

COUNTY OF PLACER

Community Development/Resource Agency

Michael J. Johnson, Agency Director

PLANNING SERVICES DIVISION

Paul Thompson
Deputy Planning Director

HEARING DATE: February 21, 2013

TIME: 9:40 A.M.

DATE:

February 14, 2013

TO:

Zoning Administrator

FROM:

Planning Services Division

SUBJECT:

Minor Use Permit to allow Seasonal Sales (Heidi Ho's Hawaiian Snow)

from a Vehicle in a commercial parking lot in Granite Bay -

PMPCT20120143

APPLICANT:

Heidi Hage

STAFF PLANNER:

Roy Schaefer, Associate Planner

ZONING:

CPD-Dc (Commercial Planned Development, combining Design Scenic

Corridor)

LOCATION:

Parking Lot in front of commercial business addresses listed as 7110 thru

7160 Douglas Boulevard, Granite Bay

APN:

047-150-015 & 016

PROPOSAL:

The applicant is requesting approval of a Minor Use Permit (MUP) to allow for seasonal sales from a vehicle in the parking lot north of 7110 thru 7160 Douglas Boulevard in Granite Bay. This MUP request is outlined within Section 17.56.160.E Sales from Vehicles of the Placer County Zoning Ordinance. A Design Review approval is also required with the designated Zone District. A Site Plan of the specific location for the seasonal sales vehicle is attached to this staff report.

CEOA COMPLIANCE:

The project is categorically exempt from environmental review pursuant to provisions of Section 15311 of the California Environmental Quality Act Guidelines and Section 18.36.130 of the Placer County Environmental Review Ordinance (Class 11) (C), Accessory structures.

BACKGROUND/ANALYSIS:

Staff conducted a field review of the parking lot area project site in December of 2012. The two parcels consist of a large paved parking lot area with several commercial buildings to the south that are leased for retail business land uses. The total area of the two parcels is approximately 1.6-acres. The subject property is zoned CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor) and is designated Commercial in the Granite Bay Community Plan. The property owner is Capital Investment Trust / Anthony Cordosa; the property owner has signed this application to authorize the applicant to submit this Use Permit request.

This MUP request for seasonal sales from a vehicle is outlined within Section 17.56.160 Outdoor Retail Sales of the Placer County Zoning Ordinance. This section of the ordinance sets standards for temporary outdoor retail sales activities, including farmer's markets, sales from individual vehicles and seasonal sales. Specifically, Section E states that sales from vehicles (whether located on private property or within public rights-of-way) are prohibited, except in an approved farmer's market or when specifically authorized through a Minor Use Permit approval.

Minor Use Permit - 2564

In 2000 a permit was approved to allow a mobile snow cone trailer in the parking lot area adjacent to 7130 Douglas Boulevard. There are several similarities with the current request in that the business would cater to people travelling to Folsom Lake and that the intent was to operate only on a seasonal basis. The approval was for one year with a condition of approval that would require the permit holder to submit a report that would be evaluated by the Development Review Committee (DRC) to allow for the possibility to extend the approval for continued use of the "sno-shack" without a new Zoning Administrator public hearing. This permit expired in 2001.

Minor Use Permit – PMPC20120143

The current request is for seasonal sales of six months from April to September. The applicant proposes to utilize a specialty constructed trailer that is registered by the DMV as a vehicle. The proposed business hours are from 11:00 A.M. to 9:00 P.M. on a daily basis. All products used to make the Hawaiian shaved ice would be delivered directly to the sales vehicle. The sales vehicle is described as being 8 feet by 12 feet with a height of 9 feet; it is attached permanently to wheels. It would occupy two parking spaces in the paved parking lot area as shown on the site plan. At the end of the sales season in September the sales vehicle would be removed and the two parking spaces would be available for regular parking at the retail business center.

Analysis

Staff supports this request; however, approval is recommended for only one season (April 1, 2013 to September 30, 2013) and to continue beyond the first season would require subsequent review and approval by the Development Review Committee (DRC) of a report of the operation submitted by the permit holder.

