



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

TO: Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: June 26, 2007

SUBJECT: THIRD-PARTY APPEAL – PLANNING COMMISSION DENIAL OF AN APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF A MODIFICATION TO A MINOR USE PERMIT (PMPM2006 0913) TJ ENTERPRISES

ACTION REQUESTED

The Board is being asked to consider a third-party appeal from Mark Correnti of the denial by the Planning Commission of Mr. Correnti's appeal of the Zoning Administrator's approval for a Minor Use Permit Modification for TJ Enterprises, the appellant's neighbor. It is staff's recommendation that the Board uphold the decisions of the Zoning Administrator and Planning Commission and deny the appeal.

BACKGROUND

The project site was previously occupied by Paragon Construction. In 1988, the Zoning Administrator approved a Conditional Use Permit (CUP-1150) to allow for the expansion of the business from a single office building to a facility with two accessory warehouse structures. Subsequent to the approval of the Conditional Use Permit, the applicant failed to comply with some of the conditions of approval, including the installation of curb, gutter, sidewalk and landscaping along the Locksley Lane frontage and failing to screen an outdoor storage area. In addition, the applicant began constructing a retaining wall along the north and east property lines. This wall was constructed without the benefit of a Building Permit, a violation of County Code.

In November 2002, CUP-1150 from Paragon Construction was revoked due to non-compliance with the required conditions of approval.

In October 2003, TJ Enterprises received approval of a Minor Use Permit (MUP-2943) to allow for an auto repair facility, including painting, towing service and office uses. TJ Enterprises entered into a purchase agreement with the previous owner whereby they agreed to complete the outstanding requirements of the previously approved Use permit (CUP-1150) and complete a Design Review Agreement (DSA-2374). A subsequent Design Review Agreement (DSA-2574) was approved in January, 2004 to ensure that all remaining conditions of approval, as well as any new

design requirements would be satisfied. To date, the retaining wall has been engineered and constructed to County standards, the curb, gutter and sidewalk have been installed and the landscaping has been completed along the south, east and north property lines.

On December 5, 2006, TJ Enterprises submitted an application to modify the Minor Use Permit to allow for the construction of a 9,976 square foot vehicle repair building and a ±200 carport structure to be used as a vehicle wash facility. Situated on the undeveloped western portion of the property, the new building would be used for the storage of vehicles undergoing the preliminary body work to prepare them for paint. The new building would allow TJ Enterprises to consolidate all of their operations on a single site. The wash facility would be used to prepare vehicles for painting; approximately two to three vehicles would be washed in this facility daily.

The application also included a request for a Variance to reduce the number of parking spaces from 33 (based upon 1 space per 300 square feet of floor area) to 13 spaces.

ZONING ADMINISTRATOR HEARING:

The Zoning Administrator heard the Minor Use Permit Modification request on January 18, 2007. At that hearing, the Zoning Administrator considered reports from the Development Review Committee staff and received oral testimony from Mr. and Mrs. Correnti, who own the parcel directly to the north. No other responses were received or recorded.

The proposed Modification was for the construction of a new building and neither the building's use nor location were considered problematic by those present at the hearing. The Correntis, however, identified the following issues related to the project: 1) the vehicle wash facility; 2) the location and materials used in the perimeter fencing; 3) the Locksley Lane sidewalk construction; 4) the type of Use Permit originally approved; and 5) the parking Variance. In response to these comments, the Zoning Administrator modified Condition 6 to require that the vehicle wash facility be subject to the review and approval of the Design/Site Review Committee.

The Zoning Administrator took action to approve the request to modify MUP-2943 subject to the Findings and Conditions of Approval submitted by the Development Review Committee (Exhibit 1).

Mark and Kathy Correnti appealed that decision on January 29, 2007.

PLANNING COMMISSION HEARING:

The Planning Commission heard Mr. Correnti's appeal on March 22, 2007. His appeal focused on nine issues or areas of concern that were substantially the same as the issues raised at the Zoning Administrator hearing. In addition, Mr. Correnti requested a report generated by Risk Management. County Counsel advised that the report is not a public document and is irrelevant to the appeal because it was not prepared for the

purpose of assisting with the determination of this appeal and was not relied upon by staff or the Zoning Administrator.

When the appellant was informed that a copy of the report would not be released, he submitted a request for a continuance. At the onset of the Planning Commission hearing, the request for a continuance was discussed. The Commission voted unanimously (7:0) to deny the continuance and to hear the appeal. At that point, the appellant left the hearing room, stating that he could not proceed without the report.

The Development Review Committee presented the staff report and discussed each of the issues contained in the appeal. The Commission discussed the issues and determined that they had been resolved by the applicant or through the conditioning of the Use Permit. The Commission voted unanimously (7:0) to deny the appeal, thereby approving the applicant's request for a Modification of the Minor Use Permit.

Appeal

Mr. Correnti appealed the decision by the Planning Commission on March 30, 2007 (Exhibit 5).

DISCUSSION OF ISSUES

Following is a summary of the issues contained in the appeal (which is the same appeal submitted to the Planning Commission), and staff's response to these issues.

Minor Use Permit Types

The appellant states that, given the use of the site, a Type B Minor Use Permit, rather than a Type C Minor Use Permit, should have been originally required for the project.

Staff Response:

Article 17.06 of the Placer County Zoning Ordinance determines what form of permit (if any) will be required for a specific use within a given zoning district. An auto body shop is consistent with the definition of "vehicle repair and maintenance", which is an allowed use in the Industrial Park zoning district with approval of a Minor Use Permit. However, the Ordinance does not identify the particular type of Minor Use Permit (A, B or C) that is required for such a facility. That information is found in the Placer County Planning Department Fee Schedule which assigns land uses to particular types of use permits as a reflection of the cost that goes in to processing an application for a specific land use. While the appellant states that a Type 'B' Minor Use Permit is required for this facility, the Fee Schedule designates vehicle repair as requiring a Minor Use Permit Type 'C'. Regardless, the same level of review is conducted for all Use Permit applications. Only the fee is different.

