

“Placerville, a Unique Historical Past Forging into a Golden Future”



**City of Placerville Planning Commission
 STAFF REPORT**

SUBJECT: Consideration of a request to operate the automobile brokerage business in the Highway Commercial (HWC) zone.

PROJECT ADDRESS: 1864 Broadway

ASSESSOR’S PARCEL NUMBER: 049-350-30

FILE NO: CUP 17-02

PREPARED BY: Andrew Painter, City Planner

RECOMMENDATION: Approve Conditional Use Permit (CUP) 17-02 to allow the operation of an automobile brokerage business office in the Highway Commercial (HWC) zone, subject to findings and conditions.

SITE DATA

Address	1864 Broadway	
Applicant	Morgan Burgess, Highroad Motors, LLC	
Property Owner	Northern California Conference of the Seventh Day Adventists	
Zoning	Highway Commercial – Airport Overlay (HWC-AO)	
General Plan Environmental Status	Highway Commercial (HWC) Categorically Exempt (CEQA Guidelines Section 15332: In-Fill Development Project)	

1.0 AUTHORITY FOR APPLICATION

Per City Code Section 10-5-17 (C-1), an auto sales use is a conditional use within the Highway Commercial Zone, subject to the procedure under Section 10-3-6 of City Code. This project involves the requested CUP 17-02 to operate an automobile brokerage office within the Highway Commercial Zone (HWC).

The Planning Commission is charged under City Code Section 10-3-1 to act upon all applications for conditional use permits. The Commission may grant conditional use permits when they make findings that such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the City's General Plan, and are not detrimental to surrounding property.

