

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: April 9, 2020
Staff: Tom Purciel

CONDITIONAL USE PERMIT/DESIGN REVIEW REVISION

FILE NUMBER: CUP19-0011/DR-R19-0005/Fast Freddy's Lube Express Expansion

PROPERTY

OWNER/APPLICANT: James Doran

REQUEST: A Conditional Use Permit (CUP) and revision to approved Design Review Permit DR89-0046 to allow the expansion of a legal nonconforming automotive repair shop to include two additional vehicle service bays into adjacent vacant retail space within an existing building.

LOCATION: On the north side of Mother Lode Drive approximately 150 feet east of the intersection with South Shingle Road in the Shingle Springs area, Supervisorial District 4. (Exhibits A, B & C)

APN: 090-430-013 (Exhibit D)

ACREAGE: 0.59 acres

GENERAL PLAN: Commercial (C) (Exhibit E)

ZONING: Community Commercial (CC) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt Pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines

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

1. Find the project Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and

2. Approve Conditional Use Permit CUP19-0011 and Design Review Permit Revision DR-R19-0005 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Conditional Use Permit CUP19-0011/Design Review Revision DR-R19-0005 would allow the expansion of a legal nonconforming automotive repair shop, including two new vehicle service bays, into an adjacent vacant 1,550 square foot retail space within the same building. Exterior building changes would be limited to the addition of two new 10' x 12' roll-up metal doors to replace the existing retail storefront. Exterior colors and materials would be painted to match the existing building colors. There are no new signs or exterior lighting proposed as part of this project; existing building signage and exterior lighting would remain. As proposed and conditioned, the project will be consistent with all applicable Zoning regulations and General Plan policies.

OTHER PROJECT CONSIDERATIONS

Establishment of a Legal Nonconforming Use:

In 1991, the County permitted the original automotive service/repair use in its current location (Building Permit No. 26093 "Jiffy Lube", finalized 1/30/1992). In 1995, the County also permitted a minor expansion/remodel of the previously permitted use (addition Building Permit No. 99335 "Lube Express", finalized 8/1/1996), but still within the same location as the previous permit. Although the existing use was permitted by the County, the project parcel is located within the Community Commercial (CC) Zone District, which only allows automotive repair shops by Conditional Use Permit (CUP). A CUP was never secured for the existing automotive repair shop use, however, making the existing automotive repair business legal, but nonconforming. With the proposed expansion, Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses) triggers the requirement for a CUP subject to review by the Planning Commission based on specific findings by the Planning Commission as discussed below and in more detail under the Findings section of this report.

Required Findings for Changes or Expansion of a Legal Nonconforming Use:

Zoning Ordinance Section 130.610.50 (Changes or Expansion of Legal Nonconforming Uses) requires the Planning Commission make at least two specific findings in order to approve the expansion of a legal nonconforming use. The first required finding is shown in Section 130.61.050(B):

"A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products or services provided."

In addition to the above finding, the Planning Commission is also required to make one or more of the findings listed under Section 130.61.050(D) shown below:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare;
2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall;
3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s);
4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or zoning ordinance text.

Based on documentation supplied by the applicant, including business/sales records and public testimonials (Exhibit H) and evidence in the record, staff recommends the Planning Commission make a finding of economic necessity as required by Section 130.61.050(B) and also make required findings 130.61.050(D)(1) and 130.61.050(D)(2) as listed above. Additional details are discussed in the Findings section of this report.

On-Site Traffic, Parking and Circulation:

K.D. Anderson and Associates Transportation Engineers completed an On-Site Transportation Review (OSTR) (Exhibit G) analyzing on-site impacts of the proposed new automotive service bays on parking, traffic circulation and public safety. The OSTR concluded that the project would not impact parking, traffic circulation or public safety and that there would be sufficient parking spaces on site to accommodate the proposed use consistent with parking requirements in the Zoning Ordinance. Based on the requirements of Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements), the OTSR determined there are 66 parking spaces required for all existing and proposed uses. After project approval, there would be 68 parking spaces available on site, leaving a surplus of two additional parking spaces.