Illegal Car Wash Ports

The appellant states that the applicant is engaged in daily vehicle washing that creates runoff that is polluting the neighboring property and washing away the chip and seal surface of the appellant's lot.

Staff Response:

A photograph of the appellant's property (Exhibit 6) provided by the Placer County Code Enforcement Division documents the runoff in question. The vehicle wash structure has been erected without the benefit of a Building Permit. As a result, no staff review has been conducted to address runoff issues.

Condition 5 of the Minor Use Permit Modification (PMPM2006 0913) addresses the car wash facility and related water treatment. The applicant will be required to enter into a Design Review Agreement to locate and design the car wash area to be compatible with the existing facility.

The applicant submitted engineering plans for the car wash facility on February 6, 2007. These plans are currently under review.

Locksley Lane Frontage Fence

The appellant states that the six foot wood fence along the parcel frontage at Locksley Lane does not meet the minimum setback distance required by the County, and that it does not adequately screen the business from the public view.

Staff Response:

On January 3, 2002, the Zoning Administrator approved a modification of the Use Permit for the site (CUP-1150). Condition 1C of the modified Permit requires the installation of a six foot wood fence along the Locksley Lane frontage in order to provide screening of site activities from Locksley Lane. At that time, the fence was constructed at 17 feet from front property line, consistent with the requirements of the Use Permit.

West Property Line Fence Location and Screening

The fence along the west property line that separates the project from the appellant's driveway is constructed of chain link with wood slats. This is not consistent with the Design Review requirement that the fence be constructed of solid wood (DSA-2574). Appellant states that, in addition to being inconsistent with DSA-2574, the fence is not built entirely within TJ Enterprises' west property line, and encroaches onto the appellant's parcel.

Staff Response:

Condition 3 of the Minor Use Permit Modification requires that all facilities of the project, including fencing, will be subject to review and approval by the Design/Site Review Committee. The fence will be brought into compliance with the criteria contained in the Placer County Design Guidelines. Staff can make no determination as to the exact location of the fence. Although it was approved to be constructed along TJ Enterprises' west property line, it is possible that it may be encroaching onto the appellant's property. This is a private matter between neighboring property owners.

Landscaping at the North and East Property Lines

The appellant states that the required screening (in the form of landscaping and fencing) along the north and east property lines was never actually planted.

Staff Response:

The perimeter landscaping that has been installed on the project site is consistent with the approved Design Review Agreement (DSA-2574). As shown on the attached photographs (Exhibit 6), the east and northeast perimeter areas above the retaining wall have been planted with Photinia. As this wall ranges from 4 to 14 feet in height, these plantings are not designed to screen the wall (the height of the wall serves as a screen), but rather to soften the appearance of the wall.

As required by the Design Review Agreement, additional screening (in the form of a solid wood fence) will be installed along the north property line from the end of the retaining wall to the northwest corner of the lot. This area is presently landscaped (see photo Exhibit 6), but the chain link fencing will be replaced with six foot tall solid wood fencing to adequately screen the view from the adjoining parcel to the north (the Correnti property).

Northeast Parking Lot

The appellant states that the runoff from the parking lot at the northeast corner of the parcel drains directly onto their property.

Staff Response:

Runoff from this site has historically drained onto the adjacent parcel. There is no evidence of soil damage or illicit discharges at this discharge point. The runoff from the existing parking lot is from improvements previously approved under a Use Permit from 1988 at which time the County was not requiring the treatment of runoff. This existing runoff is not related to the applicant's requested Minor Use Permit application.

Parking Variance

The appellant states that the reduction in parking spaces (from 33 spaces to 13 spaces) that was approved with the Minor Use Permit Modification could inconvenience neighboring property owners.

Staff Response:

In order to determine adequate on-site parking, the Zoning Ordinance considers typical uses for vehicle repair and maintenance to include such businesses as smog shops, tire shops and repair and maintenance facilities. While body shops are included in the description of vehicle repair facilities, they differ from other auto repair uses in one distinct way - most of the vehicles entering the site will be stored within the proposed facility during their repair and while they await repair. These vehicles are typically inoperable and need to be towed to the facility. The new building, therefore, will serve more as a storage facility during the repair process and will not generate a need for additional parking.

Sidewalk Construction

The appellant states that the sidewalk along the project's Locksley Lane frontage (rolled curb) was not constructed to County standards and will not match the sidewalk he is required to install.

Staff Response:

The rolled curb design of the sidewalk in front of TJ Enterprises property along Locksley Lane was reviewed and approved by the Placer County Department of Engineering and Surveying. The sidewalk required to be installed by the appellant will match the existing sidewalk.

Office of Risk Management Report

The appellant requested the inclusion of a report generated by the Office of Risk Management.

Staff Response:

The report in question was not prepared for the purpose of determining the issues raised by the appellant in this appeal. Staff has not seen the report nor been involved in its preparation and it was not relied upon by staff or the Zoning Administrator. County Counsel has advised that the report is subject to claims of privilege and is irrelevant to this proceeding.

Neighborhood Compatibility

The appellant states that the site improvements approved through the Minor Use Permit Modification would be "detrimental to the health, safety, peace, comfort and general welfare of our business and people residing in the neighborhood".

Staff Response:

The approval of an entitlement on a property, such as a Use Permit, comes with a set of parameters that are based upon public health and safety protections. Conditions of approval for the modification require a Design Review Agreement to address the treatment of runoff water, improved screening through the installation of wood fencing along the west and north property lines and design compatibility relative to the new buildings, parking and circulation. The site improvements in question will actually improve conditions on the project site, which will be a benefit to both the applicant and the appellant.

RECOMMENDATION

Based on the analysis described above, the Development Review Committee recommends that the Board of Supervisors deny the appeal and uphold the Zoning Administrator's approval of the Minor Use Permit Modification, subject to the following findings:

FINDINGS:

CEQA:

1. This project is Categorical Exempt from the provisions of CEQA per Section 18.36.050 (Class 3) [New Construction less than 10,000 square feet] of the Placer County Environmental Review Ordinance. The proposed structure is

under 10,000 square feet in size and will be constructed on a previously disturbed site, where improvements exist.

