



"We are a welcoming, active and business-friendly rural foothill community built on California's rich gold rush history."

Planning Commission Staff Report

Meeting Date: November 15, 2022

Prepared By: Pierre Rivas, Development Services Director

PROJECT INFORMATION SUMMARY

Case File: Conditional Use Permit (CUP) 80-07

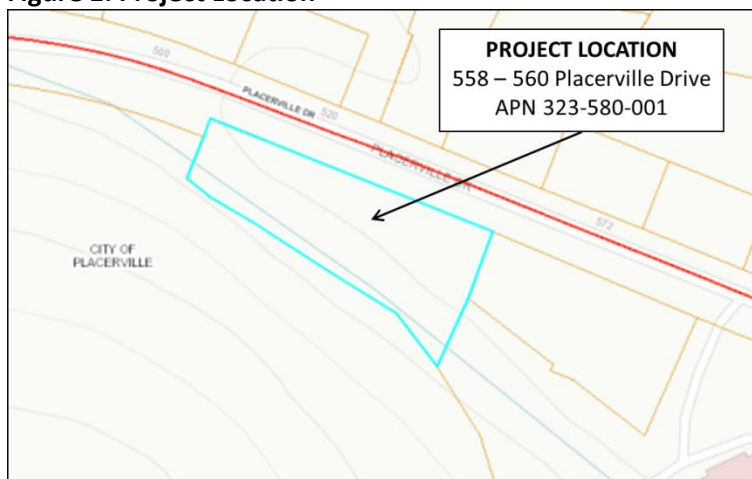
Request: Revocation of Conditional Use Permit 80-07 for establishment of a storage and display area for rental and equipment rentals.

Summary Recommendation: Staff recommends approval of the requests as conditioned.

Site Information:

| | |
|------------------------------------|---|
| <u>Property Owner / Applicant:</u> | Barbara J Henningsen Revocable Trust |
| <u>Address:</u> | 550 -580 (558) Placerville Drive, Placerville, CA |
| <u>APN:</u> | 323-580-001 |
| <u>Lot Area:</u> | 1.47 Acres Total – Yard Area Approx. 13,963 sq. ft. |
| <u>General Plan:</u> | Commercial (C) |
| <u>Zoning:</u> | Commercial (C) |
| <u>Existing Use:</u> | Commercial Retail, subject area is vacant yard |
| <u>Decision Making Authority:</u> | Placerville Zoning Ordinance §10-4-9 (C).1. |

Figure 1. Project Location



Arial View with yard identified within the parcel:



BACKGROUND:

The CUP for a storage and display area for rental and equipment sales was approved by the Planning Commission on July 1, 1980. The approval included the following conditions:

- a) A street frontage improvement agreement for curb, gutter, sidewalks and additional paving for the Placerville Drive frontage will have to be secured prior to the CUP being valid.*

Staff Comment: The City Council considered an appeal by the applicant (then property owner Patrick Clusiau) to waive the requirement for an SFIA. The Council modified the requirement in that the SFIA be modified to require a new form for the agreement to have all frontage improvement be done at the same time rather than individually. As of the preparation of this staff report, it is not known if a SFIA was executed.

- b) The site will be paved within 1 year with 2" AC on 4" AB.*

Staff Comment: Staff met with Richard Noll, owner of Pro-Builders Supplies on June 12, 2018 regarding the requirement to pave and the planters. Staff agreed that since the yard was to only be used for storage of supplies and not for parking, that gravel would be appropriate in lieu of pavement in the interim. It was agreed at that time that the requirement for the planter boxes would need to be installed.

c) *The site will conform to the Sign Ordinance.*

Staff Comment: The site has been subject to on-going signage violations over many years. Primarily, advertising banners placed on the chain-link fencing.