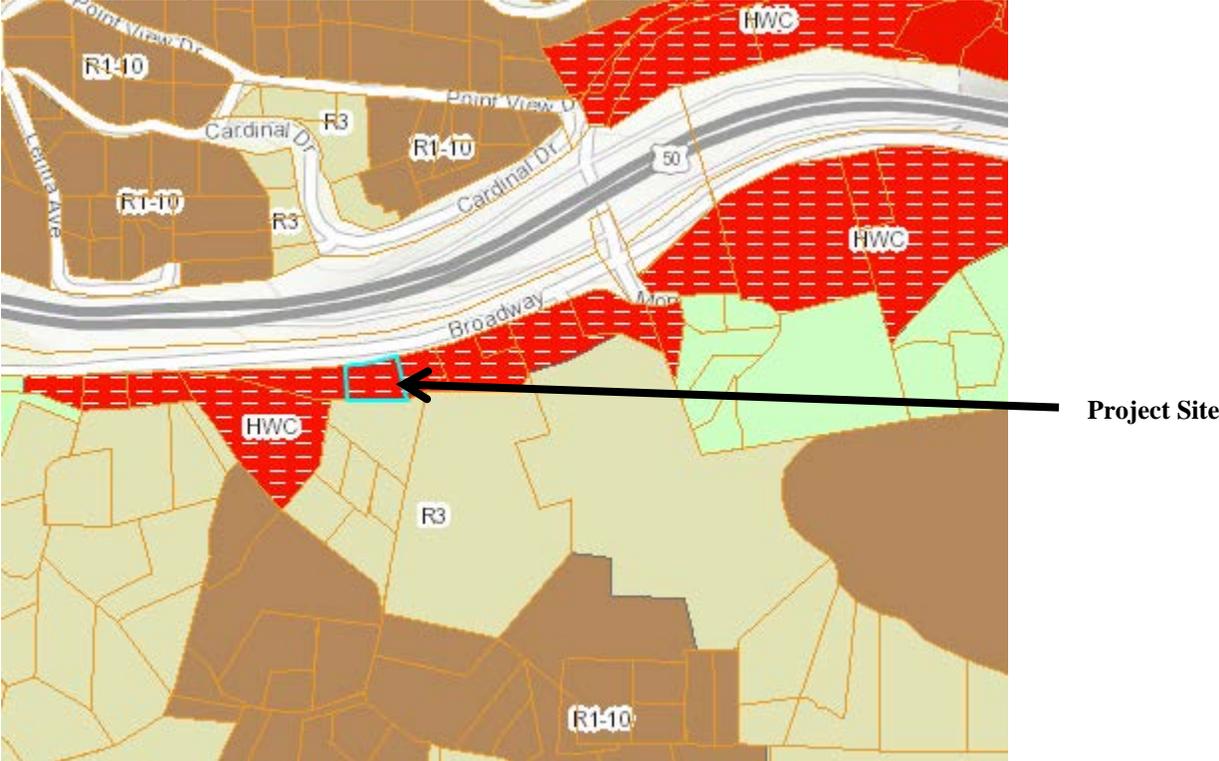
2.0 PROJECT INFORMATION

2.1 Site Information/Setting

The project site is an approximately 1/2 acre parcel within the Highway Commercial-Airport Overlay (HWC-AO) zone. It is located on the south side of Broadway, approximately 750 feet west of the intersection of Broadway and Point View Roads in eastern Placerville. Placerville Airport is approximately 2,100 feet south of the site. The site is within the Airport Land Use Compatibility Plan's (ALUCP) Influence Area.

Located to the west are single and multi-family residential uses within the HWC zone. South are single-family and multi-family residential uses within the R-3 (Medium Density Multi-Family Residential Zone). East are multi-family residential, the Upper Room Dining Hall, the Seventh Day Adventist School and commercial motels with the HWC zone. North of the site is Broadway and US Highway 50. See Figure 1.

Figure 1. Zoning and Site Vicinity



Site improvements include a 960 square foot (sq. ft.) commercial office building, pedestrian access ramp, and rear deck. City records indicate the building has a 450 sq. ft. meeting room, 126 sq. ft. office, restroom and hallway areas. A paved driveway and parking area for six vehicles is located behind and south of the building. The parking area is partially fenced. A propane tank serves the office building. Site improvements are located on the eastern one-half of the parcel. The western one-half is undeveloped, covered by native and non-native grasses and shrubs.

Figure 2. Street View of 1864 Broadway, Placerville



Figure 3. Aerial View of Project Location



Previous Uses

El Dorado County Assessor’s Records indicate the office building was built in 1954. City permits for site construction date back to the 1970s. The building served various commercial purposes until 1998, including miscellaneous retail, a welding shop, used merchandise and auto repair. In 1998, the building and site was converted with a construction permit by Marshall Medical Center into a community health and meeting facility under CUP 97-07. During the 2000s and early 2010s, the facility housed counseling services for needy individuals run by The Gates Recovery Foundation. The parcel was purchased in 2014 by Northern California Conference of the Seventh Day Adventists.

2.2 Project Description

The proposed project request would utilize the existing 960 sq. ft. office building on site as an office for the applicant's Highroad Motors, LLC business. Per the California Department of Motor Vehicles, an autobroker provides the service of arranging, negotiating, assisting, or effectuating, for a fee or compensation, the purchase of a new or used vehicle, not owned by the dealer, for a person(s). The request also includes the ability to store a few vehicles at the site, and fence the parking area and building with 6-foot high chain link fencing at a future date should additional security be deemed necessary by the applicant. No auto repair would take place on the site.

According to the applicant, an auto broker would be treated by the State of California Department of Motor Vehicles (DMV) as a vehicle dealer. A vehicle dealer business is considered by DMV as retail sales. DMV requires that the dealer location must be in an area appropriate for the type of business (allowed under zoning regulations), the dealer must have an office, a sign of not less than two square feet, and one display area. The display area must meet the following DMV criteria:

- Be situated on the same property being licensed.
- Be of a sufficient size to physically accommodate vehicle(s) of a type for which the dealership is licensed to sell (409.00 CA Code of Regulations).

3.0 PROJECT ANALYSIS

3.1 Consistency with the General Plan and Zoning Regulations

General Plan

The Commission may grant the conditional use permit request when they make findings that such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the City's General Plan, and are not detrimental to surrounding property.