PROJECT FINDINGS - VARIANCE:

1. There are special circumstances applicable to this project, specifically the use of the proposed structure as storage that will not generate a need for additional parking, which would make the strict application of Section 17.54.060 (Parking Standards), Placer County Code, result in depriving the property of privileges enjoyed by other property in the vicinity under identical zoning classification.
2. The Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The granting of the Variance will not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
4. The Variance is consistent with the Placer County General Plan and the Auburn-Bowman Community Plan.
5. The Variance is the minimum departure from the requirements of the ordinance necessary to grant relief to the applicant, consistent with Chapter 17.60.100 (D) (Action on a variance), Placer County Code.

PROJECT FINDINGS - MINOR USE PERMIT:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The establishment, maintenance or operation of the proposed building and use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing 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. This expansion will intensify an existing use and allow for consolidation of existing facilities.

4. The proposed project will be consistent with the character of the immediate neighborhood, which is industrial in nature, and will not be contrary to its orderly development.
5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

EXHIBITS:

- Exhibit 1 - Conditions of Approval
- Exhibit 2 - Vicinity Map
- Exhibit 3 - Site Plan
- Exhibit 4 - Aerial
- Exhibit 5 - Appeal to Board of Supervisors
- Exhibit 6 - Photos

cc: Mark and Kathy Correnti – Appellants
Thomas & Emma Jackson – Applicants
ZMC Consulting, Zachary Carter

Copies sent by Planning:

Phil Frantz – Engineering and Surveying Department
Dana Wiyninger - Environmental Health Services
Brent Backus - Air Pollution Control District
Christa Darlington - County Counsel
Michael Johnson - Planning Director
Gerry Haas – Assistant Planner
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL - MINOR USE
PERMIT MODIFICATION - "TJ ENTERPRISES"
(PMPM 2006 0913)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. The Variance is permitted which authorizes the total number of new parking spaces required for the proposed construction to be reduced from 33 to 13.
2. The Modification (PMPM20060913) to the Minor Use Permit (MUP-2943) is approved which authorizes construction of a new 9,976 square foot building on the applicant's property and two carport structures, one to be used as a vehicle wash facility and the other to be used as a vehicle lift facility. These structures will compliment the existing body shop facility, which includes a 3,808 square foot office, a 5,012 square foot paint building.
3. This project is subject to review and approval by the Placer County Design/Site Review Committee (D/SRC). Such a review shall be conducted prior to submittal of the Improvement Plans for the project and shall include, but not be limited to: Architectural colors, materials and textures of all structures; landscaped areas; exterior lighting; pedestrian and vehicular circulation; fences and walls.
4. The applicant shall obtain Building Permits for the two accessory carport structures within 60 days of approval of this MUP Modification.
5. The proposed car wash facility is subject to review and approval of the Design Review Committee. This review will address any onsite water runoff treatment. The design of this facility will become part of the Design Review Agreement (PDSC 20060914).
6. Off site parking or parking along Locksley Lane in association with the use of this site is prohibited.
7. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval of each project phase. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public

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EXHIBIT 1

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easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.

ADVISORY COMMENT: Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. (ESD)

8. All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. (ESD)

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9. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable. (ESD)
10. Storm water run-off shall be reduced to pre-project conditions through the installation of retention/detention facilities. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Department (ESD). Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. The ESD may, after review of the project drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. In the event on-site detention requirements are waived, this project may be subject to payment of any in-lieu fees prescribed by County Ordinance. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. (ESD)
11. Storm drainage from on-and off-site new impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (i.e. sediment, oil/grease, etc.), as approved by the Engineering and Surveying Department. With the Improvement Plans, the applicant shall verify that proposed BMPs are appropriate to treat the pollutants of concern from this project. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation, for effective performance of BMPs. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

The applicant shall construct an infiltration trench along the northern property line in the location shown on the project application grading and erosion control plan. (ESD)

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12. Water quality treatment facilities (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD)). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include, but are not limited to: Minimizing drainage concentration from impervious surfaces, construction management techniques, erosion protection at culvert outfall locations, Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Silt Fence (SE-1), revegetation techniques, Vegetated Swale (TC-30), Detention Basin (TC-22), and Infiltration Trench (TC-10). All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. (ESD)
13. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). (ESD)
14. All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the Engineering and Surveying Department (ESD) and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowners' association is responsible for maintaining the legibility of stamped messages and signs. (ESD)
15. Provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. (ESD)
16. An Encroachment Permit shall be obtained from the Department of Public Works prior to Improvement Plan approvals for any landscaping within public road rights-of-way. (ESD)
17. **ADVISORY COMMENT:** This project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn/Bowman), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required

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and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current total estimated fee is \$39,533.39 (\$4,350 per DUE). The fees were calculated using the information supplied. 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 (ESD).

18. All on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.
ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent. (ESD)
19. Construct a paved path from the end of the existing concrete sidewalk to the Locksley Lane pavement at both ends of the frontage with Locksley Lane. (ESD)
20. Any proposed gates shall be shown on the Improvement Plans and shall be constructed a minimum of 30' from the roadway and shall be constructed to allow a vehicle to stop without obstructing traffic on the road.
21. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. (ESD)
22. Hazardous materials as defined in Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2 shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services.

Prior to final occupancy/tenant improvement approval, the property owner/ occupant shall submit payment of required fees and a business plan to Environmental Health Services Hazardous Materials Section, for review and approval.
23. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainageways on, or adjacent to, the site is prohibited.
24. Construction noise emanating from any construction activities for which a Building Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:
 - a. Monday through Friday, 6:00 AM to 8:00 PM;
 - b. Saturdays, 8:00 AM to 6:00 PM

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25. The dumpster location and enclosure shall be reviewed and approved by the Development Review Committee and the solid waste collection franchise holder.

Note: The plans submitted with project application show new parking spaces in front of the trash enclosure.

