



Staff Report

TO: Town of Loomis Planning Commission Members
FROM: Mary Beth Van Voorhis, Planning Director
DATE: July 23, 2019
RE: CONDITIONAL USE PERMIT – APPLICATION #19-16
 3865 TAYLOR ROAD (APN 044-123-050), LOOMIS, CA 95650
 “SMOGBUSTERS”

Recommendation

1. Conduct a public hearing and receive public input; and
2. Find the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the Class 32 categorical exemption; and
3. Adopt Resolution #19-XX approving Conditional Use Permit #19 16 for Nick and Jenna Lyons to operate Smogbusters subject to the findings in Exhibit A with the recommended Conditions of Approval as outlined in Exhibit B.

Issue Statement and Discussion

Nick and Jenna Lyons, “Smogbusters” the applicant/ business owners, are requesting a Use Permit to operate a Vehicle Smog Testing business. Pursuant to **Section 13.26.030 Commercial Permitted Use Table 2-6** of the **Loomis Zoning Ordinance**, Vehicle services (minor maintenance/repair) is an allowable use and requires Use Permit approval when the site abuts a residential zone. The eastern (rear) property boundary of this parcel abuts the Residential Zoning Districts of RS-7 and RS-10. The parcel is zoned General Commercial (CG) and designated Commercial General in the General Plan. The project is Categorically Exempt under CEQA Section 15332.

The 1.5-acre (65,340 sq.ft.) parcel is located at 3865 Taylor Road, APN 044-128-050 and has two buildings totaling 29,176 sq.ft.. Building One, Unit A is occupied by Riebes Auto Parts with a landscape contractor in the space at the rear. Building Two is occupied by several construction-based businesses.

Nick and Jenna Lyons request is to allow for a new business named “Smogbusters” to be located in “Unit B” of Building One. This business is a smog check testing only business and no repairs or service work shall be performed on site. Unit B, as proposed, is 1,340 sq.ft. and provides a front entry with customer waiting area, counter, and office, and a rear testing area accessed through a roll up door by employee(s). The business operates Monday through Friday from 8:30 a.m. to 5:00 p.m. and Saturday from 8:30 a.m. to 2:00 p.m. The service volume is anticipated to be approximately 10 vehicles per day, one vehicle at a time. This business does not test recreational vehicles or commercial trucks. There are no interior or exterior improvements proposed.

The existing 1.5 acre parcel is shown in Figure 1-Vicinity Map. Figure 2-Aerial View provides the existing building configurations. Figure 3-Topographic Map shows the existing and surrounding site topography. Figure 4-Floodway/Floodplain Map indicates this parcel is outside of the floodway/floodplain.

This parcel is directly accessed from Taylor Road with two driveway entrances located on the north and south of the parcel (Figure 5) and is served by all public utilities in front of the parcel within Taylor Road.

