

File Number: S07-0011-R/PD95-0016-R-4

Receipt No.: 27892

Date Received: June 26, 2012

Amount: 200.00

**APPEAL FORM**

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Lori Parlin

ADDRESS 3971 Crosswood Drive, Shingle Springs, CA 95682

DAYTIME TELEPHONE 530-672-6425

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

APPEAL BEING MADE TO:  Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

See attached

JUN 26 AM 11:28  
RECEIVED  
PLANNING DEPARTMENT

DATE OF ACTION BEING APPEALED June 14, 2012

Lori Parlin  
Signature

6-26-12  
Date

Items being appealed to Board of Supervisors re: Special Use Permit S07-0011-R/Planned Development Revision PD95-0016-R-4/Kniesel Auto Collision Center

1. Appealing the Planning Commission's June 14, 2012 removal of Condition 8 of the approved Special Use Permit and Development Plan requiring curb, gutter, and sidewalk on Crosswood Drive.
  - a. The Planning Commission's decision is in direct conflict with the General Plan, as noted in the June 14, 2012 Staff Report and March 3, 2012 Department of Transportation Memorandum, which states that sidewalks are mandatory and not optional within Community Regions on all roads.
  - b. The Planning Commission's reasoning that the sidewalk adversely affects the rural characteristics of the private road is incorrect since the Findings on the Environmental Checklist state "It has been determined that there will be no impacts to aesthetic or visual resources."
  - c. The Planning Commission's reasoning that the sidewalk is 'a sidewalk to nowhere' is incorrect since the sidewalk would connect the business to the adjacent development, a neighborhood of one-acre residences.
  - d. The Planning Commission's reasoning that the sidewalk would increase foot traffic into the neighborhood is flawed, as most of the foot traffic along the frontage road is from residents of the adjacent neighborhood.
  - e. The Planning Commission's reasoning that traffic from Kniesel's does not access Crosswood Drive is flawed. While it is true that the business does not have a direct access road to Crosswood Drive, it has already been documented that traffic to Kniesel's does miss the driveway and then turns around at the nearest opportunity, which is Crosswood Drive. It is reasonable to speculate that the instances of inadvertent traffic from Kniesel's will increase as their volume of business increases.
  - f. The Planning Commission's decision is short-sighted and does not take into account that the project is located within a neighborhood that is still being developed. The residents' need for pedestrian safety while accessing the mailboxes and school bus stop along the frontage road will increase as the nearby properties are developed.
  - g. Economic hardship should not be an excuse to defy the General Plan. The applicant must meet the Conditions or lose the Special Use Permit.
2. Condition 1 needs to be corrected to state that the hours of operation are 7:30AM to 5:30PM Monday through Friday.
  - a. The Project Description of the Environmental Checklist states "Hours of operations are proposed to be 7:30AM to 5:30PM Monday through Friday."
  - b. Tom and Erin Kniesel attended a Crosswood Drive Road Association meeting on August 15, 2007 and indicated that the adjacent residences would not be inconvenienced by their business operations, especially since they would not be open on weekends.
3. Condition 1 needs clarification. If the project no longer needs a covered parts storage area on the east side, what about the west side?