The proposed project is consistent with all applicable provisions of Placer County Zoning Ordinance, specifically Section 17.56.160 <u>Outdoor Retail Sales</u>. Sales from a Vehicle can be authorized in the CPD-Dc Zone District with an approved Minor Use Permit and Design Review. In addition, the proposed project will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The immediate neighborhood is developed as a commercial retail business center with a large paved parking lot area south of Douglas Boulevard.

The Engineering and Surveying Division (ESD) and Environmental Health Services (EHS) support the recommendation of approval for this MUP request, and their memos are attached to this staff report.

RECOMMENDATION:

Staff recommends approval of the Minor Use Permit to allow for seasonal sales from a vehicle for only one season (April 1, 2013 to September 30, 2013), subject to the following findings and conditions of approval.

FINDINGS:

CEQA:

1. The project is categorically exempt from environmental review pursuant to provisions of Section 15311 of the California Environmental Quality Act Guidelines and Section 18.36.130 of the Placer County Environmental Review Ordinance Class 11 (C), Accessory structures.

MINOR USE PERMIT:

- 1. The proposed project is consistent with all applicable provisions of Placer County Zoning Ordinance, specifically Section 17.56.160 <u>Outdoor Retail Sales</u> of the Planning and Zoning Ordinance. Sales from a Vehicle can be authorized in the CPD Zone District with an approved Minor Use Permit.
- 2. The proposed project is consistent with all applicable goals and policies of the Granite Bay Community Plan and the Placer County General Plan.
- 3. The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
- 4. The proposed project will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The immediate neighborhood is developed as a commercial retail business center with a large paved parking lot area adjacent to Douglas Boulevard.
- 5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project in that the typical customer for Heidi Ho's Hawaiian Snow would be arriving at the sales vehicle location via the pass through traffic already utilizing Douglas Boulevard which is a minor arterial road.

CONDITIONS OF APPROVAL:

- 1. This approval allows for seasonal sales from a Vehicle by Heidi Ho's Hawaiian Snow in the specified location as shown in the Site Plan for the first season only (April 1, 2013 to September 30, 2013; any extension would require DRC approval.
- 2. The applicant shall submit a Design Review application within thirty days from the date of this approval for review of the Sales Vehicle by the Development Review Committee (DRC).
- 3. The applicant shall satisfy any conditions set forth by the serving South Placer Fire Protection District.

- 4. The applicant shall obtain a Placer County Business License for Heidi Ho's Hawaiian Snow prior to the start of the April 2013 seasonal sales period.
- 5. Operational hours shall be limited to 11:00 A.M. to 9:00 P.M. or dusk (whichever is earlier), seven days a week.
- 6. All signage shall conform to the County's Sign Ordinance. All portable signs (i.e. banners, A-frames, and balloons, etc.) are prohibited.
- 7. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the PMPC20120143, Heidi Ho's Hawaiian Snow seasonal sales from a Vehicle in Granite Bay. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the county relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.
- 8. If the seasonal sales for Heidi Ho's Hawaiian Snow is to be continued beyond the first season (April 1, 2013 to September 30, 2013), the applicant shall submit a letter to the DRC within sixty (60) days from the beginning of the next season requesting approval for the permanent operation of the seasonal facility.
- 9. This Minor Use Permit for Seasonal Sales from a Vehicle shall expire on March 4, 2014, unless it is extended by the Development Review Committee subsequent to receiving and reviewing an operations report submitted by the permit holder.

ATTACHMENTS:

Memo from Engineering & Surveying Division Memo from Environmental Health Services Site Plan of Parking Lot

cc: Engineering & Surveying Division Environmental Health Services Building Department Applicant



COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

MEMORANDUM

TO:

ROY SCHAEFER, PLANNING DIV

NICOLE HAGMAIER, PLANNING DIV

DATE:

JANUARY 31, 2013

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PMPC-20120143: HEIDI HO'S HAWAIIAN SNOW; SEASONAL RETAIL STAND;

DOUGLAS BL, GRANITE BAY; CARDOSA; (APN: 047-150-015 & 047-150-016)

The applicant is proposing a seasonal retail stand to be placed within two (2) existing parking spaces during the months of April thru September, annually. As proposed, the Engineering & Surveying Division (ESD) supports the Development Review Committee's recommendation of the Minor Use Permit application, with no comments or conditions of approval.