Figure 1 – Vicinity Map

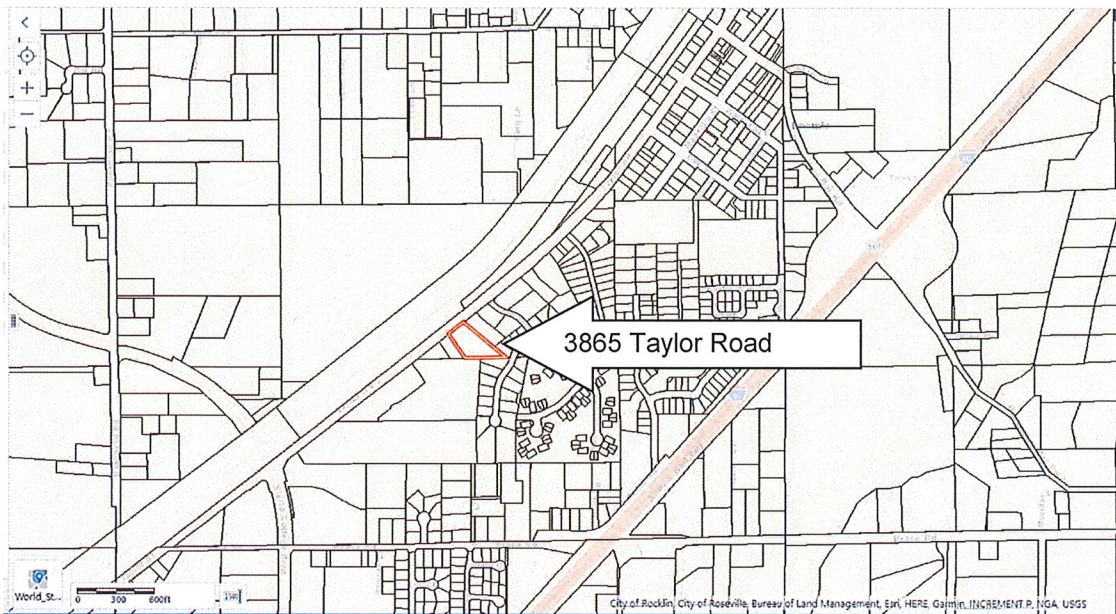


Figure 2 – Aerial View – Site Specific

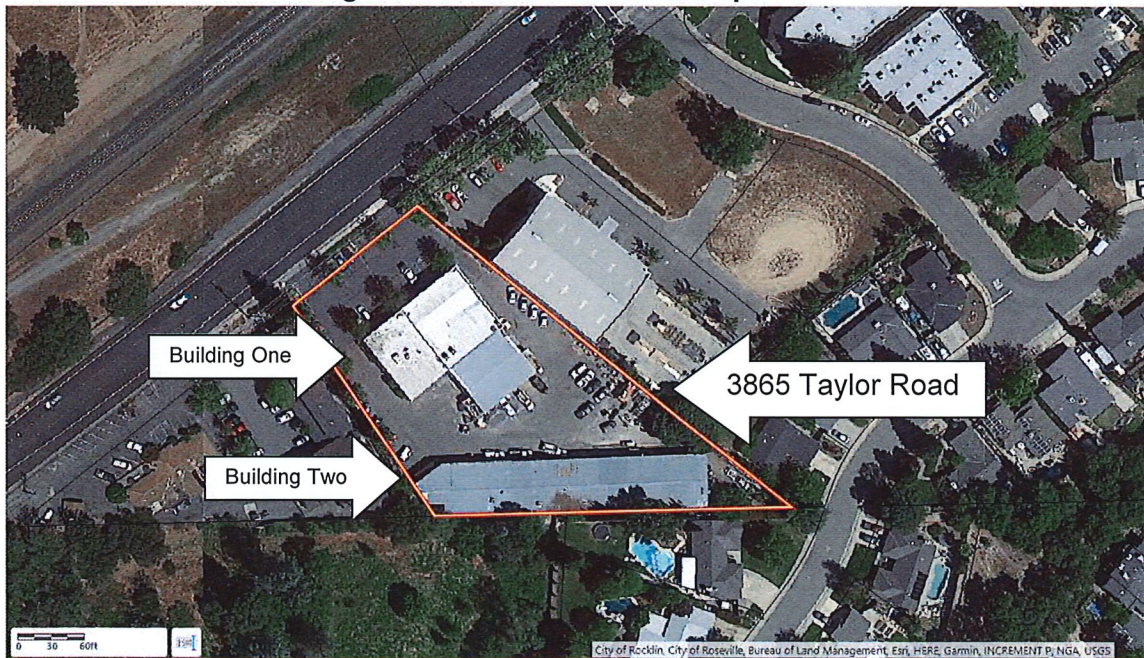


Figure 3 – Topographic View

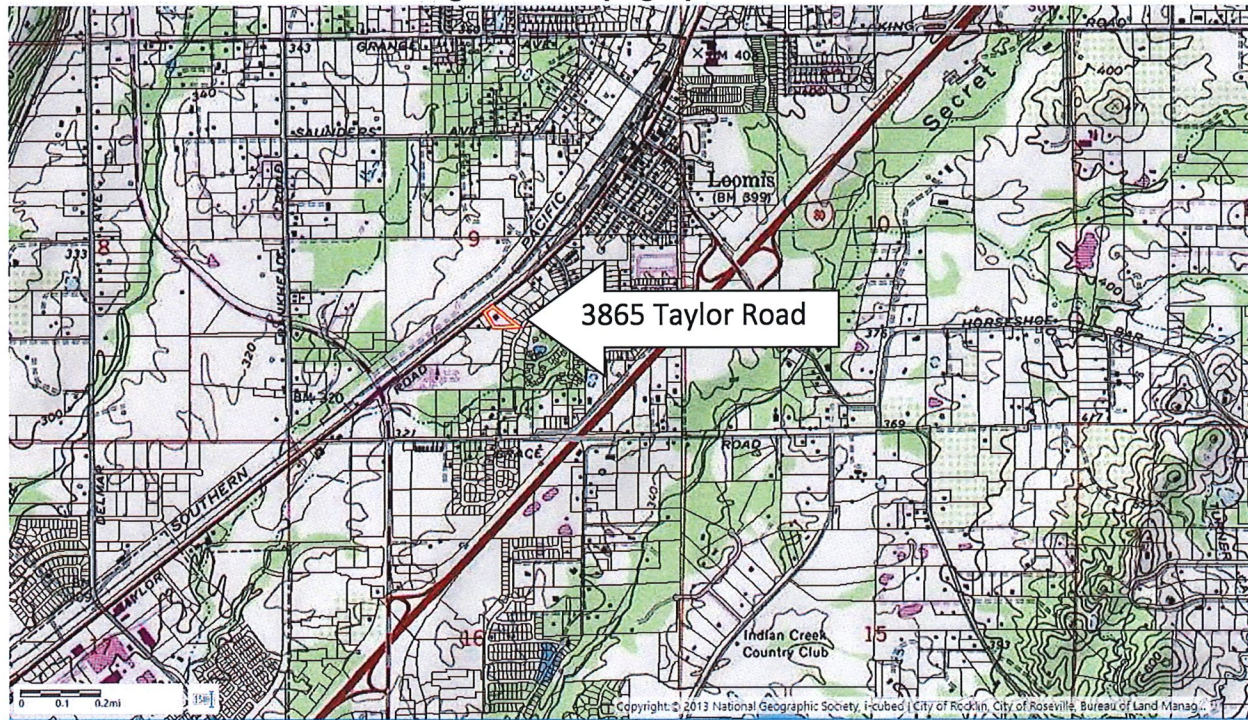


Figure 4 – Floodway and 100 year Floodplain

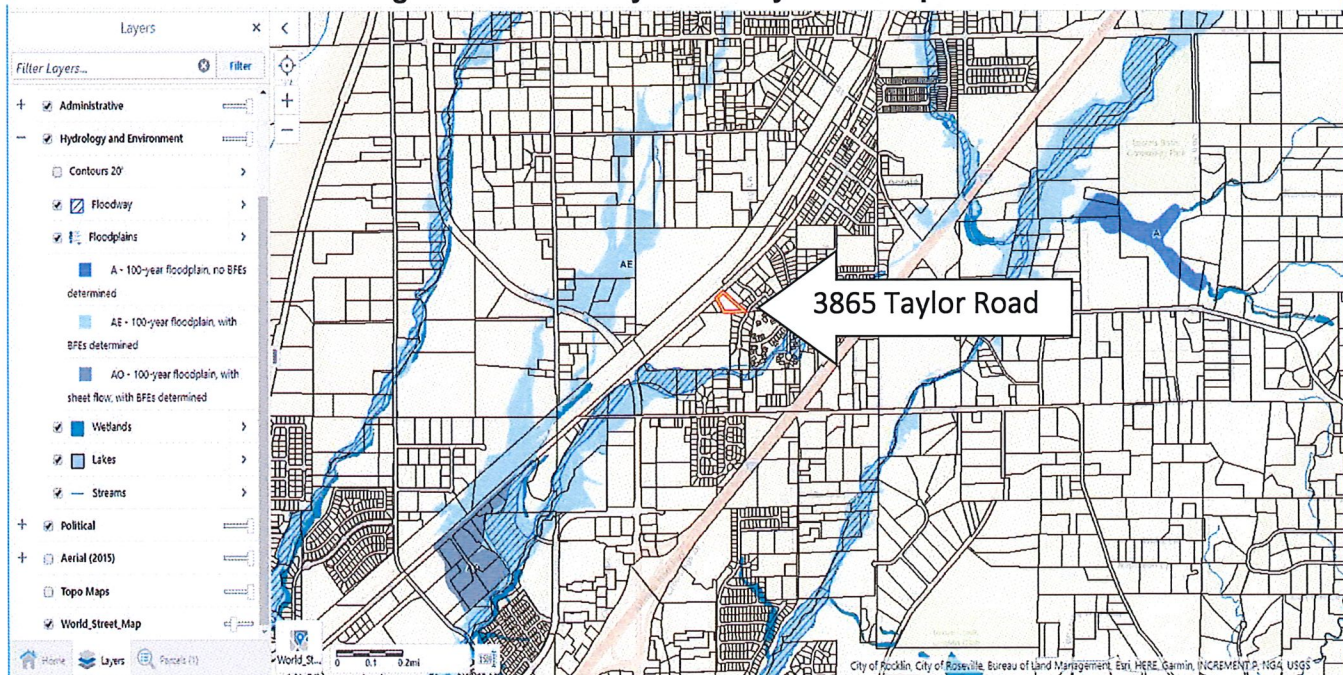


Figure 5 – Property Frontage / North and South Driveways



General Plan, Zoning, and Existing Land Uses

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	GENERAL COMMERCIAL	CG	GENERAL COMMERCIAL
NORTH	GENERAL COMMERCIAL	CG	GENERAL COMMERCIAL
SOUTH	GENERAL COMMERCIAL	CG	GENERAL COMMERCIAL
NORTH EAST	RESIDENTIAL-MEDIUM DENSITY	RS-7	SINGLE FAMILY RESIDENTIAL
SOUTH EAST	RESIDENTIAL-MEDIUM DENSITY	RS-10	SINGLE FAMILY RESIDENTIAL
WEST	GENERAL COMMERCIAL	CG	GENERAL COMMERCIAL