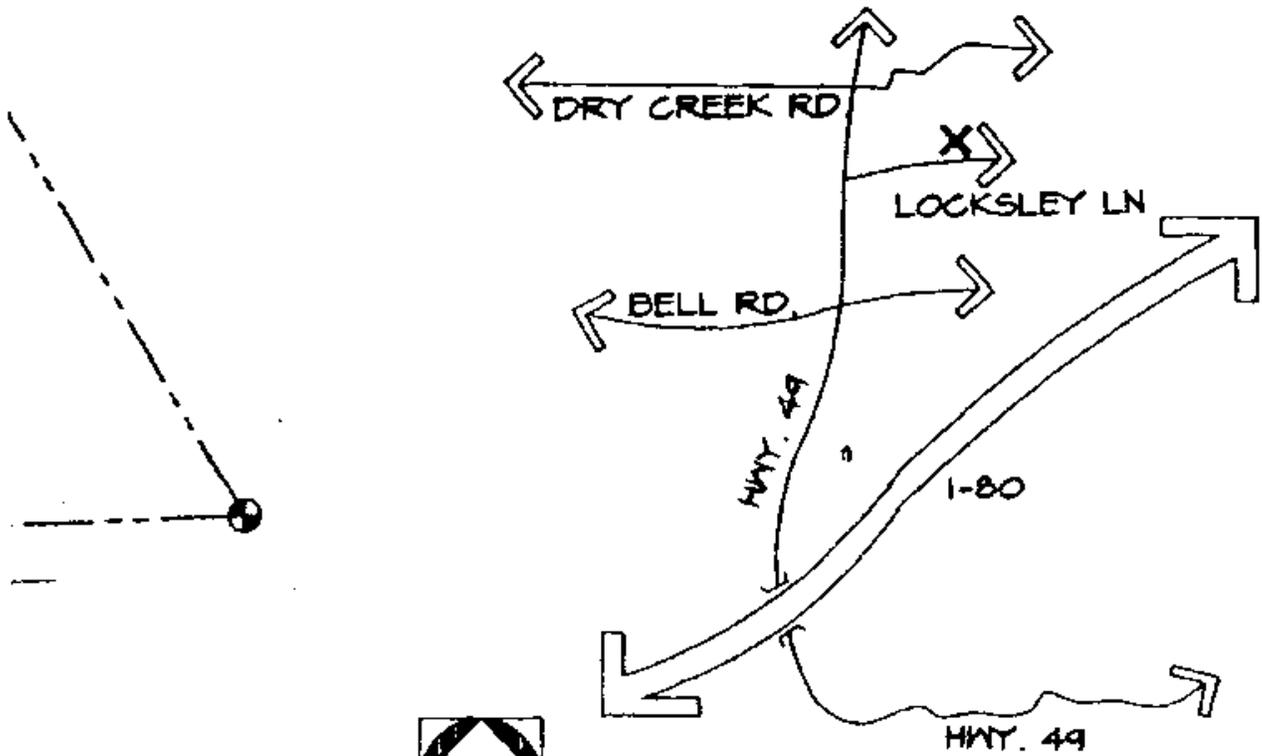
26. Submit to the Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service.
27. Submit to Environmental Health Services a "will-serve" letter from SMD #1 indicating that the district can and will provide sewerage service to the project. The project shall connect to this public sewer.
28. Submit to Environmental Health Services, for review and approval, a "will-serve" letter or a "letter of availability" from Nevada Irrigation District for domestic water service. The applicant shall connect the project to this treated domestic water supply.
29. This permit shall expire on April 2, 2009, unless exercised by issuance of a Building Permit for the proposed structure.

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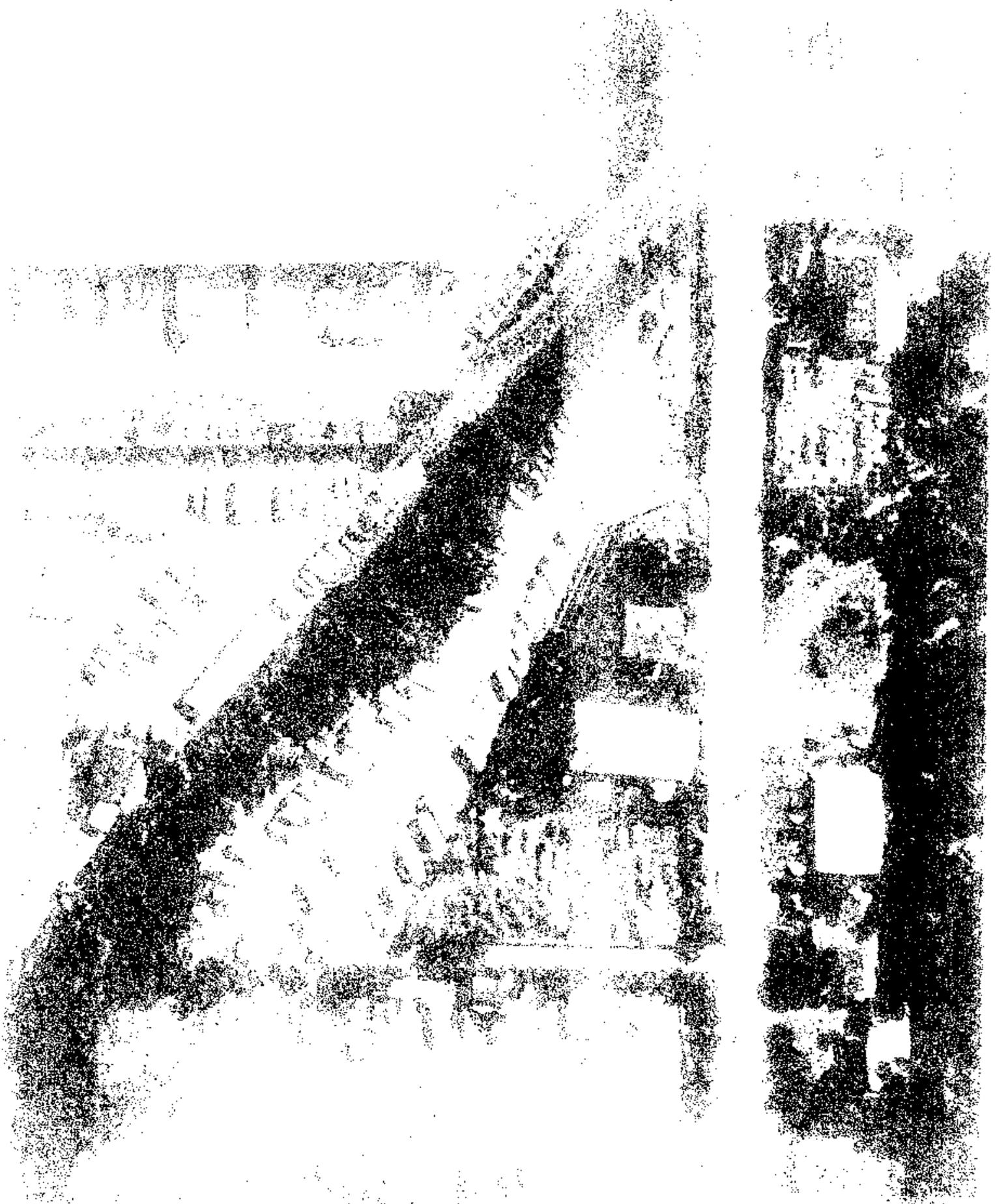
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NORTH