- a. As of June 25, 2012, a damaged car door has been sitting out in the west side yard for at least a week. Will outside parts storage increase as their business volume increases over time?
  - b. Would a covered storage area on the west side of the building help create a barrier for the noises that come from vehicles when they are dropped off during non-business hours?
4. There are no Conditions stating how to keep noise within the building. An enforceable Condition needs to be added to the Special Use Permit so that there is a clear standard of operation to keep noise inside the building.
- a. Section XI. Noise. a-d) of the Environmental Checklist states "Noise levels associated with uses within the auto body shop would theoretically not travel outside of the confines of the building." This would be true if the applicant operated the business with doors closed at all times.
  - b. Several instances have been documented where the applicant has been operating with either the east side door, the west side door, or the west bay door open and loud noises have traveled out of the building into the adjacent neighborhood.
  - c. A Condition stating that the applicant must keep ALL doors closed at ALL times, except to move vehicles, parts, or people in and out of the building would make the theoretical noise barrier closer to a reality.
5. There are no Conditions stating how to keep parking lot noise within the specified ranges of Table 6-2 Noise Level Performance Protection Standards during the Evening and Night. An enforceable Condition needs to be added to the Special Use Permit so that there is a clear standard of operation to keep parking lot noise within the legal limits during the Night and Evening.
- a. One option would be to create a Condition that tow trucks can only drop off vehicles during regular business hours, 7:30AM to 5:30PM Monday through Friday.
  - b. Another option would be to create a Condition that the applicant must build an enclosure on the west side of the building so that sounds from the parking lot and tow trucks would be confined to the enclosure.
  - c. Waking up your neighbors in the middle of the night is not an acceptable business practice and needs to be addressed.
6. There are no Conditions stating how to keep odors from leaving the project site and going onto adjacent property. Representatives from AQMD have stated that odors from this type of business are normal. How can this be addressed in the Conditions of Approval?
- a. This project is closer to a residence than what is normally allowed and is adversely affecting the adjacent residence. Several instances of paint odors have been documented on the adjacent residential property and will likely increase as the volume of business increases.
  - b. The Environmental Checklist states "The El Dorado County Air Quality Management District has stated that they have not received many complaints

concerning odors emitting from auto body shops in the county, therefore the threshold of significance has not been exceeded; however there is the future potential since the proposed use is directly adjacent to residential uses.” This indicates that since this auto body shop is located closer to a residential property than is normally allowed, the County should have foreseen the likelihood that paint odors would travel to the adjacent residential property and did not take precautions to prevent it from happening.

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**Special Use Permit Revision S07-0011-R/Planned Development Revision PD95-0016-R-4/  
Kniesel's Auto Collision Center  
Planning Commission/June 14, 2012**

### **Conditions**

1. This planned development and special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-F, approved November 8, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Request for a special use permit and planned development revision to allow a conversion of an existing 18,320 square foot sports complex into an auto body shop with 16 service bays and a maximum of 25-30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. Interior modifications include 16 service bays with equipment including frame measurement machines, alignment racks, and paint booths. Parking and storage of all vehicles that are being serviced will be inside the facility. Exterior modifications to the building include two roll up doors on the west side for vehicle entrance ~~and a covered parts storage area on the east side.~~ Outside storage of any parts or materials shall not be allowed. An existing enclosure on the south east end off the building will contain air compressors. A total of 61 parking spaces are proposed, three of which are handicapped.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **El Dorado County Planning Services**

2. The proposed free standing pole sign shall be a maximum 84.5 square feet and a maximum height of 5 feet. No moving signs of any type are allowed.

3. New and existing roof mounted equipment shall be painted to match the existing building colors.
4. The proposed ~~exterior parts storage area~~ and entrance doors shall be constructed of materials and colors that are consistent with the existing materials and colors.
5. All existing lighting shall conform to §17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

6. All vehicles waiting to be serviced are to be parked/stored inside the facility or within the confines of the stacked parking area shown on the site plan. During working hours, any vehicle left at the facility to be serviced shall immediately be located to the stacking area. Should a vehicle be left at the facility during hours when the facility is closed, such vehicles shall immediately be removed to the stacking area upon the opening of the facility. The operator shall designate a location, to be shown on the site plan, to the rear of the parking area for vehicles that might be deposited during hours when the facility is closed. The operator shall communicate to all local towing companies that when depositing vehicles during such hours when the facility is closed, such vehicles shall be left at the rear of the parking area.
7. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.

### **El Dorado County Department of Transportation**

8. The applicant shall construct a six (6)-foot wide concrete sidewalk and Type 2 vertical curb and gutter along the entire on-site portion of Crosswood Drive and connect to the existing curb, gutter, and sidewalk along Wild Chaparral Drive according to Design and Improvement Standards Manual (DISM), Standard Plan 110. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. The applicant shall be subject to an encroachment permit, as determined by the DOT, and these improvements shall be completed prior to occupancy of this project.

9. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado DISM, the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
10. The applicant shall irrevocably offer to dedicate the 25 foot wide non-exclusive road and public utility easement for the on-site portion of Crosswood Drive, prior to occupancy of this project. This offer will be rejected by the County.
11. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

#### **El Dorado County Fire Protection District**

12. Site review fee of \$150 shall be paid prior to issuance of building permits.
13. Existing sprinkler system will need to be upgraded for this use prior to finaling of building permits.
14. During the building review process the following plans will need to be submitted: building, alarm, sprinkler, and suppression system (paint booth).
15. The project is required to meet fire flow. Fire flow for this project is 1750 gpm @ 20 psi for two hours, with an approved fire sprinkler system.
16. Show documentation from EID (FIL) that fire flow can be met.

#### **El Dorado County Environmental Management**

17. A hazard materials business plan and an air quality plan shall be subject to review and approval of the district prior to initiation of the use.

#### **Planned Development (PD95-0016)**

1. All structures, signs, parking, operating hours, and other site improvements shall conform to the submitted plans except for those modified herein.
2. A removable steel bollard shall be installed just beyond the trash/propane enclosure at the building's eastern elevation.
3. Wild Chaparral Drive shall be improved on-site to Standard Plan 101A.

4. An 8-foot high block wall shall be constructed along the northerly property line of the project site from the nearest property corner to five-feet short of the drainage swale.
5. The parking area shall be widened an additional 6 feet to enable the space necessary for a pedestrian walk. The pedestrian walk shall be 6-feet wide and bisect the main parking island running in a north/south direction.
6. The access shall be limited to run 50 feet along the east elevation and shall be marked NO PARKING in the area of the trash/propane enclosure.
7. An in-ground bicycle rack with locking devices shall be installed near the front of the building.
8. Any emergencies exits shall be equipped with alarms to preclude uses other than emergency exiting.
9. Landscape plans shall conform with the water conservation landscape standards pursuant to Resolution No. 69-93. Said plans must be submitted, reviewed, and approved by Planning staff prior to issuance of building permits. The plan shall include a minimum of ten, 15-gallon trees to be located along each side of the north and south elevations.
10. County standard "No parking" signs shall be installed on Crosswood Drive.



Kniesel's sounds/smells

Observed by Lori Parlin, 3971 Crosswood Drive, Shingle Springs

4/19/12 Thursday – Open House – Called EDSO and had someone come out and talk to the owners because they had an outside band that was louder than necessary for their event. Turns out they had placed the band directly near our shared wall. They did quiet down after the Sheriff's Deputy stopped by, but then got loud again about 1:30 until the end of their event at 2:00 pm

**4/22/12 Sunday**, midmorning – Heard lots of banging from the bay door area on west side of building. While out doing yardwork noticed a **wrecked car in the side yard** that had not been there earlier. Was busy with yardwork, so didn't get a photo, but it was a Toyota SUV or truck, nice red, with smashed-in windshield. It was gone on Monday morning.

5/7/12 Monday, midmorning – Lynn(sister) heard very loud noises from east side of building, but mistakenly thought it was coming from nearby car dealership because there was a large truck delivering cars at the same time. A little bit later, I was talking to her about it and we both heard the loud sound again. I peeked over wall to see where the noise was coming from and saw that Kniesel's had a small door on the west side of building open and the noise was coming from it. It stopped after about 5 minutes.

5/11/12 Friday, approx 8:30am – Came back from walking dog and noticed bay door open. As I approached my front door a loud machine noise came blasting from that side of building. Sounded like the machine that puts the lug nuts on tires. Lasted about 2 minutes.

5/11/12 Friday, approx 11:30am – Out in back yard pulling weeds and smelled solvent/paint smells wafting into yard. Came and went, not sure of origin, but suspect Kniesel's since we've not smelled that before.

5/14/12 Monday 2:00pm – Went outside to garden in backyard and smelled a 'nail polish' type of smell within minutes of going outside.

5/14/12 Monday 3:25pm – Loud bang, like and metal door banging or being dropped. Daughter heard it too.

5/15/12 Tuesday 8:20 am – Booming banging sounds and then whirring sounds, maybe a vehicle dropped off and the tow truck motors. Very loud and alarming at first.

5/17/12 Thursday 11:20am – Loud metallic bang, like a large piece of cyclone fencing.