General Plan: General Commercial (CG): This designation is intended mainly for retail and service commercial uses located outside of the downtown core, that primarily serve local residents and businesses. Areas within this land use designation may also accommodate residential uses as part of mixed-use structures or side development, where provided by the policies for specific areas. The areas within this land use designation are located along Taylor Road, on Sierra College Boulevard extending from I-80 to Taylor Road, and along I-80 from Horseshoe Bar Road to King Road. Building heights are limited to two stories or 35 feet, and structural development shall not exceed a lot coverage of 50 percent.

Residential - Medium Density (RM): The single-family residential land use designation is applied to approximately 330 acres, including: the Sunrise Loomis neighborhood and adjacent areas on the west side of Humphrey Road and south of King Road; two areas on the north and south sides of King Road between Taylor Road and I-80; and an area on the north and south sides of Brace Road between Sierra College Boulevard and I-80.

This land use designation may accommodate residential use at densities ranging from two to six dwelling units per acre, with the appropriate minimum parcel size for proposed subdivisions determined by the Zoning Ordinance. Building heights are limited to two stories or 30 feet, and structural development shall not exceed 50 percent of lot coverage.

Zoning: General Commercial (CG) – Chapter 13.26.020: The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve local residents and businesses, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed-use projects. The CG zoning district is consistent with the general commercial land use designation of the general plan.