VICINITY MAP

SCALE 1:100





PLACER COUNTY PLANNING DEPARTMENT

Reserved for Date Stamp

AUBURN OFFICE
11414 B Avenue
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

TAHOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail: planning@placer.ca.gov

RECEIVED

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STAFF REPORTS DUE 4/20/07

PLANNING APPEALS

CDRA

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

Form with fields: Last Day to Appeal (4/5/07), Appeal Fee (\$465.00), Date Appeal Filed (3/30/07), Receipt # (07-37450), Received by (ED B), Geographic Area (CENTRAL)

TO BE COMPLETED BY THE APPLICANT

- 1. Project name: TS Enterprises
2. Appellant(s): Mark & Kathy Current
Address: 12405 Locksley Lane, Auburn, CA 95602
3. Assessor's Parcel Number(s): 052 020 048
4. Application being appealed (check all those that apply): Administrative Approval, Use Permit, Parcel Map, General Plan Amendment, Specific Plan, Planning Director Interpretation, Minor Boundary Line Adj., Tentative Map, Variance, Design Review, Rezoning, Rafting Permit, Env. Review, Other
5. Whose decision is being appealed: Planning Commission Board
6. Appeal to be heard by: Board of Supervisors
7. Reason for appeal: Damage to property (SEE REVERSE)
Location: 12405 Locksley Lane Auburn (Cafe on Second Street)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s): [Handwritten Signature]

(530) 888-0600

T:\CMD\CMDP\Application & Brochure Masters\Appeal doc, 3/23/05

PLANNER/SECRETARIES / MICHAEL S.
235 - PHIL FRANZ / 208 4099
EHS - GRANT MILLER / 2373
MARKS - 6809
COUNTY COUNCIL - 4044 - FAC SWS - EDW. [Signature]

PLACER COUNTY ZONING ORDINANCE SECTION 17.60.110

Rulings made by the below are considered by the Planning Commission:

Planning Director (interpretations)

Zoning Administrator

Design/Site Review Committee

Parcel Review Committee - other than road improvements which should be appealed to the Director of Public Works

Environmental Review Committee

Rulings made by the Planning Commission are appealed directly to the Board of Supervisors.

Rulings made by the Development Review Committee are appealed to the hearing body having original jurisdiction

Note: An appeal must be filed within 10 calendar days of the date of the decision. Appeals filed more than 10 days after the decision shall not be accepted by the Planning Department.

For exact specifications on an appeal, please refer to Section 17.60.110 of the Placer County Code.

REASON FOR APPEAL

As records show, we have made complaints from water runoff damage & contaminated car wash run off. More facts to be submitted before hearing. Illegal use of land, no enforcement of Design Corridor Code, etc, etc.

POINTS OF APPEAL

TYPE C USE PERMIT IS NOT VALID FOR THE USAGE OF THIS PARCEL. MINIMUM TYPE B USE PERMIT IS NEEDED. THERE IS NO WATER TREATMENT OR WATER RETENTION ON TJ ENTERPRISES. 100 PERCENT DRAINS ONTO OUR PROPERTY. WHY IS THERE NO ACCESS EASEMENT REQUIRED AT TJ ENTERPRISES TO GUARANTEE WATER TREATMENT?

ADJACENT TO BUILDING

ILLEGAL CAR WASH PORTS ARE BEING USED ON A DAILY BASIS AND ARE POLLUTING OUR PROPERTY AND WASHING AWAY OUR NEWLY INSTALLED CHIP AND SEAL THAT WAS REQUIRED BY THE COUNTY. THESE CAR PORTS DRAIN 100 PERCENT ONTO OUR PROPERTY. (SEE STATEMENT FROM SIMPSON & SIMPSON AND THE MANY PICTURES PREVIOUSLY PROVIDED TO THE COUNTY).

SOUTH FENCE

THIS FRONTAGE 6 FOOT FENCE DOES NOT PROVIDE THE REQUIRED SCREENING AND IT WASN'T INSTALLED WITH THE REQUIRED SETBACKS AS REQUIRED BY THE DESIGN CORRIDOR CODE. THIS FENCE APPEARS TO BE INSTALLED WITHOUT PROPER COUNTY COMPLIANCE.

WEST FACE

CHAIN-LINK FENCING WAS INSTALLED WHERE THERE WAS TO BE SOLID WOOD FENCING TO PROVIDE REQUIRED SCREENING. IN ADDITION TO NOT SATISFYING THE DESIGN CORRIDOR CODE, THIS FENCE IS ALSO ENCROACHING ONTO OUR PROPERTY.