- The requested use may not be essential to the public's comfort and convenience; however, it could be considered a desirable use. The proposed auto sales could provide a service to local residents and regional customers who are attempting to buy and sell a rare or exotic type of vehicle for example.
- Policy C7 of the General Plan Land Use Section states that the City shall encourage and provide for office and professional uses in commercial districts. The request would therefore be consistent with this Policy C7.
- The requested use would be located entirely on the project parcel, using an underutilized existing office building and paved parking area on-site.
- The project is located within the Airport Influence Area of the Placerville Airport. The request was evaluated for consistency with the Safety Compatibility policies and intensity

criteria of the Airport Land Use Compatibility Plan (ALUCP) of the Placerville Airport. Staff found that due to the intended use of the existing one story office building onsite by the applicant as an auto broker use, working alone, and the appointment only nature of the business, the proposed use would not exceed the maximum non-residential intensity criteria of 1,000 people per acre policy of the ALUCP. The project therefore would be consistent with the policies of the ALUCP and with Policy J1 of the General Plan Health and Safety Section.

Zoning Regulations

Highway Commercial Zone (HWC) – Airport Overlay (AO)

The requested auto broker use fits the category of an auto sales use, which is a conditionally permitted use in the Highway Commercial (HWC) zone. The proposed use would not exceed the maximum non-residential intensity criteria of 1,000 people per acre policy of the ALUCP, therefore the request is consistent with the policies of the ALUCP, Policy J1 of the General Plan Health and Safety Section and the Airport Overlay Zone.

Parking

City parking requirements would be met as conditioned. Six paved and striped spaces exist on the project site, located in the rear portion of the lot behind the office building. Although the applicant works alone, parking requirements for an office use under Section 10-4-4(E-6) of City Code is one space per 200 square feet of gross floor area. The existing office building containing 960 square feet of gross floor area would require 4.8 spaces. This figure would be rounded up to 5 spaces for the existing office building.

Five of the six total spaces meet the requirements for the existing office building, leaving one parking space for the DMV required vehicle display area. The space would be of sufficient size to physically accommodate vehicle types that the applicant would be licensed to sell. In order to prevent potential parking issues should more of the office building be used for office use, conditions have been placed to restrict additional display and/or vehicle storage areas on-site, and to limit the parking of motor vehicles only within the area designated for parking as shown on the approved site plan.

Per Parking Regulations Section 10-4-4 (D-2), a minimum four foot (4') high solid fence, wall or hedge shall be permanently maintained between any residential zone and a parking area serving a commercial use. An approximately five foot chain link segment exists on the project site along the southern portion of the paved parking area. This fence has slats woven into it that staff assumes were installed under a previous occupancy. Note: The 1997 conditional use permit, CUP 97-07, site plan or conditions of approval did not address fencing at this location. These slats provide minimal screening of the adjacent residential home on Valley Court, zoned multi-family residential. This fence does not meet the screening regulation. Staff has conditioned the request requiring the applicant to meet regulation D-2 prior to initiating the auto broker use on the project site, and to maintain the screening.

Signage

The applicant's submittal package contains an example of a proposed non-illuminated wall sign and its proposed placement location on the office building's west elevation. Sign materials were not specified by the applicant. Proposed sign location is an approximately 3 feet by 3 feet pad where a wall sign for a previous tenant was placed. Proposed wall sign is expected to fill the sign pad area.

The site has forty feet of business frontage along Broadway. Under City Sign Regulations (Section 10-4-17(G)5b), the maximum sign area for a wall sign with forty feet of business frontage would be eighty square feet. Proposed sign area would not exceed the maximum permitted under the Sign Regulations.

3.2 Environmental Analysis

This project is exempt from the provisions of CEQA, as it falls within a Class 32 categorical exemption as listed in Title 14, Chapter 3, Article 19 of the California Code of Regulations.

A Class 32 (CEQA Guidelines, §15332) exemption applies to project identified as Infill Development. This class exemption is required to adhere to the following requirements:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on an undeveloped 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 effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The site is located entirely within Placerville. The infill site is less than five acres in size. The site is surrounded by urban development. The site consists of native and non-native grasses and shrubs, paved driveway and parking area, and an existing commercial office building. The site does not provide habitat for sensitive species. The request would use the site as an office and for the display and sale of vehicles. Use of the site will not result in significant noise, air quality, or water quality impacts. The project would comply with City noise standards. Existing utilities (storm water, sewer, water, electrical, propane) are adequate to serve the proposed project use.