However, the OSTR analyzed the limited sight distance when vehicles backs out of the service bays, caused by landscape trees partially blocking visibility. Department of Transportation (DOT) staff reviewed detailed project plans, including traffic circulation. Based on previous DOT site visits, DOT staff determined that existing landscape trees would not obstruct the line of sight from vehicles exiting the service bays, and therefore, DOT had no additional comments or concerns about this project.

SETTING

The project parcel is located on the north side of Mother Lode Drive approximately 150 feet east of the intersection with South Shingle Road in the Shingle Springs area, approximately 1,520 feet above sea level. The project parcel is fully developed and surrounded by existing commercial uses (Exhibits A, B, C). On the south, east and west, the project parcel is adjacent to other Community Commercial (CC) zoned parcels (Exhibit F). On the north, the parcel abuts U.S. Highway 50. All developed parcels in the vicinity are designated as Commercial on the General Plan Land Use Map (Exhibit E). Existing commercial buildings on both the project

parcel and the parcel immediately to the west (APN 090-430-012) were constructed between approximately 1986 and 1996. Building design and site development on both APNs were originally authorized by a series of Design Review Permits, including the original Design Review Permit DR89-0046 for the project building, in order to comprehensively evaluate building and site design for both parcels.

PROJECT DESCRIPTION

Conditional Use Permit CUP19-0011: Request for a Conditional Use Permit to expand a legal nonconforming use pursuant to Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses) to allow the expansion of a legal nonconforming automotive repair shop, including two new vehicle service bays, into an adjacent vacant 1,550 square foot retail space within the same building.

Design Review Permit Revision DR-R19-0005: Request for a revision to historic Design Review Permit DR89-0046, for purposes of updating County records, for an existing permitted approximately 3,100 square foot commercial building. Exterior building changes associated with DR-R19-0005 would be limited to the addition of two new 10' x 12' roll-up metal doors to replace the existing retail storefront on the southwest side of the building. Exterior colors and materials would be painted to match the existing building colors. There are no additional signs or exterior lighting proposed as part of this project; existing building signage and exterior lighting will remain.

STAFF ANALYSIS

Environmental Review: Staff reviewed the project and found it exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures) applying to new commercial buildings in urbanized areas less than 10,000 square feet in floor area or conversion of such structures from one use to another where only minor modifications are made in the exterior of the structure.

General Plan Consistency: Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access) and Policy 10.1.6.1 (promotion of local businesses). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

Zoning Ordinance Consistency: Staff has determined that the project is consistent with applicable regulations and requirements in Title 130 of the County Ordinance Code, including Section 130.61.050 (Conditional Use Permit requirement for changes or expansion of legal nonconforming uses), Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones), Section 130.52.030 (Design Review Permit) and Chapter 130.35 (Parking and Loading). For details, please refer to the discussion in Sections 3.0 and 4.0 of the Findings.

Public and Agency Comments: The project was distributed to all applicable public agencies and organizations for review and comment including the following County agencies: DOT, the Air Quality Management District (AQMD), the Building Division, the Environmental Management Division (EMD), the County Fire Protection District and the Surveyor's office. Other agencies/organizations notified of the project included Caltrans, the El Dorado Irrigation District (EID) and the local citizen organization Shingle Springs Neighbors for Quality Living. Of the agencies and organizations notified of the project, comments were received from the AQMD, EMD, the Surveyor's office and the County Fire Protection District. None of the commenting agencies had any significant issues or concerns regarding the project and recommended standard conditions of approval to ensure the project will comply with their respective regulations.

Public Outreach: No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County's Planning Commission email subscription list and posted on the Planning Services Planning Commission webpage. No physical sign posting is required for Conditional Use Permits or Design Review Permits.

Conditions of Approval: The project was distributed to all applicable agencies and organizations for review and comment as discussed above. Of those agencies and organizations, only four (AQMD, EMD, the Surveyor's office and the County Fire Protection District) submitted comments. However, none of these agencies expressed significant issues or concerns and recommended standard conditions of approval which have been incorporated into the project. AQMD comments have been incorporated into the project as Conditions of Approval No. 4 through 9; EMD comments have been incorporated as Conditions of Approval No. 10 and 11; the Surveyor's office comments have been incorporated as Condition of Approval No. 12 and the County Fire Protection District comments have been incorporated as Condition of Approval No. 13.