NORTH FACE AND EAST FACE

WE WERE ORDERED BY THE PREVIOUS ZONING ADMINISTRATOR TO MONETARILY COMPENSATE TJ ENTERPRISES FOR 15 FEET OF LANDSCAPING (CONDITION #7 OF CUPT20040013) ALONG THE NORTH FACE AND EAST FACE OF THE SUBJECT PROPERTY DUE TO THE FACT THAT BECAUSE OF THE TOPOGRAPHY OF OUR PROPERTY (25 FEET BELOW TJ ENTERPRISES), ANY LANDSCAPING DONE OF OUR PROPERTY WOULD NOT PROVIDE REQUIRED SCREENING AS PER THE DESIGN CORRIDOR CODE REQUIREMENTS.

NO FENCING OR LANDSCAPING OF ANY KIND WAS INSTALLED TO PROVIDE REQUIRED SCREENING.

NORTH EAST PARKING LOT

IN THE NORTHEAST CORNER OF TJ ENTERPRISES, A NEW PARKING LOT WAS INSTALLED SUPPORTED BY A NEW 25 FOOT RETAINING WALL BETWEEN OUR TWO PROPERTIES.

100 PERCENT OF THE WATER DRAINS DIRECTLY INTO THE
SOUTHWEST CORNER OF OUR PROPERTY, WHICH INEVITABLY WILL
CAUSE DAMAGE.

DUE TO THE FACT THAT THE IMMEDIATE NEIGHBORS DIRECTLY
ACROSS LOCKSLEY LANE (MCGUIRE PACIFIC BUILDINGS) WAS NOT
REQUIRED TO FOLLOW DESIGN CORRIDOR CODE AND WIDEN
LOCKSLEY LANE, AND IN FACT WERE ALLOWED TO PUT UP NO
PARKING SIGNS ALONG THEIR FRONTAGE, WE STRONGLY
DISAPPROVE THE VARIANCE RECOMMENDED FOR PARKING DUE TO
THE HIGH INCONVENIENCE AND LIABILITY ISSUES THIS WILL
CAUSE OUR BUSINESS AT 12381 LOCKSLEY LANE (SAFE-N-SOUND
STORAGE).

THE SIDEWALK RECENTLY INSTALLED BY TJ ENTERPRISES IS NOT
CONSISTENT WITH APPLICABLE REQUIREMENTS FOR COMMERCIAL
PROJECTS IN THE COUNTY, SPECIFICALLY PLATE R6 OF THE LAND
DEVELOPMENT MANUAL AND THE HIGHWAY DEFICIENCY REPORT.
THIS SIDEWALK MUST BE BROUGHT UP TO CODE TO AESTHETICALLY
MATCH THE SIDEWALK WE ARE REQUIRED TO INSTALL AS PER
COUNTY REQUIREMENTS.

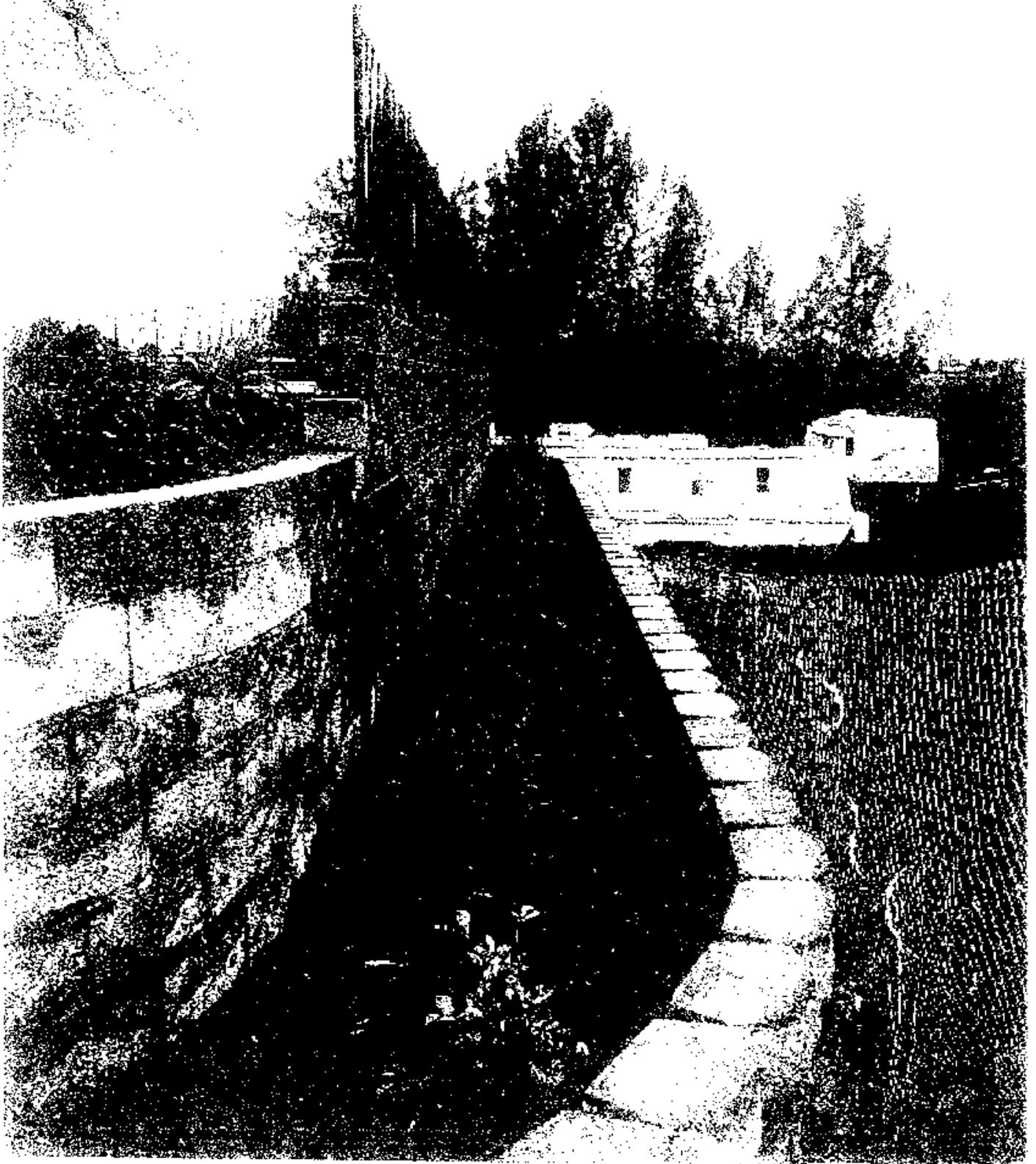
IF WE MAY SUGGEST THAT POSSIBLE INCORPORATION OF A REPORT
RECENTLY DONE BY TERRY BUTRYM, AN INVESTIGATOR HIRED BY
PLACER COUNTY, COULD POSSIBLY GIVE SOME INSIGHT TO THESE

FACTS MENTIONED. THIS REPORT CAN BE ACQUIRED THROUGH
BRUCE KRANZ'S OFFICE OR COUNTY RISK MANAGEMENT.

