

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	February 15, 2017
Item No.:	5.a.
Staff:	Evan Mattes

SPECIAL USE PERMIT

FILE NUMBER: S16-0010/Smog King

APPLICANT: Tom Petrone

REQUEST: Conditional Use Permit request to allow operation of a smog inspection service in an existing 828-square foot commercial building.

LOCATION: North side of Park Drive approximately 500 feet north of the intersection with El Dorado Hills Boulevard, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A).

APN: 121-170-01 (Exhibit B)

ACREAGE: 0.339 acre

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial, Community (CC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301; and
2. Approve Conditional Use Permit S16-0010 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit would allow for emissions inspection facility (smog shop) in an existing commercial building in the El Dorado Hills Area area. Minor alterations to the already existing building and the placement of a new wall mounted sign are proposed as part of the project. Automotive Repair and Service Shops are allowed with a Conditional Use Permit in the Community Commercial (CC) zoning designation. Staff has determined that the proposed project is consistent with the Commercial land use designation and CC zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

ANALYSIS

Site Description: The subject property is located in the CC Zone. The property is relatively flat, and contains an existing 828 square foot building with associated parking area and landscaping (Exhibit E). The existing building was previously used as a storage building. The project is located at the northern end of the La Borgata Shopping Center in El Dorado Hills.

The existing building is located on a parcel created by Parcel Map 48-44 in 2002 and was constructed in 2005. Despite the building being associated with APN 121-170-01 the building physically exists on the parcel identified as APN 121-170-12 to the south (Exhibit G). The applicant and the property owner have initiated a Lot Line Adjustment to bring the building onto the correct parcel.

The site is surrounded by commercially-zoned parcels to the north and south, transportation corridor and community commercial to the west, and Recreational Facilities, High Intensity to the east. Access to the site is provided by Park Drive, a public road. Public water and sewage services would continue to be provided by El Dorado Irrigation District.

Project Description: The applicant requests a Conditional Use Permit in order to operate a test only vehicle emissions test facility (smog shop) within an existing building in the La Borgata shopping center. Minor construction is proposed to create a lobby, an administrative office, a bathroom and a car bay. Additionally, the project proposes the installation of a 24' x 17' wall mounted sign (Exhibit I). The smog shop accepts both drop-ins and appointments and would operate from 8A.M to 6P.M, Monday through Saturday and from 9A.M to 4P.M on Sundays. The project has access to seven parking stalls within the La Borgata Shopping Center and is expected to hire two employees. Traffic to and from the facility is expected to be moderate and to be largely limited to business hours. Conditions of approval limiting the use of the outdoor areas of the facility are included to maintain the use of the shopping center for multiple community-serving commercial purposes.

Consistency: As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Commercial (C) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Commercial, Community (CC) zone and other Zoning Ordinance requirements.

Environmental Review: The project is Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities). Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Number Map

Exhibit C.....General Plan Land Use Designations Map

Exhibit D.....Zoning Designations Map

Exhibit E.....Aerial Map

Exhibit F.....Site Plan

Exhibit G.....Parcel Map 48-44a

Exhibit H.....Proposed Boundary Line Adjustment

Exhibit I.....Proposed Sign Rendering

FINDINGS

Special Use Permit S16-0010/Smog King Zoning Administrator/February 15, 2017

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, therefore, the project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 1.2.1 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Development 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.

Commercial (C) land use designation establishes areas to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The El Dorado County General Plan designates the subject site as Commercial. The site is proposed for use as an emissions inspection facility. This use is consistent with the intent of the Commercial land use designation.

2.2 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: The site contains an existing commercial building surrounded by commercially-zoned parcels to the north and south, transportation corridor and community commercial parcels to the west, and Recreational Facilities, High Intensity.

2.3 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 would require extension of El Dorado Irrigation District (EID)

water and sewage services. Existing facilities for the La Borgata Shopping Center exists at the northwest corner of 3905 Park Drive (APN: 121-170-11), and is not anticipated to have a substantial impact on existing water and sewage services. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with county recycling standards and follow CalGreen requirements during operation.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by El Dorado Hills Fire Protection District for fire protection. No comments or concerns about the project were provided by this agency. El Dorado Irrigation District would provide the proposed facility public water and sewer. The project does not include any proposed new construction.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

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 Transportation Division and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required. Also, the roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. Because this is an existing facility and there are no proposed changes to the site, the on-site circulation was reviewed as part of previous approvals for the shopping center and on-site transportation review was not needed. No additional site access or improvements to the existing roads are required. The project is in compliance with the General Plan Policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The CC zone is intended to provide for retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County.

Rationale: The parcel is zoned Commercial, Community (CC). The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes industrial uses, specifically Automotive and Equipment: Repair Shops, which are specifically permitted by Conditional Use Permit pursuant to Section 130.22.020.