Note: Staff is recommending a temporary approval of one (1) year. Should the applicant be approved to extend their permit beyond the approval period, the project will be subject to the payment of traffic impact fees that are in effect for the Granite Bay Fee District, pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW within 60 days of any extension of time and/or permanent approval:

County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code South Placer Regional Transportation Authority (SPARTA). Placer County/City of Roseville Joint Fee (PC/CR)

The fee is \$6,833.00/DUE, and shall be based on a seasonal use of 6 months per year. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.



Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H.Health Officer and Department Director

Wesley G. Nicks, R.E.H.S.
Director of Environmental Health,
Public Health and Animal Services

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Zoning Administrator

From:

Laura Rath, R.E.H.S.

Land Use and Water Resources Section

Date:

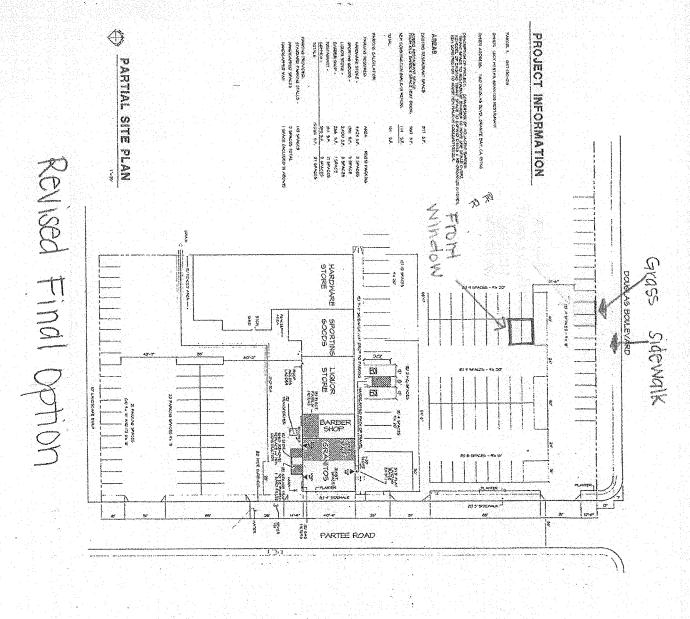
February 1, 2013

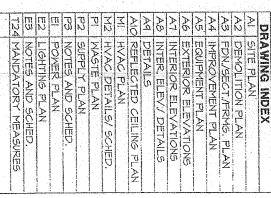
Subject:

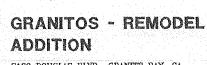
PMPC 20120143, Heidi Ho's Hawaiian Snow, APN047-150-015

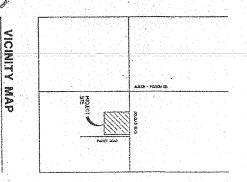
Environmental Health Services has completed our review of the subject project and have the following recommended conditions of approval:

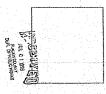
- 1) Contact Environmental Health Services, pay required fees and obtain a permit to operate a food establishment prior to opening the business. All food handling operations shall comply with the requirements of Placer County Code and the California Retail Food Code.
- 2) All solid waste generated from the project shall be properly disposed of with the franchised refuse collector.
- 3) Potable water shall be provided to the project. A contract with an approved potable water supplier shall be maintained for the water service.
- 4) A contract with an approved septage hauler shall be maintained for the wastewater holding tanks.















00101 St. 101101

0010/12: SB.

0010/12: SB.

0010/12: SB.

7160 DOUGLAS ELVD., GRANITE BAY, CA.