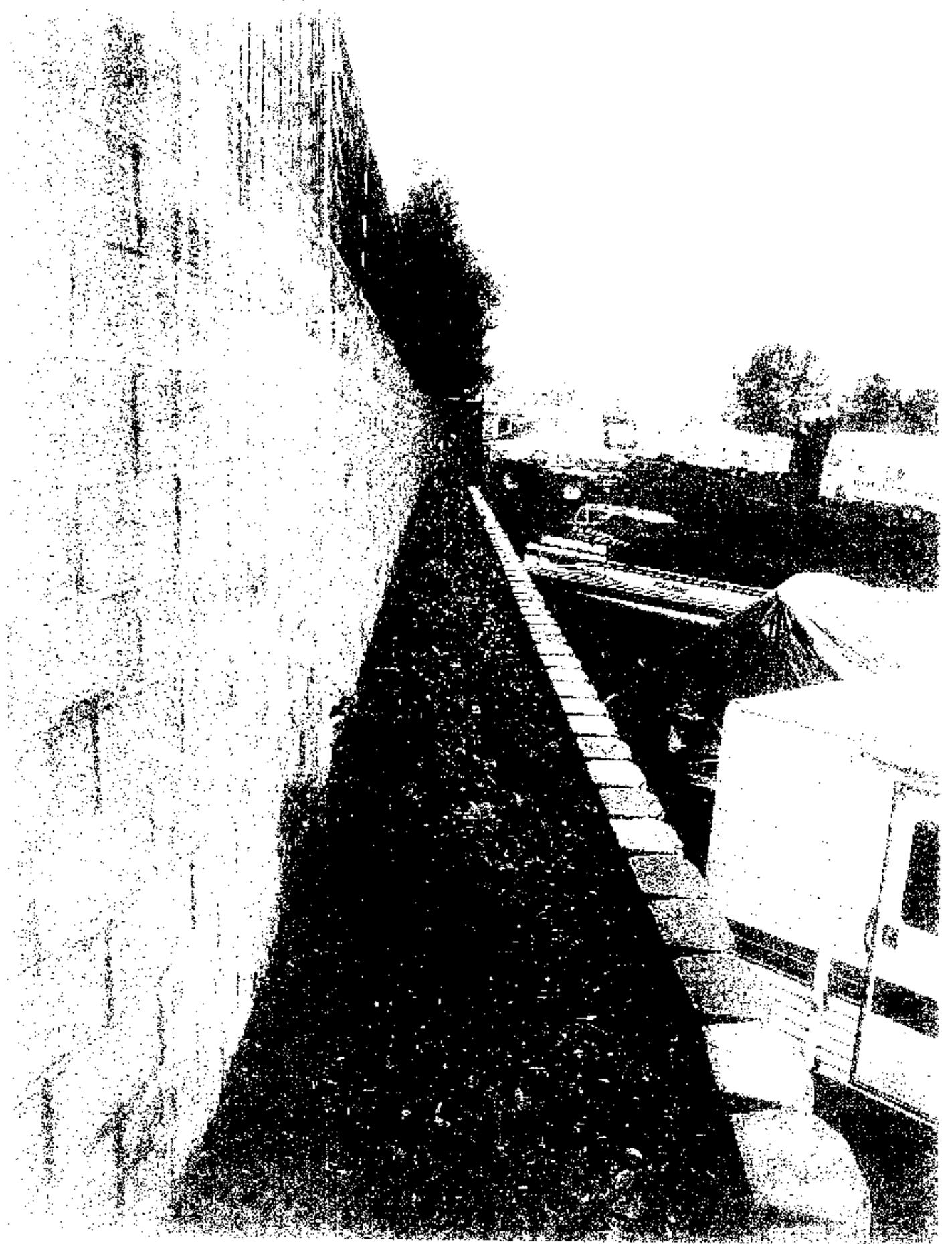
WE STRONGLY BELIEVE THAT THE PROPOSED IMPROVEMENTS TO
THIS PROJECT WOULD BE DETRIMENTAL TO THE HEALTH, SAFETY,
PEACE, COMFORT AND GENERAL WELFARE OF OUR BUSINESS AND
PEOPLE RESIDING IN THE NEIGHBORHOOD OF THE PROPOSED USE,
OR BE DETRIMENTAL OR INJURIOUS TO OUR PROPERTY AND OTHER
PROPERTY IMPROVEMENTS IN THE NEIGHBORHOOD OR TO THE
GENERAL WELFARE OF THE COUNTY.

IN ADDITION, THE PROPOSED PROJECT IMPROVEMENTS WOULD NOT
BE CONSISTENT WITH THE CHARACTER OF THE REQUIREMENTS OF
THE DESIGN CORRIDOR CODE WHICH HAVE BEEN STRICTLY
ENFORCED UPON US AND WOULD BE CONTRARY TO ITS ORDERLY
DEVELOPMENT.





STAIRS LEADING UP THE HILL TO THE CHURCH. THE CHURCH IS VISIBLE IN THE BACKGROUND. THE STAIRS ARE MADE OF STONE AND LEAD UP TO THE CHURCH. THE CHURCH IS A SMALL BUILDING WITH A FLAT ROOF. THE STAIRS ARE ON THE RIGHT SIDE OF THE FRAME. THE WALL IS ON THE LEFT SIDE OF THE FRAME. THE TREES AND BUILDING ARE IN THE BACKGROUND.