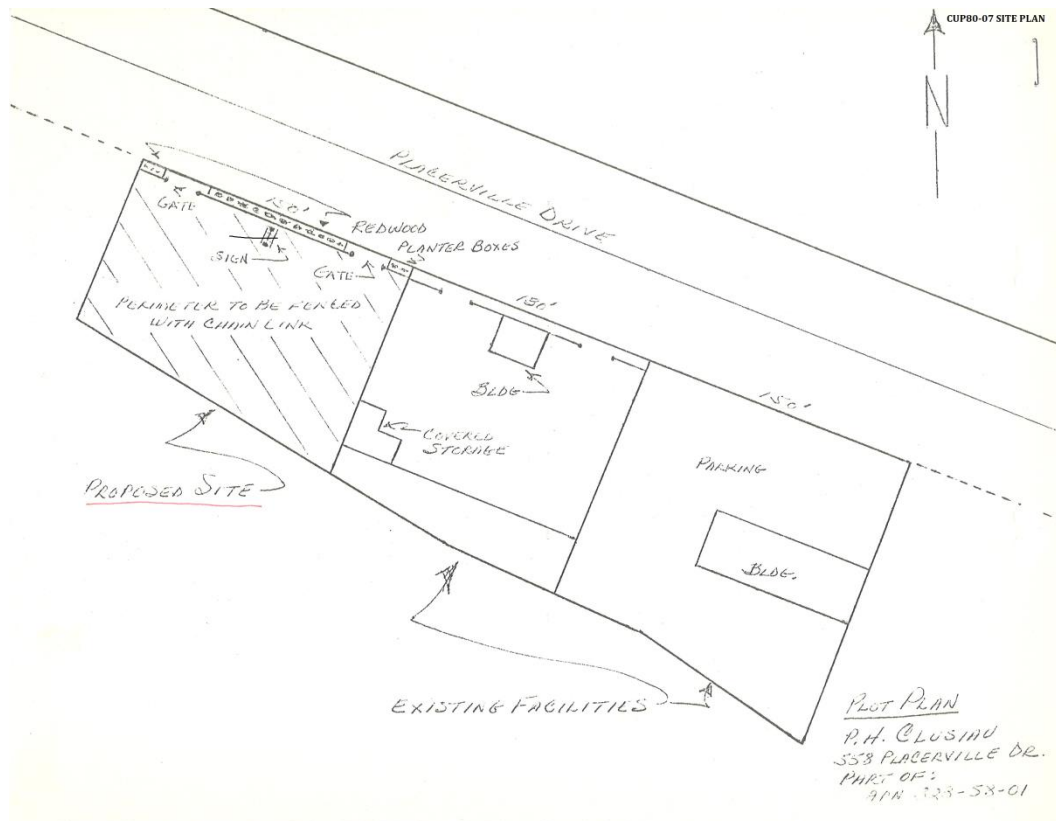
d) *Planter boxes will be low enough so not to obstruct views from driveways to Placerville Drive.*

Staff Comment: The requirement for installation for planter boxes has never been fully satisfied. Planter boxes were installed in November 2021 at the time that the proposed cannabis business was to locate on the premises. The cannabis business was negotiating for purchase of the property and desired to abate all code violations on the site. The boxes have never been planted and the perimeter of the site is weedy and unkempt.

e) *A clear area of at least 12' x 25" will be kept inside the yard for loading and unloading.*

Staff Comment: No comment, site is not used and vacant.

Approved Plot Plan:



Zoning Ordinance:

The following sections of the Zoning Ordinance are applicable to the terms of conditional use permits and the permit revocation for noncompliance.

10-3-6: CONDITIONAL USE PERMIT AND VARIANCE PROCEDURE:

(D) The commission may require such terms and conditions to the granting of a conditional use permit or variance as the commission may deem necessary. Noncompliance with these terms or conditions shall be a cause of revocation of such permit or variance. Revisions to the terms or conditions of a granted permit or variance shall require a new permit or variance.

(E) All conditional use permits and variances granted by the commission shall expire and become null and void eighteen (18) months after the date of granting such permit, unless the authorized use is carried on, or a building permit has been obtained for the structure requiring the use permit or variance, prior to the date of expiration.

Conclusion: It is the opinion of Staff that the holder of the CUP has never fully complied with the conditions of approval and that the CUP should be revoked in accordance with Zoning Code Section 10-3-6(D) and (E).

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission take the following action:

- I. Adopt the Staff Report as part of the Public Record.
- II. Make the following findings of fact in support of the revocation of Conditional Use Permit 80-07:
 1. The approved conditions of approval for CUP 80-07 have never been completely satisfied to date.
 2. The property has been under active code enforcement since February 2018 and continues to be under code enforcement to the point of fines being levied against the property owner.
 3. City staff has diligently attempted to bring the property into compliance without success. Refer to Attachment 1, Code Enforcement Log, to the staff report.
 4. The City has recorded a Notice of Noncompliance against the property.

- III. The Planning Commission finds that the conditions of the conditional use permit have not been met and hereby revokes CUP 80-07 in accordance with City Code Section 10-3-6(D) and (E).

ATTACHMENT: Code Enforcement Log