**5/17/12 Thursday 9pm** – Coming home from awards banquet at Ponderosa High School, side gate open, car in side yard, lights on inside. Long past closing time.

**5/18/12 Friday approx 8am** – Returning home from walking dog and a car sped past me on Wild Chaparral, it turned around at the cul de sac and then raced down Wild Chaparral and turned into Kniesel's lot and parked. Silver with a spoiler.

5/19/12 Saturday approx 8am – Cars in side yard and bay door open. Saturday?

**5/21/12 Monday approx 8am** – Returning home from walking dog on Wild Chaparral and saw a car whip onto Crosswood Drive, pull a u-turn and then whip back onto Wild Chaparral and into Kniesel's driveway.

5/22/12 Tuesday approx 8:00-9:00am – Loud vacuum sound went on for about an hour while I was outside gardening. Annoying!

5/22/12 Tuesday 3:20pm – Heard someone shout a loud whoop and then a few minutes later a huge crashing sound, like a car being dropped from a rooftop. My sister heard it from inside with windows closed and swamp cooler running. As bay door closed, we smelled something like nail polish. Shortly after that there was a lot of loud banging.

**5/29/12 Tuesday midmorning** – Heard beeping of a truck backing up and saw an Aramark van backing up out of my neighbor's driveway. Appears that the driver missed the Kniesel driveway and turned around in my neighbor's driveway.

5/29/12 Tuesday approx noon - While picking cherries sounds like a loud vacuum and beeping (truck backing up?) for long periods of time.

**5/30/12 Wednesday 5:13am** – Loud crashing, banging sounds. Car being dropped off???

5/30/12 Wednesday afternoon – Long periods of whirring machine sounds while planting roses. One whiff of nail polish smell.

6/1/12 Friday approx 10am – Bay door open, ratchet sounds, buffing cars outside on patio, cleaner smells. Called Sheriff at 10:30am. Call back from Deputy that EDC does not have a noise ordinance. He walked through business and said that not excessively noisy. Ratchet work inside near back of building, bay door open, wiping down parts on patio. Suggested civil court action if we want to pursue.

6/7/12 Thursday approx 12:30pm – Went out to pick cherries with my daughter and immediately heard loud engine noises, like someone revving a hotrod. About 2 minutes.

6/7/12 Thursday approx 1:30pm – Got wafts of paint smells. Had daughter and niece come outside and wait a bit and they too smelled it. We debated whether it smelled like nail polish or nail polish remover, but it was definitely paint smells. Came and went with the wind.

6/7/12 Thursday approx 1:45pm – Loud ratchet sounds for several minutes.

6/7/12 Thursday 2:00pm – Called and reported smells to Dave Johnston at Air Quality Management, also emailed my log to him. He called back and said he would have Levi go out and visit the facility. Dave explained that paint booth ventilation systems remove particulate matter from the paint exhaust, but cannot remove fumes. I told him I was angry about that because we had been assured by Tom and Erin Kniessel at a meeting years ago that their businesses are good neighbors and that we would not notice that they were even there because they do all of their work inside. He said there was nothing he could do about the paint smells or sounds.

6/8/2012 Friday 2:54pm – Levi from Air Quality called to let me know that he drove around the neighborhood on Thursday and did not smell any paint or other smells. He said that he stopped by Kniessel's and talked to the General Manager and everything looked in order, although they were not painting while he was there. He let me know that the paint booths do emit odors, but are designed so that no particulate matter escapes. I explained to Levi that I was not happy that the Kniessels never explained to us that we would be smelling paint fumes from their business.

6/12/2012 Tuesday 6:05pm – Driving home from grocery store and noticed that side gate was still open, several cars and people still there, and side door still open. Wondered how long they would be there into the evening.

6/13/2012 Wednesday midmorning – Lots of truck beeping. Looked over and saw that it was the garbage truck taking their large garbage bins and because of the bin location the truck had to maneuver and back up a lot, which makes it beep, which is followed by the crashing sounds of the large bin.

Business hours

Traffic

Side yard storage

Note: Truck beeping happens often (tow trucks and delivery trucks) and I have only documented the longer, more annoying instances.