Zoning Chapter 13.26.030 Commercial Permitted Uses lists vehicle services (minor maintenance/repair) as an allowable use within the CG zone. By code definition, “Vehicle Services” means the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. **Minor maintenance/repair** means minor facilities providing limited repair and maintenance services. Examples include: attended self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

The existing zoning code does not provide a definition for a “test only” type of vehicle service where there are no on-site repairs or retail sales, therefore, the Planning Commission’s decision on this project will provide a basis for, and precedence for, how “test only” smog shops will be handled now and in the future.

As demonstrated with this application, “test only” smog shops currently require Minor Use Permit approval, however, being adjacent to a single-family zone requires a Use Permit. The Commission should be mindful of this scenario as future zoning code updates are processed with consideration of a new definition to address this type of use and permitting requirements.

RS-7 / RS-10 (Single-Family Residential) – Chapter 13.24.020. The RS zoning district is applied to areas appropriate for neighborhoods of single-family homes, and related, compatible uses. The maximum allowable density ranges from one dwelling per half-acre, to two to six dwellings per acre, with the specific allowable density for each parcel shown on the zoning map by a numerical suffix to the RS map symbol (see Section 13,24.050). The RS-5 district is intended to be applied only within the downtown area of Loomis. The RS zoning district is consistent with and implements the residential – low density and residential – medium density land use designation of the general plan. (RS-7, Minimum lot size = 7,000 sq.ft. / RS-10 Minimum lot size = 10,000 sq.ft.)

Parcel Information:

	<u>Required</u>	<u>Proposal</u>
Minimum lot size Area (net)	5,000 sq.ft.	Complies (65,340 sq.ft.)
Minimum lot width	None	Existing 300’ / Complies
Minimum lot depth	None	Existing 180’ / Complies
Maximum Site Coverage	50%	Complies (47%)

Owner Information:

APN 044-123-050
 John and Mary Jean Muff
 14710 Wild Duck Lane
 Grass Valley, CA 95645
 (530) 273-8170
jmjmuff@gmail.com

Applicant:

Nick and Jena Lyons
 3685 Sudor Lane
 Loomis, CA 95650
 916-257-1786
jenalyons43@gmail.com

Existing Improvements/Utilities/Service Systems:

Sewer – South Placer Municipal Utilities District

Trash - Recology

Fire – South Placer Fire District

Water – Placer County Water Agency

Gas/Electric – Pacific Gas & Electric

Parking:

There are sixty-six (66) on-site parking stalls at this location. The existing (long-term) tenants in the rear portion of Building A and all of Building B are considered legal/non-conforming as the majority of the use at this location are construction contractors. Current zoning only allows for construction contractors in the Limited Industrial Zone (ILT). Based on a site inspection, many existing parking stalls in the rear of Building A and Building B are occupied for vehicle storage (including one recreational vehicle), dumpsters, and outdoor accumulation of unused materials. Town staff will work with the property owner directly to ensure this parcel is in conformance with Municipal Code Chapter 13.42.190.

Unit A (Riebes Auto Parts) provides for one handicap accessible stall in front of their business. Due to retail occupancy of two businesses in Building One, the need for one additional handicap designated parking space in front of Building One, Unit B (Smogbusters) shall be required.

Town staff will work with the property owner to provide compliance with the Americans with Disabilities (ADA) to meet all requirements of the California Building Code Chapter 11.B, Path of Travel Requirements from Taylor Road to Building One.

As previously mentioned, the applicant is not proposing any interior or exterior building improvements with this application, however, upon review the Town Engineer is requiring the repair/replacement of the existing south driveway entrance at this time (Figure 6).



Figure 6

Agency review and response comments:

The application, project information, and exhibit maps were sent to concerned agencies on June 26, 2019 requesting their comments by July 11, 2019. Dated comments received have been included in the conditions of approval of the project, are provided in Attachment C, and summarized below:

1. 6/28/19 Town of Loomis, Engineer

Applicant shall meet all Town codes and standards, replace south driveway entrance, and provide Americans with Disabilities (ADA) path of travel (pursuant to CA Building Code Chapter 11.B, Path of Travel Requirements) from Taylor Road to Building One (through the parking lot).