4.0 REVIEW AND COMMENT

The applicant's submittal package (application, narrative, site plan, photo) was submitted to the El Dorado County Fire District, the City's Police Department, and the Building and Engineering Division of the Development Services Department for review. No comments were provided.

5.0 CONCLUSION

Staff recommends the Commission take the following action regarding the CUP 17-02 request:

I. Find that CUP 17-02 is categorically exempt under §15332 of the California Environmental Quality Act Guidelines as infill development, in that:

- the site is located within Placerville City Limits;
- the infill site of 0.48 acres is less than five acres in size;
- the site is surrounded by urban development of single and multi-family residential uses, with commercial uses nearby;
- the site consists of native and non-native grasses and shrubs, paved driveway and parking area, and an existing commercial office building; the site does not provide habitat for sensitive species;
- the request would use the site as an office and for the display and sale of vehicles, involving no auto repair;
- use of the site will not result in significant noise, air quality, or water quality impacts;
- the project and predominate office environment use would comply with City noise standards; and,
- existing utilities (storm water, sewer, water, electrical, propane) are adequate to serve the proposed project.

II. Make the following finding in support of CUP 17-02:

1. The requested auto broker use fits the category of auto sales, a conditionally permitted use in the Highway Commercial (HWC) zone.
2. The requested use may not be essential to the public's comfort and convenience, however it is considered a desirable use in that it would provide a service to local residents and regional customers who are attempting to buy and sell vehicles.
3. The request is consistent with Policy C7 of the General Plan Land Use Section, in that by approving CUP 17-02 the City would encourage and provide for a commercial business, an auto broker office, in a commercial district.
4. The requested use would be located entirely on the project parcel, using and underutilized existing office building and paved parking area on-site.
5. The request was evaluated and found to be consistent with the policies and intensity criteria of the Airport Land Use Compatibility Plan (ALUCP) of the Placerville Airport, and therefore consistent with Policy J1 of the General Plan Health and Safety Section and the Airport Overlay (AO) Zone.

III. Conditionally approve the project request, 1864 Broadway – CUP 17-02 - Highroad Motors, subject to the conditions of approval provided as Attachment 1.

6.0 ATTACHMENTS:

1. Draft CUP 17-01 Conditions of Approval
2. Applicant Submittal Package

Attachment 1

CUP 17-02 Conditions of Approval

1. Conditional Use Permit (CUP) 17-02 approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the hearing:

The project description is as follows: The operation of an automobile brokerage business office in the Highway Commercial (HWC), located at 1864 Broadway, APN 049-350-30. Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the City for conformity with this approval. Deviations may require approved changes to the permit. Deviations without the above described approval will constitute a violation of permit approval.

CUP 17-02 shall become effective eleven (11) days after the Commission granted the permit unless an appeal has been filed, in which case the CUP shall not become effective until the granting of the permit is affirmed on appeal.

2. Approval shall apply only to the office building at 1864 Broadway and APN 049-350-30, regardless of any change of ownership, but may not be transferred to another parcel. Conditions of approval shall be binding on the property owner and all successors in interest in the event the project site is sold to another party.
3. Revisions to the terms or conditions of CUP 17-02 shall require a new conditional use permit.
4. The project shall conform to the Conditions herein, all applicable regulations of the Placerville Zoning Ordinance, Placerville Municipal Code, and any other City, State and Federal codes, ordinances and laws that may apply.
5. Parking:
 - A. Six paved and striped spaces exist on the project site, located in the rear portion of the lot behind the 960 square foot office building and shown on site plan. Five of the six total spaces shall be allocated for the existing office building to comply with City Parking Regulations. One parking space is allocated for the DMV required vehicle display area.
 - B. The parking of vehicles shall only occur within those areas designated for parking as shown on the approved site plan.
 - C. A minimum four foot (4') high solid fence, wall or hedge shall be permanently maintained between the parking area serving the office building and auto broker use and the residential zone that is adjacent and south of the project location. Required screening fence, wall or hedge shall be installed no later than 30-days after the effective date of CUP 17-02.

6. Wall sign shall be of a permanent nature using durable material. It shall conform to the City's Sign Regulations of City Code. A sign permit must be obtained from the City's Building Division.

