

FROM THE PLANNING COMMISSION MINUTES OF AUGUST 13, 2015

AGENDA ITEMS

7. 15-0936 Hearing to consider the Kniesel Auto Collision Center revision project [Special Use Permit Revision S07-0011-R-2/Planned Development Revision PD95-0016-R-5]** to revise an approved Special Use Permit and Development Plan to amend the hours of operation from 7:30 AM to 5:30 PM Monday through Friday to 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM to 3:00 PM on Saturday on property identified by Assessor's Parcel Number 070-280-64, consisting of 3 acres, in the Shingle Springs area, submitted by Kniesel's Auto Collision Centers, Inc.; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Addendum to the previously approved Negative Declaration prepared by staff; and
- 2) Approve Special Use Permit Revision S07-0011-R-2 and Planned Development Revision PD95-0016-R-5 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation of approval. He informed the Commission on an error that was identified regarding the hours of operation. The current permit's approved Conditions of Approval are silent on the days of operation, which thereby allows the applicant to be open 7 days a week. This revision will expand the hours of operation, but shorten the days of week they are able to operate.

David Becker, applicant's agent, made the following comments:

- Spoke on the history of the project's days of operation;
- Spoke on nearby businesses and the highway;
- Have tried at great lengths to identify the adjacent neighbor's complaints;
- Understands the annoyance;
- This is a good use that needs to be promoted;
- Suggested to continue the item for two weeks so the Commission could do a site visit and if they detect an odor, then to vote "no" on the item;
- Business is located in a transitional environment in which customers live nearby but work outside of the area and the expanded hours would allow them to interface with the customers;
- Spoke on the types of activities that would be done in the expanded hours; and
- Agreeable to some accommodations to limit hours they could work on vehicles.

Lillian MacLeod read into the record proposed language for Condition of Approval #2 to address Commissioner Heflin's concern that the Conditions weren't clear regarding use.

Lori Parlin made the following comments:

- There are still some toxin solvents that are used;
- Applicants are not a good neighbor;

- This has been going on for 3 years and referenced a log that she had submitted for the record;
- Mr. Becker has never been on her property to detect the odors;
- Has been trying to get the applicants to be good neighbors;
- They now have 2 paint booths and the noise is continuous;
- The fans are a nuisance;
- The Special Use Permit is in violation every day;
- They have broken any trust when they first opened and she refuses to speak to Mr. Becker as he belittles her concerns;
- Spoke on AQMD's comments;
- Spoke on repeated exposure to toxin odors;
- In 2007, the Negative Declaration was used for this project and spoke on various sections of the document;
- Business is impacting the adjoining neighborhood;
- AQMD has done nothing to alleviate the issues;
- Code Enforcement has done nothing to enforce the Conditions (i.e., vehicles being parked in lot, hours of operation);
- Tom Kniesel, owner, doesn't speak to her;
- Business could make some changes in order to be a good neighbor;
- Applicant should not be allowed to impact the neighborhood any further;
- Don't allow the extension; and
- Neighbor who has asthma gets attacks due to the fumes.

Cheryl Langley made the following comments:

- Don't expand the hours, but if approved, a full EIR should be done to fully evaluate the issues;
- Prioritize the needs of the residents; and
- If the business needs to expand, perhaps they should move.

Diane Connelly stated that she is a friend of Ms. Parlin and although she no longer lives in the area, when she visits Ms. Parlin, she has smelled the odors while on her property.

Sue Taylor made the following comments:

- Being by the freeway doesn't justify the other issues;
- Believed parcel was residential prior to it being changed for a gym and doubted that the intention was for this type of commercial use;
- Shorter hours and keeping cars stored was a mitigation measure for the residents and now the applicant wants to make changes;
- Code Enforcement doesn't do much;
- Residents will lose evenings and weekends; and
- Applicant should look for another location if they want to expand.

Kim Beal made the following comments:

- Has been a Cameron Park resident since 1966;

- Supports the request; and
- This will secure future tax base, which is consistent with the County's economic desires.

Chair Stewart closed public comment.

Mr. Mount clarified that the previously approved environmental document was a Negative Declaration and it did not have any mitigation measures, just Conditions of Approval.

Tom Kniesel, applicant, made the following comments:

- Aware and sensitive of the complaints;
- Has sat on the roof of his building while cars were being painted in an attempt to detect any odors;
- Has offered to sit at Ms. Parlin's house in an attempt to detect odors;
- They are far below the set standards;
- He is still open to talk with Ms. Parlin;
- Has worked diligently to not have cars sit in the parking lot and the proposed expanded hours would assist with that;
- Has five shops and only the Shingle Springs location is not open on Saturdays;
- Saturdays are typically not a heavy traffic day at his other shop locations;
- Would like to remediate the issue if he could find it and has never had these types of complaints at his other shops, which some have residences that are closer than Ms. Parlin's; and
- Has been thanked by other neighbors for being a good neighbor.

Lisa Petersen/AQMD made the following comments:

- Spoke on responses to nuisance complaints and that they respond to all complaints received;
- AQMD has been to applicant's site 26 times since 2012;
- There are 2 complainants and typically a neighborhood that size would require at least 5 complainants to be considered a "nuisance";
- Staff unable to detect odors coming from applicant's site;
- Spoke on applicant's Health Risk Assessment done in 2009 by consultants;
- Kniesel's VC emissions are so low and the only reason for the scrutiny is due to the complaints received and this is typically not done with other businesses;
- Applicant and herself have researched add-ons for emission control for smell but it would have added to the noise, was not aesthetically pleasing and was very expensive; and
- Currently, there is no cause to require mitigation measures on the applicant.

Chair Stewart was not sure if he agreed with the Findings as this is an industrial use next to a residential area and even if only one resident is negatively affected, then that is a cause for concern.

County Counsel David Livingston defined the analysis for the Commission, spoke on the project's environmental document and read into the record CEQA language.

Significant discussion ensued on the work hours and uses allowed during those times.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Miller, and carried (4-1), to take the following actions: 1) Adopt the Addendum to the previously approved Negative Declaration prepared by staff; and 2) Approve Special Use Permit Revision S07-0011-R-2 and Planned Development Revision PD95-0016-R-5 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #2 to clarify the hours allowed for specific uses within the 7:00 AM to 7:00 PM Monday through Friday and 8 AM to 3 PM on Saturday hours of operation with the following language: “No employees shall work on vehicles or operate pneumatic tools before 7:30 AM or after 6:00 PM Monday through Friday and before 9:00 AM or after 2:00 PM on Saturday. Use of the spray booths for painting shall be limited to 7:30 AM to 5:30 PM Monday through Friday. No paint spraying shall be allowed on Saturday.”

AYES: Heflin, Pratt, Miller, Shinault

NOES: Stewart

This action can be appealed to the Board of Supervisors within 10 working days.