2. 7/3/19 Placer County Water Agency

The Agency is currently serving treated water to this parcel by an existing 5/8" meter connected to the PCWA 20" treated water main in Taylor Road. Additional water can be made available upon receiving a completed meter application detailing the proposed usage, and payment of all fees and additional Water Connection Charges that may apply. Contact Customer Service at 530/823-4850 for required forms and fees.

3. 7/9/19 South Placer Municipal Utility District

The design and construction of all on-site and off-site facilities including the acquisition and granting of sewer easements, will be responsibility of the owner. All work shall conform to the Standard Specifications of SPMUD. Improvement plans shall be submitted to SPMUD for review and approval along with required participation fees.

Additional comments:

1. The existing 4" sewer connection in Taylor Road is undersized for a commercial property based on SPMUD Standards and Specifications. Depending on the scope of work, the lateral may be required to be upsized to a 6" pipe.
2. A property line cleanout is required at the back of walk or edge of the right-of-way per SPMUD Standards and Specifications.
3. Additional participation fees are required based on the change in use. Contact SPMUD for additional fee information.

Should the owner/applicant decide to move forward with public sewer, the owner/and or owner's representative will need to schedule a meeting with District staff in order to discuss the project and to determine specific requirements prior to issuance of a will-serve letter.

4. 7/11/19 Placer County Environmental Health

- 1) "Hazardous materials" as defined in Health and Safety Code Division 20, Chapter 6.95 shall not be allowed on any premises in regulated quantities (55 gallons, 200 cubic feet, 500 pounds) without notification to Environmental Health Services. A property owner/occupant who handles or stores regulated quantities of hazardous materials shall comply with the following within 30 days of commencing operations:

Operator must complete an electronic submittal to California Environmental Reporting System (CERS) and pay required permit fees.

If the business will generate hazardous waste from routine operations, obtain an EPA ID number from the Department of Toxic Substances Control (DTSC).

Note: If the business owner/operator is unsure of what constitutes a hazardous material or waste, please contact Environmental Health Services for assistance at 530-745-2300.

7/11/19 South Placer Fire District

1. Application #19-16 states that no construction will take place. SPFD will not require tenant improvement plans to be submitted. If future construction is performed, All construction must comply with South Placer Fire District standards, as well as the 2016 California Building and Fire Codes.
2. SPFD will require two 2A 10BC fire extinguishers to be mounted for this business. One in the testing area and one in the waiting/office area.
3. The address must be posted and visible from the roadway fronting the property, Taylor Road.
4. SPFD will require a fire final inspection prior to occupancy.
5. 7/10/19 Central Valley Regional Water Quality Control Board
Standard comments. Owner/applicant to meet all requirements to ensure protection of the quality of surface and groundwater of the state at all times.

No comment letters received from:

1. 7/1/19 Placer County Air Pollution Control District
2. 7/5/19 Placer Mosquito & Vector Control District

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

A determination has been made that the project is categorically exempt from the provision of CEQA under Section 15332, Class 32, In-Fill Development Projects. "Class 32 consists of projects characterized as in-fill development meeting the conditions described as:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effect relating to traffic, noise, air quality, or water quality.
- (e) The site can adequately be served by all required utilities and public services.

A Notice of Exemption may be filed, but is not required, after a public agency decides that a project is exempt from CEQA and grants approval of the project. Should the Notice of Exemption be filed, a shorter statute of limitations of 35 days commences for any challenge to the approval. If a Notice of Exemption is not filed, the normal 180 day statute of limitations will apply.

ATTACHMENTS:

- A. Draft Resolution #19-XX (Pages 9-15)
 - Exhibit A: Recommended Findings
 - Exhibit B: Recommended Conditions of Approval
 - Exhibit C: Notice of Exemption
- B. Application #19-16
- C. Public Agency Comments

NOTE: Notice published in the Loomis News on July 12, 2019 and mailed to adjacent property owners within 300 feet on July 10, 2019.