

FINDINGS

Conditional Use Permit CUP19-0011/Design Review Revision DR-R19-0005/Fast Freddy's Lube Express Expansion Planning Commission/April 9, 2020

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 CUP19-0011/DR-R19-0005 has been found categorically exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines 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.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Commercial (C) Land Use Designation establishes areas suitable for a full range of commercial retail, office and service uses to serve the residents, businesses and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The proposed use is consistent with uses allowed in the Commercial (C) Land Use Designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: As proposed and conditioned, the project will be compatible with adjoining land uses. The proposed expansion will not significantly change the exterior appearance of the existing building and the expanded use is not anticipated to create any public safety hazards or impede traffic flow into and out of the existing commercial center. Further, the proposed expansion would be consistent with existing automotive-related businesses in the vicinity including auto parts sales, auto rental and auto repair to the south, fuel stations both to the immediate west and southwest, and an auto body shop approximately 0.25 miles to the west.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by DOT, the Environmental Management Division, the County Fire Protection District and the El Dorado Irrigation District for adequate public services and utilities. All four agencies/organizations deemed public services and utilities adequate to serve the project, as there would be adequate water, waste disposal and access available for the project's needs. Electric service is currently provided to the project parcel by Pacific Gas and Electric and there would be no change to existing electric service as part of the project. As proposed and conditioned, the project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires the responsible fire protection district review the application to determine the adequacy of required fire prevention services.

Rationale: The project was reviewed by the County Fire Protection District (District) and the District determined that, with incorporation of standard conditions of approval from the District, adequate fire protection services will be available to serve the project.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was reviewed by DOT and the County Fire Protection District and both agencies determined the project site has adequate capacity for emergency vehicle access.

2.7 The project is consistent with General Plan Policy 10.1.6.1.

General Plan Policy 10.1.6.1 (promotion of local businesses) requires the County to encourage expansion of local business operations that promote tourism and support local economic growth.

Rationale: Staff is recommending project approval as the project is consistent with the goals of this policy. The proposed expansion is an economically viable use of the site and the project would support a local business in the Shingle Springs area.

3.0 ZONING FINDINGS

3.1 The project is consistent with the Conditional Use Permit (CUP) requirement for changes or expansion of legal nonconforming uses (Section 130.61.050).

Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses) allows for the Planning Commission to approve changes or expansions to legal non-conforming uses as part of a CUP, subject to specific findings by the Planning Commission as discussed further under Findings Section 4.0 below.

Rationale: The requested CUP is consistent with the requirements of this section.

3.2 The project is consistent with Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones).

Table 130.22.020 shows allowed uses and permit requirements for each of the commercial zones, including specific use types either allowed by right ("P") or by CUP.

Rationale: Automotive repair shops are allowed by CUP in the CC zone.

3.3 The project is consistent with Section 130.52.030 (Design Review Permit).

Section 130.52.030 (Design Review Permit) requires a Design Review Permit be processed for new structures, or modifications to existing structures, within designated areas of the County to ensure compatibility with applicable historical, scenic or community design criteria. Although Design Review permits are typically only required for areas designated on the Zoning Map with a Design Review Combining Zone (e.g. Design Review-Community [-DC], Design Review-Historic [-DH] or Design Review-Scenic Corridor [-DS]), the existing structure was previously developed under historic Design Review Permit DR89-0046. Therefore, a revision to the original Design Review Permit is required in order to document that proposed exterior modifications will be substantially consistent with the original building and site design approved as part of Design Review Permit DR89-0046. 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. Further, there would be no modifications to exterior lighting, signage, parking or landscaping as part of this project. Therefore, the requested building modifications associated with Design Review Revision DR-R19-0005 are substantially consistent with approved Design Review Permit DR89-0046, and the project is consistent with the intent of Section 130.52.030.

3.4 The project is consistent with Chapter 130.35 (Parking and Loading).

Section 130.35.030 (Off-Street Parking and Loading Requirements) requires off-street parking be provided to accommodate all existing and proposed uses for a site in accordance with Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements)

Rationale: K.D. Anderson and Associates Transportation Engineers completed an On-Site Transportation Review (OSTR) for the project site, including a detailed review of all existing uses and additional parking demand resulting from the proposed auto service expansion. Based on this analysis, the OSTR determined that adequate parking would be available for the proposed use consistent with the requirements of Table 130.35.030.1. Based on the requirements of this table, 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.

4.0 FINDINGS FOR EXPANSION OF A LEGAL NONCONFORMING USE

4.1 The proposed use is necessary due to economic market demands for the goods, products or services provided (Section 130.61.050(B)).

Rationale: The proposed expansion of the legal nonconforming use is necessary due to economic market demands for additional automotive service in the project vicinity, as evidenced by supporting documentation provided by the applicant. (Exhibit H)

4.2 Additional findings For Changes or Expansions to Legal Nonconforming Uses (Section 130.61.050 (D)):

Section 130.61.050(D) requires the Planning Commission make one or more of the following findings, as applicable to the project:

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.

Rationale: Based on documentation submitted from the business owner and evidence in the record, required Findings 130.61.050 (D)(1) and 130.61.050 (D)(2) can be made as shown below:

- A. Required Finding 130.61.050(D)(1): Business records and public testimonials (Exhibit H) indicate expansion of the legal nonconforming use is essential in this location and desirable to the public convenience and welfare.
- B. Required Finding 130.61.050(D)(2): The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and area overall, as the proposed expansion would not significantly change the exterior appearance of the existing building and the expanded use is not anticipated to create any public safety hazards or impede traffic flow into and out of the existing commercial center. Further, the proposed expansion would be consistent with existing automotive-related businesses in the vicinity including auto parts sales, auto rental and auto repair to the south, fuel stations both to the immediate

west and southwest, and an auto body shop approximately 0.25 miles to the west.

5.0 CONDITIONAL USE PERMIT FINDINGS

5.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

5.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The proposed expansion will not significantly change the exterior appearance of the existing building and no exterior lighting or signage is proposed as part of the project. Further, based on DOT review of the project plans and existing site conditions, the expanded use is not anticipated to create any public safety hazards or impede traffic flow into and out of the existing commercial center. In addition, the proposed expansion would be consistent with existing automotive-related businesses in the vicinity including auto parts sales, auto rental and auto repair to the south, fuel stations both to the immediate west and southwest, and an auto body shop approximately 0.25 miles to the west. As proposed and conditioned, the proposed use would not be detrimental to public health, safety and welfare, and therefore, Finding 4.2 can be made.

5.3 The proposed use is specifically permitted by Conditional Use Permit.

Automotive repair shops are listed as a use allowed by CUP in the CC zone under Zoning Ordinance Section 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones). Therefore, Finding 5.3 can be made.