Attachment 2

Applicant Submittal Package

Business description, Highroad Motors, LLC
Concerning 1864 Broadway, Placerville CA

My name is Morgan Burgess, and I am an "Auto broker" operating under the business name of Highroad Motors. As an auto broker, I am licensed by DMV to broker transactions between buyers and car dealers, both new and used. I also locate cars for clients through various auto auctions.

I have been operating in the capacity of an auto broker since 2013 at a small office in Cameron Park. I live in Camino, and the use of this Placerville location will be far more convenient.

Even though I do not operate a "car lot" in the typical sense of the word, DMV requires me to have a business address that is permitted for use as a dealership, and DMV treats me as a vehicle dealer.

My use of 1864 Broadway will be primarily that of an office; 80% of my work occurs at auctions and other dealer locations. I generally operate "By Appointment Only" which means that random customers usually never show up. I will store a few vehicles at this location, trade-ins will occasionally be sold here, and sometimes buyers will meet here to sign papers. No auto repair work of any kind will take place at this address. I work alone, and do not have any employees.

The property is next to The Upper Room, a dining hall that feeds those in need. As a result, there is an accumulation of trash on this property, as well as a fair amount of loitering that takes place. I am aware of the damage caused by this situation, as well as the normal deferred maintenance that has occurred at the subject property. I will be making repairs to the building and deck once I have occupancy, and it is expected that my presence in the building will help improve a few of the issues with debris and loitering. However, even though I do not want to pay for security fencing, if the homeless fail to respect the property then I am requesting authorization to install a 6-foot high chain link fence in the future around the existing parking lot and building.

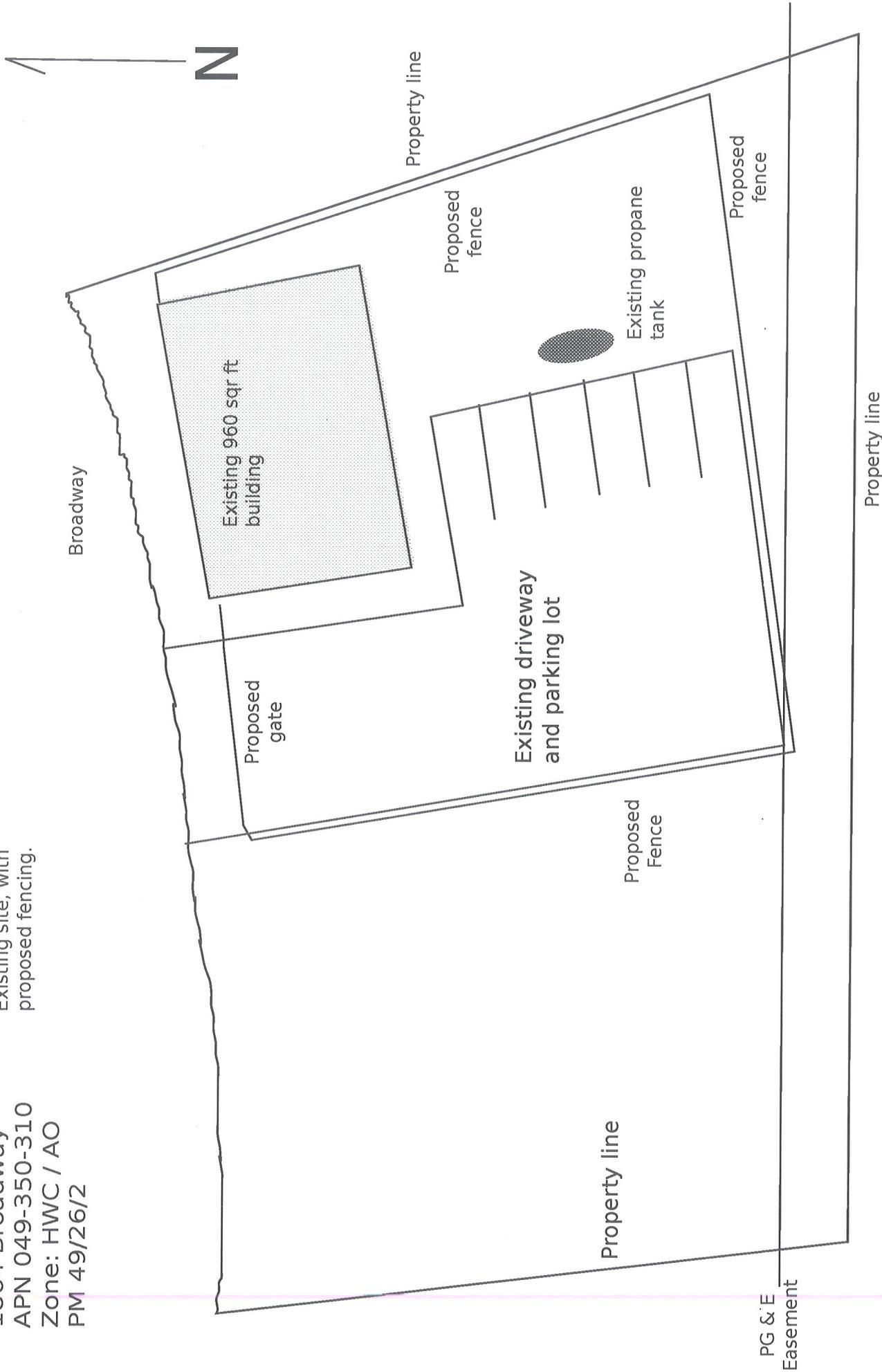
I look forward to being a little closer to home, as well as being a benefit to the Placerville community. Thank you for your time.

