently on the property, how to consolidate that amount and also discussion on allowed use (i.e., storage).

Deputy Cook, Sheriff's Department-Vehicle Abatement, stated that initially there were 30 vehicles and it is now down to approximately 13.

Chair Mathews would like clarification on identifying the café/bar as vacant since it would relieve some of the initial burden from the applicant in regards to paving and the applicant could revise the permit if he wanted to open it.

Commissioner Tolhurst stated that although this item was continued in January to allow the applicant to negotiate with staff on the conditions, the letter indicates that there are more items that need to be addressed.

Commissioner Heflin is concerned regarding the applicant's comments that some of the conditions will not be completed within the identified 60 days.

Commissioner MacCready stated that he would like to see Condition 20 resolved prior to the next meeting. The applicant stated that this was already completed.

The Commission indicated that they would like to know which conditions have already been met.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to continue item to the April 23, 2009, meeting and to direct staff to conduct further analysis on the café/bar, parking, cargo containers, timing and the items listed in the applicant's letter dated March 8, 2009.

AYES: Rain, MacCready, Heflin, Tolhurst, Mathews

NOES: None