DATE 6/19/07
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning (FAX)

SAFE-N-SOUND BOAT & RV STORAGE
MARK AND KATHY CORRENTI
P.O. BOX 3293
AUBURN, CA 95604
(530)888-0900

6-18-07

TO: BOARD OF SUPERVISORS
RE: TJ ENTERPRISES

~~RECEIVED~~

JUN 19 2007

BOARD OF THE
BOARD OF SUPERVISORS

STATEMENT OF FACTS

6/20/07
Appeal TJ Enterprises
9:30am

ON 5-17-06 A FORMAL COMPLAINT WAS FILED AGAINST TJ ENTERPRISES FOR ALLEGED CODE VIOLATIONS. ALTHOUGH CLEARLY NOT PUBLIC RECORD, ON 5-17-06 PHIL FRANZ CALLED MR. JACKSON AND INFORMED HIM OF OUR COMPLAINTS. BEFORE I COULD RETURN HOME FROM FILING THE COMPLAINT FORM, MR. JACKSON HAD CALLED MY WIFE AND THREATENED TO SUE US FOR SLANDER. HE IMMEDIATELY BEGAN TO THREATEN ME AND MY FAMILY AND BEGAN CONSTANT HARASSMENT.

COUNTY STAFF CLAIMED THEY NEEDED MORE SUBSTANTIAL PROOF. MANY PICTURES WERE TAKEN AND PROVIDED TO COUNTY STAFF CLEARLY SHOWING THE SANDING, PAINTING, AND WASHING OF VEHICLES ON A DAILY BASIS. THIS WAS BEING DONE IN ILLEGAL CAR WASH PORTS INSTALLED.

MR. JACKSON BECAME QUITE UPSET AT THE PICTURES I WAS TAKING FOR DOCUMENTATION AND MADE A FRIVOLOUS CLAIM TO PLACER SHERIFFS CAUSING A RESTRAINING ORDER AGAINST ME. THIS MATTER REMAINS PENDING IN COURT TO DATE.

SURPRISINGLY, RECEIVING A COMPLETELY INADEQUATE

RESPONSE FROM COUNTY STAFF, ON OR ABOUT 11-1-06 MY WIFE AND I MET WITH MR. KRANZ AND MARY ELLEN PETERS TO ADDRESS THESE ISSUES. MR. KRANZ AT THIS TIME ORDERED MARY ELLEN PETERS TO INVESTIGATE.

ON 11-6-06, TERRY BUTRYM, A PRIVATE INVESTIGATOR, CONTACTED ME AND INFORMED ME THAT HE HAD BEEN HIRED BY PLACER COUNTY TO PERFORM AN INVESTIGATION.

ON 11-7-06, MR. BUTRYM AND I MET AT MY PLACE OF BUSINESS. DURING MR. BURY'S INVESTIGATION THAT MORNING HE BEGAN TAKING PICTURE OF THE ILLEGAL CAR WASHING OCCURRING AT TJ ENTERPRISES. MR. JACKSON CAME OUT OF HIS PLACE OF BUSINESS AND BECAME VERY UPSET THAT MR. BUTRYM WAS TAKING PICTURES. HE THEN CALLED PLACER SHERIFFS AND CLAIMED THAT I HAD VIOLATED A TEMPORARY RETRAINING ORDER. IT BECAME NECESSARY FOR MR. BUTRYM TO CALL PLACER SHERIFFS TO EXPLAIN THAT THIS WAS A FRIVOLOUS CLAIM.

AFTER MANY MONTHS OF COOPERATING WITH MR. BURY'S INVESTIGATION, THE RESULTS HAVE BEEN QUASHED BY MR. KRANZ AND PLACER COUNTY STAFF, TO OUR AMAZEMENT.

HAVING NO CHOICE BUT TO PROTECT OUR INVESTMENT FROM CONTINUED DAMAGE AND CONTAMINATION, WE HAVE APPEALED TO PLACER COUNTY, TO NO AVAIL. THE APATHY, UNPROFESSIONALISM, AND FLAT OUT LIES THAT CONTINUE TO DATE HAVE BEEN QUITE APPALLING. IT IS QUITE OBVIOUS THAT HAD MR. BURY'S REPORT PROVEN US TO BE MAKING FRIVOLOUS

CLAIMS, IT WOULD HAVE QUICKLY BEEN PROVIDED TO ANYONE INTERESTED. MR. BURY'S REPORT CAN CLEARLY PROVE THAT OUR CLAIMS ARE GENUINE, AND WE DEMAND IT BE MADE AVAILABLE TO ALL BOARD MEMBERS.

THE BUSINESS THAT EXISTED ON THIS PARCEL PREVIOUS TO TJ ENTERPRISES WAS A CONSTRUCTION COMPANY OPERATING ON A TYPE C USE PERMIT. THE CHANGE OF USE OF THIS PARCEL TO AN IMPOUND STORAGE YARD AND AUTOMOTIVE PAINT AND BODY SHOP CLEARLY CHANGE THE ENVIRONMENTAL ISSUES, AND AT THE MINIMUM MUST BE UPGRADED TO A TYPE B USE PERMIT. THIS WOULD PROVIDE US AND THE COUNTY THE REQUIRED PROTECTION FROM THE ENVIRONMENTAL ISSUES AT HAND. TO ALLOW TJ ENTERPRISES TO CONTINUE TO OPERATE ON THE PREVIOUS USE PERMIT IS ILLEGAL.

LEGAL COUNSELING HAS CONVINCED US THAT THIS IS A MERE FORMALITY BEFORE CONTINUING TO A COURT OF LAW. WE HOPE THAT THE BOARD MEMBERS LOOK AT THESE FACTS IN ORDER TO MAKE THE RIGHT DECISION BY PROVIDING THE PROPER ENVIRONMENTAL REQUIREMENTS AS TO AVOID ADDITIONAL LEGAL ACTION.

SINCERELY,

MARK AND KATHY CORRENTI