A handwritten signature in cursive script that reads "Morgan Burgess". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Morgan Burgess

1864 Broadway
APN 049-350-310
Zone: HWC / AO
PM 49/26/2

Existing site, with
proposed fencing.



Example of sign to be placed on the existing sign pad at 1864 Broadway, Placerville.



Vehicle Broker
We help you buy and sell
www.highroadmotors.com
530-320-3233



Before filling out application please read

"REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT"

- (A) REQUEST: The Applicant requests a CONDITIONAL USE PERMIT to USE the above described property for the following purposes: (Use this space ONLY to state exactly what is intended to be done on, or with, the property which does not conform with existing zoning regulations. IF a building is involved, a sketch of plan with photographic or other suitable description may accompany this application.)

I intend to use this location as the office for my business as a licensed "Auto Broker." (Licensing provided by the California Department of Motor Vehicles; Lic. # 83442.) Clients will meet me at this location for the signing of documents. Occasionally I will use this location to provide test drives and sell trade-in vehicles that I will retain in inventory. No mechanical work will be performed at this location.

State fully wherein your case conforms to the following requirements:

1. That such use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the City's Municipal Code, and is not detrimental to existing uses or uses specifically permitted in the zone in which the proposed use is to be located.

While much of my work will take place at new car dealerships, any vehicles sold from this location will provide sales tax revenue for the city of Placerville. Also, this location is currently vacant and is proving to be an attractive nuisance for the homeless that frequent the neighboring facility, The Upper Room. Having a business presence in this building is likely to help "clean things up."

2. That the site for the intended use is adequate in size and shape to accommodate such use and all the yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood.

The building itself is far more than adequate for keeping files and providing a place for clients to sign the occasional documents. The parking lot will accommodate far more vehicles than are likely to ever be needed. The only change that will be considered might be additional fencing around the property, depending on how the homeless population reacts to its occupancy.

3. That the granting of such Conditional Use Permit and the proposed use of the subject property will not increase traffic in the area beyond the capacity of existing streets and highways.

The majority of my work will take place at new car dealerships and auto auctions. Currently, I am rarely at the office more than a couple of hours a day, and clients visit the office an average of once a week. (The brokering of new cars always takes place at the new car dealership.) In other words, my use of this property will not noticeably increase traffic at all.

4. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety and general welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.

The work conducted at this office will be almost entirely of the document-signing nature. No automotive repair work will occur at this location (we use a shop facility in Camino when needed) so there will be little to no risk to anyone's health or welfare, and there will be virtually no risk of contamination to the property from any automotive-related fluids or substances.

I, Morgan Burgess, hereby acknowledge that the above information is true and correct.


Signature

March 29, 2017
Date

Signature

Date