Automotive and Equipment: Repair Shops is defined as “The repair and servicing of motor vehicles, construction equipment, farm machinery, aircraft,, boats, automobile and heavy equipment repair garages, muffler shops, car stereo installation, car wash and detailing services. These uses may not include fuel sales, or body repair and or, painting. The commercial use conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 130.35 (Parking and Loading) and 130.16 (Signs), respectively).

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. The building and landscaping exist, with minor interior and exterior changes are proposed. Parking and loading were analyzed according to the use type, and the current parking situation would be sufficient for the change in use (see Finding 3.2).

3.2 **The project is consistent with Chapter 130.18: Off-Street Parking and Loading.**

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements by use. Community Shopping Centers, those ranging in size from 15,000 square feet to 400,000 square feet, are required to have at least one parking space per 400 square feet of gross floor area. The number of handicapped parking spaces is calculated based on the total number of spaces, with 76 to 100 spaces requiring 4 handicapped spaces, pursuant to the California Building Code.

Rationale: Although this Conditional Use Permit is a request to accommodate an emissions inspection facility within an existing building. Automobile: Repair and Service requires 3 off street parking spaces per service bay plus 1 parking space per 400 square feet of office/retail AUA. The project proposes one service bay and less than 400 sq. ft. of office/retail. As such the project would be required to provide 3 parking spaces. Seven parking spaces have been identified on the parcel.

3.3 The project is consistent with Chapter 130.36: Signs.

Section 130.36 of the Zoning Ordinance establishes sign regulations that are consistent with the goals, objectives and policies of the El Dorado County General Plan and the County's visual and aesthetic goals, and provide adequate identification for establishments.

Rationale: The project is proposing an illuminated 34 square foot permanent wall mounted sign within a community region. In accordance with subsection 130.16.080 of the Zoning Ordinance, a sign permit will be required for the sign. The design would be reviewed for compliance with all regulations for wall mounted signs within Community Region, including those for sign illumination, compatibility with colors of on-site structure, sign size and placement.

3.4 The project is consistent with Chapter 130.37, Noise Standards.

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: Noise levels are not expected to exceed maximum levels as a result of the project, as there is no new work proposed and the only activities that will occur outside of the building will include emissions inspections. The project is surrounded by commercial uses to the south, vacant lands to the north and east and bordered by El Dorado Hills Boulevard to the west. Noise generated during operation and any potential future construction will be required to comply with the noise standards established by Chapter 130.373.060 of the Zoning Ordinance.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the CC zone district. The proposed use is consistent with the surrounding land uses which include commercial uses. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

Rationale: Automotive and Equipment: Repair and Service is specifically permitted by Conditional Use Permit pursuant to Section 130.22.020. The subject property is located in the CC zone district. The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes commercial uses, specifically Automotive and Equipment: Repair and Service Shops, which are allowed with a Conditional Use Permit in the CC zone.

CONDITIONS OF APPROVAL

Special Use Permit S16-0010/Smog King Zoning Administrator/February 15, 2017

Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description and conditions of approval detailed below:

Conditional Use Permit request to allow operation of a vehicle emissions test facility (smog shop) within an existing building in the La Borgata shopping center. Minor interior and exterior construction is proposed to create a lobby, an administrative office, a bathroom and a car bay (Exhibit F). Additionally, the project proposes the installation of a 34 square foot wall mounted sign (Exhibit I). The smog shop accepts both drop-ins and appointments and would operate from 8A.M to 6P.M, Monday through Saturday and from 9A.M to 4P.M on Sundays. The project has access to seven parking stalls within the La Borgata Shopping Center and is expected to hire two employees.

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 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.

2. Pursuant to County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
3. Any signage for the emissions inspection facility shall meet the requirements of County Code Chapter 130.16. Changes to outdoor lighting shall comply with Chapter 130.34 and the El Dorado County Outdoor Lighting Standards.
4. Prior to issuance of any building permits, the applicant shall file a Boundary Line Adjustment (BLA) and process the necessary record map, conducted so that the existing building resides within its associated legal parcel (Exhibit H).

5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. The County shall notify the applicant of any claim, action, or proceeding and the County will cooperate fully in the defense.

El Dorado Hills Fire Department

6. Fire Alarm: This project shall be conditioned to add a Fire Alarm to the building as required by the Fire Code Official and shall be in compliance with NFPA 72. Compliance with this condition shall be verified prior to issuance of building permit.
7. Traffic Calming: This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official. Compliance with this condition shall be verified prior to issuance of building permit.
8. Park and Fire Lanes: All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking-Fire Lane." This shall be white letters on a red background. Compliance with this condition shall be verified prior to issuance of building permit.